



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 4 May 2010

Session 3

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EQUAL OPPORTUNITIES COMMITTEE

8th Meeting 2010, Session 3

CONVENER

*Margaret Mitchell (Central Scotland) (Con)

DEPUTY CONVENER

*Marlyn Glen (North East Scotland) (Lab)

COMMITTEE MEMBERS

*Malcolm Chisholm (Edinburgh North and Leith) (Lab)

Willie Coffey (Kilmarnock and Loudoun) (SNP)

*Bill Kidd (Glasgow) (SNP)

*Christina McKelvie (Central Scotland) (SNP)

*Hugh O'Donnell (Central Scotland) (LD)

*Elaine Smith (Coatbridge and Chryston) (Lab)

COMMITTEE SUBSTITUTES

Rhoda Grant (Highlands and Islands) (Lab)

Mary Scanlon (Highlands and Islands) (Con)

Margaret Smith (Edinburgh West) (LD)

*Shirley-Anne Somerville (Lothians) (SNP)

*attended

THE FOLLOWING GAVE EVIDENCE:

Helen Baillot (Scottish Refugee Council)

Russell Bain (Scottish Government Public Service Reform Directorate)

Simon Chorley (Stop the Traffik)

Lorraine Cook (Convention of Scottish Local Authorities)

Brian Craven (United Kingdom Human Trafficking Centre)

Michael Emberson (Migrant Helpline)

Simon Hodgson (Scottish Refugee Council)

Deputy Chief Constable Gordon Meldrum (Association of Chief Police Officers in Scotland)

Abigail Stepnitz (Poppy Project)

Yvonne Strachan (Scottish Government Equalities, Social Inclusion and Sport Directorate)

John Swinney (Cabinet Secretary for Finance and Sustainable Growth)

CLERK TO THE COMMITTEE

David McLaren

LOCATION

Committee Room 1

Scottish Parliament

Equal Opportunities Committee

Tuesday 4 May 2010

[The Convener *opened the meeting at 10:01*]

Decision on Taking Business in Private

The Convener (Margaret Mitchell): Good morning and welcome to the Equal Opportunities Committee's eighth meeting in 2010. I remind all those present, including members, that mobile phones and BlackBerrys should be switched off completely, as they interfere with the sound system even when they are switched to silent. We have apologies from Willie Coffey and we are pleased to welcome his substitute, Shirley-Anne Somerville.

Before we start our formal business, I say with a degree of sadness from the committee's point of view that, after six years clerking the committee, Sam Currie is moving to the non-Executive bills unit. We thank Sam for her sterling work during those six years. She will come back to help us with our external meeting in June, so it is not quite goodbye yet—just *au revoir* for the moment.

The first agenda item is a decision on whether to take item 5 in private and whether our consideration of the main themes arising from the evidence heard in, and our draft report on, our inquiry into migration and trafficking should be taken in private at future meetings. Do members agree to take those items in private?

Members *indicated agreement.*

Budget Strategy Phase 2011-12

10:02

The Convener: The second agenda item is the committee's final evidence session in its brief inquiry at the budget strategy phase 2011-12, in which we are considering how we ensure that the provision of public services that are aimed at equality groups is maintained adequately during a period of tightening public expenditure.

I am pleased to welcome John Swinney, the Cabinet Secretary for Finance and Sustainable Growth; Russell Bain, the head of the Scottish Government's public service reform policy team; and Yvonne Strachan, the head of the Scottish Government's equality unit, who is no stranger to the committee. I invite the cabinet secretary to make a brief opening statement.

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): I welcome the opportunity to appear before the committee to discuss the forthcoming financial environment. I hope that the committee will find it helpful if I set out a few key points about our approach in that context.

As members know, projections of future public spending throughout the United Kingdom suggest that all branches of government will need to operate in an environment of greater financial constraint, although considerable uncertainty will remain until an incoming UK Government conducts the comprehensive spending review. We are already facing up to constraints in spending in the current financial year and have delivered a Scottish budget for 2010-11 that prioritises economic recovery and protects front-line services.

The equality statement that we published alongside the draft budget last September sets out the actions that we are taking to ensure that the public money that we spend contributes to greater equality in Scotland. Our aim in the current financial year and the years beyond is to promote the successful and sustainable transformation of communities throughout Scotland by ensuring that people's life chances are improved and not diminished because of the barriers that they face as a result of their race, gender, age, disability, sexual orientation or faith, and nor indeed as a result of their socioeconomic status.

The committee is aware of the outlook for public spending that the Scottish Government's chief economic adviser has set out. The budget for 2010-11 started the process of addressing that challenge. There needs to be a properly informed debate about the future challenges and mechanisms that are needed to enable objective

and proper assessment of the choices that we face. The Government has therefore put in place the independent budget review, to provide advice to Government and to Parliament and to inform wider public debate about the options and choices that we should consider.

I have asked the independent budget review to take into account, as part of its remit, the importance of protecting and supporting the most vulnerable people in our society and of designing public services around the needs of the citizens who use them. The independent budget review will also consider the importance of identifying options that support delivery of the Scottish Government's purpose and the framework of national outcomes.

In addition, I will consider the report from the equality and budget advisory group, which is expected in the early summer. That will help to inform our approach to the budget in 2011-12 and beyond.

At a local level, we expect a significant focus on achieving better outcomes in a tightening financial environment. The national performance framework, with the focus provided by outcome 7, can act as a driver to ensure that decisions that are taken regarding the delivery of public services can meet the diversity of local needs.

We need to consider how to enable the reporting of equalities to be better incorporated within the main reporting mechanisms. We will be considering how best to do that when we examine the implementation of the new public sector equality duties and how they link with existing best-value mechanisms.

The Scottish Government, like public authorities throughout Scotland, wishes to give due regard to equality in its decision-making processes in budget and policy areas. The public sector equality duties help us in that regard, and they are entirely consistent with our outcome-focused approach and public sector reform agenda.

Whatever long-term changes might be required, the third sector, communities and equality groups need to be engaged as partners in shaping the way ahead. We have already begun that process. For example, we have sought views from the Convention of Scottish Local Authorities, the Equality and Human Rights Commission and disabled people on how better to enable disabled people to live independent lives.

Key to the longer-term ability to deal with pressures across the public sector will be the data and information that are available to us, and the capacity of the public sector for detailed equality analysis.

We will consider what practical support is needed for the public sector, through the design,

communication and implementation of the new public sector duties under the Equality Act 2010. That will take time, but I look forward to today's discussion contributing to that continuing process.

The Convener: Thank you for that comprehensive opening statement, cabinet secretary. How has the Scottish Government assessed likely reductions in the public funding that will be available to Scotland over the next few years?

John Swinney: I refer you to the report of the chief economic adviser, which was published about a fortnight ago. It takes as its starting point the details of the United Kingdom budget that was published in March 2010. It sets out in a dispassionate fashion the implications of the roll-out of public expenditure on the existing financial framework of Scotland.

The report makes a number of assumptions: that we will deliver economic growth that is consistent with trend economic growth over the past 30 years; that the distribution of changes to departmental expenditure limits at United Kingdom level is spread according to the perspective that is being expressed by the UK political parties about budget management, whereby certain aspects of public expenditure would be protected; that the impact in other areas is shared equally; and that the UK Government follows a programme of deficit reduction that absolutely adheres, as a minimum, to the terms of the Fiscal Responsibility Act 2010, which is now part of UK legislation. That last assumption must be a robust assumption, as it now has statutory force.

Taking all those factors into account, we have set out the perspective that we expect for public expenditure over the next few years—which essentially means that our budget will be about £1 billion lower in real terms each year up to 2013-14.

The Convener: In annual terms, is that a reduction across the board of around 3 per cent?

John Swinney: It is of that order, yes.

The Convener: So, given that there will be such a reduction, how will the Scottish Government prioritise future spending and future cuts in spending, and how does equality spending fit into the picture?

John Swinney: Before I answer that question, it is important to say that there are choices to be made about the distribution of decision making at the UK level. For example, in the area of health, as there is 100 per cent comparability in health expenditure in terms of the consequences of the Barnett formula, a boost in health spending in the UK has a consequential benefit for us. However, a budget reduction in areas in which we have 0 per cent comparability has no effect in Scotland.

Although I have given you the chief economic adviser's best estimate, that is not a definitive position; other choices could be arrived at that could result in our having a higher or, indeed, a lower budget. We will not know the detailed answers to those points until we have the financial information set out for 2011-12.

You asked how the Scottish Government will prioritise its work. We have commissioned the independent budget review, which will report in July. The review has been given a comprehensive remit; contributions have been invited from a range of organisations and players in Scotland and there has been a healthy response. Obviously, we have given the review committee a remit that reflects the outlook and perspective of the Scottish Government, which starts from the premise that we want to deliver a programme that supports our purpose of promoting sustainable economic growth, but which is also consistent with the Government's approach to achieving the range of national outcomes that is set out in the national performance framework. Once the independent budget review material is in the public domain and we know what our perspective is in terms of the national outcomes, we will be able to see the shape of some of the prioritisation that we want to undertake.

On equalities expenditure, one of the helpful interventions that I will have will be a report from the equality and budget advisory group, which we expect to have in the summer. I am pleased with the progress that is being made in that regard, and that report will help to inform ministers' decision making around the achievement of our outcomes.

The Convener: That is helpful. In our lines of questioning, we hope to impress on you the fact that, although equalities spending can sometimes be seen as an easy cut to make, there is a huge economic advantage in maintaining that spending.

Marlyn Glen (North East Scotland) (Lab): What are your views on whether the only way to address economic difficulties is through cuts? Has the Scottish Government considered other levers, including raising more revenue through taxation or charging for services? Has it considered refocusing spending on early intervention and curative measures, which the Society of Local Authority Chief Executives and Senior Managers suggested would reduce demand for services in the medium to long term?

John Swinney: I agree that other choices are before us. The Government has a political agenda that the Parliament should be equipped with a range of powers that would enable us to exercise greater flexibility on taxation in ways that would benefit the country. For example, Scotland could be extremely successful in—

10:15

Marlyn Glen: I am sorry to interrupt, but it would be helpful for us if the discussion was kept to the remit and powers that we currently have. I am talking about the next year, not the long term.

John Swinney: I will come on to that, if members will allow me to place the matter in context.

The Government has a political agenda in wanting to expand the range of the Parliament's powers to give it greater flexibility on economic issues. If we were able to generate more revenue as a consequence of higher economic growth in Scotland, we would not benefit from that, because that revenue would flow into the UK Government and the Barnett formula would not be adjusted to take account of it. That is part of the limitations of the current system, which the Government wants to change.

There are, of course, options available to the Government within the existing arrangements. We could use the tax-varying powers—for example, we could increase the basic rate of income tax by 3p in the pound. As the committee will be aware from the budget statement that was made in September last year, the Government has made it clear that we have no plans to take that action. It is clear that that is an option for any Administration, but it is unlikely that the Government will take that course of action. Obviously, options to increase charges for certain services could also be considered. I am sure that such questions will be considered in the discussion that we have as a consequence of the independent budget review.

Marlyn Glen asked about the refocusing of public expenditure. That is an interesting way of considering the challenge that we face. If the increase in money that any service is getting is used as the measure of the support that that service is being given, that will not give us much of a currency of debate when we are dealing with real-terms reductions in public expenditure. There have been annual and, in many cases, significant real-terms increases in public expenditure for the past 10 years, but it is pretty clear from the financial outlook that such increases will not happen in the years to come. The traditional measure of whether a service is doing well—whether it gets more money—will not give us much of a measurement of success or otherwise.

The key to the issue is perhaps in Marlyn Glen's question about refocusing public services. There will be other ways of delivering public services that will deliver the same, if not better, outcomes. The question that the Government is always asking itself is whether we are achieving the necessary and required outcomes for the public in Scotland. Whether we are delivering better outcomes for the

citizens of our country is the fundamental test for the Government of whether our expenditure is being used effectively and wisely. There are opportunities.

Marlyn Glen mentioned early intervention. The Government warmly accepts the importance of early intervention. In our term in office, we have taken a number of steps to work in partnership with our local authority colleagues to focus activity on increasing the effectiveness of early intervention work. We have also focused a great deal more on public health messages that can improve outcomes for individuals through early intervention. The previous Administration put a lot of effort into tackling smoking. The present Government is putting a lot of effort into tackling issues relating to substance abuse and alcohol, and is continuing the work on smoking cessation. Many messages about healthy living and exercise are designed to create a different profile of demand in the service.

A number of other interventions have been designed to keep people more active and mobile and ensure that they live a healthier lifestyle, and that can have a beneficial effect not only on demand for public services but on public expenditure, which after all tends to be pretty reactive once we get a problem on our hands. All that is very much in play and such thinking will be fundamental in working our way through what will be a challenging period.

Elaine Smith (Coatbridge and Chryston) (Lab): I welcome the cabinet secretary's comments outlining that kind of thinking. Obviously we need to consider the funding that is available and how we spend it, especially given that the budget has been increasing and is now more substantial than it was in 1999.

The referendum prior to the setting up of the Parliament asked two questions, one of which was on tax-varying powers. Given that the vote was substantially in favour of giving the Parliament those powers, why has the cabinet secretary categorically said that he will not use them? The Scottish people have made it clear—albeit in surveys or whatever—that if the choice came down to making cuts or using tax-varying powers they would be more keen to use the powers specifically for, say, health or education. Why has the cabinet secretary completely ruled out such an approach when the Parliament was given those powers as a result of the response to the second question in the referendum?

Again on tax-raising powers, the council tax freeze has become an issue. I know from my own circumstances, and from what my friends and family have said, that we would all rather pay a bit more council tax to ensure that at a local level society was not suffering and services were not

being cut. Do you not think that it is time to revisit the freeze?

John Swinney: On the first question, I have set out the Government's position: we have no plans to use tax-varying powers. I cannot see us doing that. A principal consideration is that we would want to avoid putting Scotland at a competitive tax disadvantage to the rest of the United Kingdom, which is what would happen if we had a higher basic income tax rate. The Government considers that such a situation would not be desirable.

A second consideration for the Scottish Government is that people are already—and will be—paying higher taxes as a result of decisions taken in a UK context. Of course, we are having this discussion in what you might call a rather fluid situation and some of those decisions might well be revisited after the election.

You asked about the council tax freeze. That measure has been fully supported and funded by the Government, which has made £70 million available in each of the financial years to compensate local authorities for any possible increase in council tax. That said, the Government will obviously have to make a range of decisions about various choices in the context of data that the UK Government provides with regard to the next spending review and the Parliament itself, as part of the budget act process, will take a final decision on all those questions.

Elaine Smith: The cabinet secretary says that the Government has fully funded the freeze, but I think that that is disputable.

John Swinney: I do not think that it is disputable. It is a matter of simple fact that we have put in place the resources to fully fund the council tax freeze. That is beyond question. Clearly, though, we rely on the consent of local authorities to enable us to bring it about, and I appreciate the co-operation that has emerged from them in that respect.

Marlyn Glen: I return to refocusing spending. Witnesses have suggested that collaborative working and new technology can provide opportunities to improve service provision while reducing costs, as proposed in the Arbutnott review of services in the Clyde valley. Are you examining spending in detail from that point of view?

John Swinney: Yes. A significant amount of work is being undertaken that involves groups of local authorities and public bodies in different parts of the country. Marlyn Glen cited the Clyde valley work and I very much welcome the work that Sir John Arbutnott did for public authorities in the west of Scotland—that agenda is helpful. Such work is also being done in other parts of the country. In the east of Scotland, a cluster of local

authorities and public bodies are working together, and in north-east Scotland, several bodies are working together. There are opportunities to make progress.

In some of our more peripheral areas—and particularly in island communities—the opportunity to break down the boundaries and barriers between public services has been taken effectively. That involves many helpful lessons about the delivery of public services in general.

The collaborative approach allows us a significant opportunity to deliver public services that achieve the outcomes that people in our communities want. If one followed the approach that Marlyn Glen has set out and it resulted in savings being achieved and services being provided for less, the challenge to which we would have to become accustomed in political discourse would be whether to embrace that, welcome that and say that that is good or whether to say that the budget is X per cent lower than the previous year, so it must be a disaster. Political debate must move on to accept that we can spend less money and deliver better outcomes. That will be a challenge for many people in the debate.

Marlyn Glen: That will be a challenge for everybody but, as you know, we all—the Scottish Government and everybody else—have our own political agendas.

You did not mention new technology. Will you consider the use of that?

John Swinney: New technology is being deployed effectively in several ways. Yesterday, I saw housing support staff out with little palm-top devices to report on housing faults and issues that they had heard about directly from the public. They could have conversations with members of the public about housing and input issues into the system, on which action could be taken there and then. No paper or duplication of effort was involved. There are clear ways in which information technology can help us.

Marlyn Glen: Can the Scottish Government learn any lessons from the recent economic crisis in Ireland and the Irish Government's response to that?

John Swinney: As is obvious, the Republic of Ireland has taken decisions about its budget choices. The Scottish Government examines carefully the performance of different economies and jurisdictions. We will of course learn any appropriate lessons that apply to Scotland.

Marlyn Glen: You do not have any details on that.

John Swinney: We have no specific mechanism in place to do that, but we will of

course look at the issues that the Irish Government considered.

Marlyn Glen: I hear what you say about budgets, but the committee is greatly concerned that one of the Irish Government's responses was to cut the moneys for the Irish equalities commission. We would be concerned if such groups were to find difficulty with their budgets.

John Swinney: I stand to be corrected if I am wrong, but I do not think that that would be within the power of the Government, because I suspect that that organisation is funded by the United Kingdom Government.

10:30

Marlyn Glen: I was just giving an example of what the Irish Government had done.

John Swinney: In respect of the various commissioners that operate in Scotland, the Government does not have control over those budgets; they are essentially controlled by the Scottish Parliamentary Corporate Body, whose budget is agreed by the Parliament.

The Convener: The Irish commission budget was cut by 32 per cent. Would the Scottish commission come under our budget in any way, shape or form?

John Swinney: The Scottish Human Rights Commission is a parliamentary body, so any decision about it would be taken by the SPCB, whose budget is of course approved by the Parliament as part of parliamentary proceedings. It is not something that I control.

The Convener: It is useful to tease out where such decisions would be made. Thank you.

Hugh O'Donnell (Central Scotland) (LD): Good morning, cabinet secretary. I have a few questions, some of which have arisen from what you have said. Would you care to speculate on why it has taken the economic crisis that we all face and 14 years of our having 32 local authorities for those local authorities to realise that collaborative working is a good thing? Can the Government bring any pressure to bear to encourage more of it?

I invite you to look backwards over the Scottish Government's expenditure. Can you think of any expenditure choices that the Government has made that might have had a negative impact on any equalities group?

John Swinney: On the first point about local authorities and collaborative working, I have made it pretty clear over the years that I think that Scotland has a bit of congestion in its governance structures, which is why I was so keen to pursue the Public Services Reform (Scotland) Bill to try to

declutter the landscape. I am only sorry that I was not able to command the support of Mr O'Donnell and his colleagues for the passage of the bill, which enshrines significant opportunities to declutter Scotland's public sector landscape and ensure that there is more collaborative working of the type that he encourages me to support.

From the start of this Administration, I made it clear that we wanted a much greater focus on the work of community planning partnerships locally, which I think were largely moribund when we came into office. Mr O'Donnell asked what pressure we can apply. Believe you me, I have applied a lot of pressure to ensure that community planning partnerships are more substantial forums for discussions about duplication, overlap and the protection of institutional barriers between different players in the public sector, which I acknowledge is a factor with which we have to wrestle. The community planning partnerships are now operating much more effectively at the local level. They are collaborative in their very genesis, with local authorities, health boards, police authorities, fire and rescue authorities and various other players, including the third sector, all being involved.

Those mechanisms are where I see the opportunity to deliver better collaborative working. If people sit around the table in CPPs with a determined attitude to protect their budget and territory, we will not make much progress. People have to be open and frank and they have to confront duplication. There are a number of examples from different parts of the country where, as a result of people from the same area looking at what the health board and the local authority do, opportunities for service improvement have been found. That is the type of approach that we have to take more often. The whole sense of that way of working is now much more deeply entrenched in Scotland. It provides us with a good foundation to meet the challenges in the period going forward.

Mr O'Donnell asked me to identify any aspects of Government expenditure that have not been worth while. I cannot possibly find anything to say to him in that respect, but I am sure that he will have some suggestions.

Hugh O'Donnell: Let me clarify my question, which relates to the committee's equalities agenda. Looking backwards, can we see any expenditure decisions that perhaps had a negative impact on equalities groups? I have in mind the example of the Barnett consequential of £2.9 million from the migration impacts fund. According to correspondence that I have received from other ministers, that money was absorbed into the mainstream Government budget rather than given to support immigration groups across Scotland.

John Swinney: It is helpful to consider a specific example, but in a sense that example rather makes my point about spending decisions. When we receive the appropriate budget consequential as a result of a UK Government spending stream, the challenge for us is to examine that resource critically to determine whether new services need to be designed to meet the need that, from a UK Government perspective, exists. My contention is that we already had in place a range of appropriate services to support people in that context, so there was no need for us to deploy the additional expenditure directly in that fashion.

When we receive our settlement from the UK Government, we are not obliged simply to mirror UK Government expenditure. Given our far more developed approach to public expenditure in some areas, when the UK Government makes a decision in a devolved area that involves Barnett consequentials, it would be inappropriate for us simply to spend the money in the same area if that would simply duplicate our existing expenditure. As Mr O'Donnell will appreciate, we have countless opportunities to spend public money on a whole variety of different issues. The Scottish Government needs to make a judgment on the most appropriate way to spend that money.

Hugh O'Donnell: I would generally agree with that view, but it just struck me as unusual that, although the Scottish Government received that particular tranche of money, funding for organisations that support immigrants was cut.

Let me move on to the more general question, which ties into the cabinet secretary's earlier point about the voluntary sector. Evidence that we received, which the cabinet secretary has no doubt had sight of, suggests that a positive impact or economic benefit can result from pursuing the equalities agenda. For example, the UK Government's "Equality Bill Impact Assessment" extrapolates that the economic benefit of applying that equalities legislation could be up to £600 million in the longer term. Such benefits might arise from, for example, supporting independent living. However, as the cabinet secretary will be aware, various of our local authorities have queues of people who are waiting to be assessed for funding for independent living, even though such support would provide an economic benefit in the longer term. In evidence to the committee, Liz Rowlett suggested that many councils are applying cuts to various aspects of early intervention. Local authorities seem almost to be retreating to a position of fulfilling only their statutory duties. Therefore—this is the point that I am trying to get to—how do we prevent the valuable role that the third sector plays from being an easy target for cuts, given the substantial body of evidence that suggests that pursuing the

equalities agenda has a positive economic benefit in the long term?

I hope that that was not too long-winded a way of getting to my question.

John Swinney: I know exactly what Mr O'Donnell is getting at, and I am largely in agreement with him.

In the assessment of the public spending challenge that the chief economic adviser set out, we have essentially tried to indicate that the public spending problem will be with us not just for a year.

One of the great ironies of the assessment of the public expenditure plans of the Conservative Government in 1979 is the public perception that there were a number of years of real-terms reductions in public expenditure, when there was actually only one. The analysis that the chief economic adviser set out, which is based on Treasury data, suggests that the real-terms reductions in public expenditure will go on for some years. There is no quick-fix, salami-slice approach that will address the challenges, and in some circumstances—in a number of circumstances, I contend—we will need to look at service redesign.

Mr O'Donnell's point about independent living is a substantial one about putting in place mechanisms that will enable us to deliver over a greater number of years the best outcomes for people with disabilities in our society. However, we will need to do that through a different model. The fact that we will have a sustained public spending challenge for a number of years means that public authorities will have no alternative but to focus on questions such as the one that Mr O'Donnell has raised, because we must find ways of meeting the challenge. Not only do we face a public spending challenge, but we have a demography challenge and a need challenge. We are all living longer, and people with disabilities require support for longer. We must therefore find sustainable and effective ways of providing such support.

I have seen many examples around the country, which are a joy to see, of people with severe disabilities being able, with the correct intervention, to flourish in a model of care that they find liberating, inspiring and rejuvenating. They end up in a much better position than they were in with the previous model of care. The new model will be the required direction of thinking, and that is reflected in the thinking that the committee has heard about the joint work between the Government and local authorities to try to tackle some of the current questions.

Hugh O'Donnell: Thank you for that.

Elaine Smith: I am sure that before you came to give evidence you would have either read the evidence that we have been given thus far or, at the very least, been extremely well briefed on it, so I am sure that you know that it contains some criticism of the concordat between the Scottish Government and local government. For example, the Scottish women's budget group told the committee that it is concerned about

"the absence of equality analysis and equality narrative in the single outcome agreements" —[*Official Report, Equal Opportunities Committee*, 23 March 2010; c 1569.]

since their inception. There are other examples—that is just one. I invite you to comment on the criticisms of the concordat and the single outcome agreements with regard to equalities issues, and on what the Scottish Government is doing to ensure that equalities issues are reflected more fully in all single outcome agreements.

John Swinney: Clearly, I have seen the criticisms of the concordat. However, I am a staunch defender of the concordat because, whatever its limitations, it is a much better way of working than the relationship that existed between national Government and local government for, broadly, most of the past 20 years and certainly for about 15 years before the concordat was put in place. I say that because the concordat enables us to do exactly what Mr O'Donnell talked about, which is to focus all aspects of public sector activity on a shared set of outcomes.

One of the big criticisms of government—I mean not the Scottish Government, but government with a small g—is that it ends up pointing people in a multiplicity of directions: to a local authority agenda that is over here; to a Government agenda that is over there; and to a quango agenda that is somewhere else. The concordat supports the national performance framework and focuses everybody on the same approach. That is its principal strength.

10:45

Elaine Smith asked about the equalities position in the concordat. The equalities agenda must be central to much of that activity. There is a statutory obligation on local authorities to honour their equality duties, just as there is an obligation on ministers to do so, and we must ensure that we get that right. The concordat and the single outcome agreements are still a relatively new development. I am certain that focusing the single outcome agreements on the achievement of the national outcomes will give us the necessary focus on the equalities agenda, which is at the heart of the national outcomes that we have set out.

Progress is being made. Nevertheless, we must constantly address the questions about support for

vulnerable groups and individuals and their position within the policy agenda, so that we take due account of the need to support those people.

Elaine Smith: Yes, but the nature of the concordat might make it difficult for you to get your priorities reflected. For example, we have received evidence that

“Out of the 32 local authorities, only 14 include tackling violence against women/domestic abuse as a priority”,

although I am sure that the Scottish Government considers that a priority. How can you influence local authorities’ priorities through the concordat and the single outcome agreements?

John Swinney: That gets to the nub of the relationship between national Government and local government. I have two key points to make. First, the current Administration takes the view that local authorities should be empowered to take forward the agenda in their localities. If people do not like what their local authority does, it is pretty obvious what they can do about that at the next election. The Government does not take the view that we are in a position—nor should we be in a position—to direct or dictate to local authorities in all aspects of their functions. There is a fundamental difference between the roles of local government and national Government.

Elaine Smith: But what happens to the Scottish Government’s priorities? How are those reflected by local authorities?

John Swinney: We agree with local government the issues on which we will concentrate and the outcomes that we will try to achieve. That is all set out in the national outcomes. Your question brings me to my second point, which is that we have had some problems with the perception of single outcome agreements. Single outcome agreements do not need to be an encyclopaedia of everything that a local authority is doing. Local authorities will do things that do not feature in single outcome agreements but which are part of the agenda that they are taking forward in their areas. That is a fundamental characteristic of the nature of single outcome agreements and what we expect to achieve as a result of them.

I would be surprised if every local authority in Scotland were not actively involved in providing support for women who have been the victims of domestic abuse. The fact that that does not feature in the single outcome agreements does not mean that it is not happening.

Elaine Smith: Scottish Women’s Aid, in its evidence, said that it had found

“little evidence of effective equality impact assessment or gender analysis”

of the single outcome agreements. It is not the committee or me putting that to you—it is the evidence that we have received.

John Swinney: That is a slightly different point from the one that I am making. My point is that I would be surprised if all local authorities were not involved in supporting women who are the victims of domestic abuse. The question about whether equality impact assessments have been carried out is essentially one for local authorities, because they are under a statutory duty to make sure that such approaches are taken.

Elaine Smith: The evidence in our briefing is:

“Out of the 32 local authorities, only 14 include tackling violence against women/domestic abuse as a priority and have more than one action planned to achieve this priority.”

Therefore, only 14 local authorities have more than one action planned.

We are saying that there are, perhaps, some difficulties here—perhaps because the system is new. Let me put it another way. What are some of the positive benefits of the concordat for equalities groups?

John Swinney: The concordat has delivered, across the country, greater involvement of third sector organisations in the formulation of the community planning agenda. I apologise if I have recounted the following tale to the committee before. I had an encounter with the chief executive of the voluntary service in Shetland, who said that she had a sense of absolute horror when she heard my proposals on single outcome agreements, the concordat and empowering local authorities. However, as a consequence of those proposals, she has a seat on the community planning partnership, where she is an equal partner. She recounted to me her ability to have much greater influence than she ever had at any stage in the past. She can ensure that when the community planning partnership is discussing service delivery and the achievement of an outcome, that is not an internal conversation between public sector partners but a conversation involving the third sector into the bargain. The third sector can say that there are different ways of designing that service in which it can play a role.

I am not trying to suggest to the committee that all the arrangements in every part of the country will be as perfect as that example, but it shows what we should be doing. One important way of addressing the issue, which Mr O'Donnell raised, is to have a conversation with the third sector about how it can help the public sector to meet some of the challenges. We all know that costs increase dramatically the minute somebody walks through the door of a public sector institution. That is not a criticism—it is a fact of life. We have to make sure that we provide people with support. In

some cases, support will be best deployed in people's homes, without their having to come anywhere near a public sector institution. In that way, they should end up getting a better outcome and the public sector should be able to deliver services more efficiently.

Bill Kidd (Glasgow) (SNP): Concerns have been raised in evidence to the committee about whether the extended equality duties in the UK Equality Bill can be achieved during a period of financial squeeze such as this. The real reason for concern is that the vulnerable groups and individuals who are supposed to be protected by the extended duties in the Equality Bill are, inevitably, those who are most at risk when there is an economic slump. Does the Scottish Government have a way of ensuring that the equality duties are met? How can that be done at a time of financial cutbacks?

John Swinney: The Equality Bill has now been passed by the United Kingdom Parliament. We undertook a consultation on the new duties that closed on 15 January and brought in 160 responses, which we are analysing. That will help us to formulate the approach that is taken to fulfilling the equality duties. Having had such a broad response to that consultation, we have a pretty good information base about some of the challenges that exist.

On the challenge of delivering on the duties, we have to accept that there will be fiscal constraints, but we should not take the view that that means that no progress can be made. In response to Mr O'Donnell, I suggested that we need to absorb into our thinking new ways of working and new ways of operating. The fulfilment of the equality duties will be part of that work, so that we bring that aspect into the general approach that we take to the design and delivery of public services.

Bill Kidd: In its evidence to the committee SOLACE described a number of initiatives, such as training for staff and members in equality components and, for example, revamping committee papers—which is particularly relevant to the committee system in the Parliament—so that every policy or decision is assessed for its potential equality impact. Is there a role for such an approach?

John Swinney: Without any disrespect, such approaches have to become routine—they must become part of the process that we undertake to ensure that we fulfil the equality duties. Incorporating the matter into the thinking and design of our policy approaches seems to be a very efficient way of doing that.

Bill Kidd: The committee has heard concerns, not only from SOLACE but from a number of organisations, that mainstreaming of equalities

has not yet entered the mindset of local and public authorities. How will the Scottish Government ensure that all those authorities fulfil their statutory equality duties at a time of austerity?

John Swinney: SOLACE's remarks will be more of a comment about the fact that this is work in progress rather than a suggestion that no progress is being made. I think that progress is being made and that there is much more evidence of the duties being more firmly entrenched in policy processes than was the case in the past. We obviously need to encourage that, and to continue to encourage it. There will be statutory monitoring aspects to ensure that we can tabulate whether progress is being made. Obviously, the Government will be happy to undertake that work.

Christina McKelvie (Central Scotland) (SNP): Good morning, cabinet secretary. The Scottish Government's annual gender equality report states that Scottish ministers will report on priority areas, one of which is to tackle violence against women. In the current climate of decreasing budgets, given that it costs about £4 billion a year to deal with the issue in terms of housing, health, police and other costs, as well as its personal and emotional costs, what work is the Scottish Government doing with local authorities to ensure that the issue remains a priority for them?

John Swinney: Christina McKelvie's point about the total cost of such activity touches on the point that Mr O'Donnell and Marlyn Glen made about trying to tackle root causes. We can and should put in place the services to pick up the pieces—we must do that and the Government will continue to do it—but one heck of a lot of heartache must be gone through before we get anywhere near to picking up the pieces. Therefore, tackling the causes is a fundamental focus of the Government, which is why we are so adamant that we must make progress on the alcohol abuse question. I do not have statistics in front of me, but I would be staggered if the overwhelming majority of domestic abuse cases were not driven by alcohol.

11:00

The importance of ensuring that we take action to tackle the problems right across the policy agenda is significant. That joined-up agenda, which involves providing support to women who have had that terrible experience and who require support, will continue to be part of the Government's work. We will also tackle numerous other aspects in trying to reduce the incidence of domestic abuse, which will be part of the agenda for tackling alcohol abuse, and we will ensure through communication that there is public awareness of domestic abuse so that women feel

that they have the opportunity and support to face up to the difficulties that they are experiencing.

Christina McKelvie: I beg the convener's indulgence to ask an additional question. We heard recently that some funding and support was given to services for domestic violence against men, which seems to be an increasing problem. Will you update us on the work that is being done to reduce violence against men, as well as violence against women, and on how you see that tying in with education? You are absolutely right that prevention is better than cure—and much cheaper, in the long term.

John Swinney: The Minister for Housing and Communities, Mr Neil, set out the Government's agenda in that respect. He made clear the importance of acknowledging that there is domestic violence against men. In no way does that suggest that domestic abuse against women does not require attention—of course it does—but the programme was set up to acknowledge that violence against men has to be addressed. Most of the work's focus is on the establishment of a helpline, which is to encourage men who are affected to acknowledge it and then to seek the assistance that is in place. Support will be offered to individuals in that situation.

Christina McKelvie: What type of work is being done with local authorities to ensure that the priority of working on both men's violence against women and women's violence against men is maintained?

John Swinney: I am happy to ensure that the committee is given full information on that.

Christina McKelvie: That is brilliant. Thank you very much.

The Convener: Under the gender equality duty, where are we on the thorny issue of equal pay and the gender pay gap, given that we have established that there are worrying statistics about the number of outstanding cases?

John Swinney: I do not have in front of me statistics on the number of local authorities that have concluded their equal pay arrangements. The last time I saw such data, 26 of 32 authorities had completed the arrangements, but I am pretty confident that the number is higher now. Obviously, the Government is encouraging authorities to work towards completion of the process. The Local Government and Communities Committee has considered the issue in some detail and the Government has responded constructively to the committee's points and suggestions.

The Convener: If you can give us an update, we would be pleased to receive it.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): One of the issues that has come up quite a lot in evidence is the financial challenges that come with an ageing population, although we also recognise the opportunities that it provides and we recognise older people's contribution. That said, there will be a big increase in the number of over-75s and an even more significant increase in the number of over-85s, which is bound to have financial implications for care and other services.

The fundamental question is about what planning the Government is doing. You have already talked about redesigning services, which is part of that. Is preventive action also part of it? The tendency already is that a lot of money goes on crisis intervention—for example, on emergency admissions to hospital. When money gets tighter, the tendency could be to focus all the money on crisis intervention, but that will not really fit the bill. What is the Government's thinking on redesign and early intervention so that some crises do not happen in the first place?

John Swinney: We have been over some of that ground already. I accept entirely the importance of early intervention. On several issues, particularly in relation to the health and wellbeing agenda, the Government is taking a range of steps to try to avoid treating only the symptoms rather than the causes of ill-health. I make no apology for mentioning alcohol again: it is at the heart of many of the health and wellbeing difficulties that the country faces. The impact of alcohol abuse on public services is clear. Ambulances that go to pick up people who have consumed too much alcohol cannot also go to pick up people who have had heart attacks. The simple reality is that we, as a country, must face up to the need to tackle our very unhealthy relationship with alcohol.

There are other messages about exercise and individuals taking responsibility for their health. The Government is promoting that because, obviously, people who exercise more and who manage their weight and diet will be less dependent on health services. We can take a range of early intervention measures in that respect. However, we need to examine the design of our elderly care services, because we have to address the point that Mr Chisholm makes about the impact of demography. That work is under way as part of a joint effort between the Government, the national health service in Scotland and the Convention of Scottish Local Authorities. A ministerial strategic group that is chaired by the Minister for Public Health and Sport is working on that joint project on reshaping care for older people. That project is considering exactly the question that Mr Chisholm asked.

Other work will be done on the balance of care in order that we can ensure that we take due account of the importance of early intervention rather than just acute intervention. We all appreciate that acute intervention is significantly more expensive than early intervention.

Malcolm Chisholm: I agree with the cabinet secretary's points, but what assessment has the Government made of the financial implications? Part of the problem is that the policies are right, but the changes are not happening. For example, although we have been talking for several years about reducing emergency admissions, they are still increasing. How confident are you that changes will take place? How will you assess the financial implications of the ageing population, even if you can achieve all those desirable redesign and preventive measures?

John Swinney: The significant demographic change is a challenge. Obviously, the answers depend on how far forward we look—the situation will become more challenging as the years go by. However, we can make gains through the impact of early intervention. We are absolutely scratching the surface of that. That requires professionals to lead and individuals to respond. It is a major challenge in the Government's approaches on healthy living and on shaping services for older people. We have a huge opportunity to make more progress, but that will be delivered only if we have in place an effective collaborative framework among various public bodies. No one public body can achieve that on its own and no grouping of public authorities can do it without the active participation of members of the public.

Malcolm Chisholm: I suppose that the financial difficulties may be a driver for bringing about some of the changes. However, the question that always arises—it has come across in the evidence that we have taken already—is the extent to which the welcome and widely accepted universal benefits that older people in Scotland enjoy may be under threat, given the changing demographic and the financial challenges that are associated with that. To what extent does the Government have that in the back of its mind, or are those areas non-negotiable and not even to be considered?

John Swinney: The Government is absolutely committed to maintaining the range of benefits through which we support older people. The protection and maintenance of those programmes will be central to the Government's thinking as it meets the financial challenges that lie ahead.

Shirley-Anne Somerville (Lothians) (SNP): Good morning, cabinet secretary. The inclusion of the equality statement in the 2010-11 draft budget was warmly welcomed, but many recommendations were made about how it could be improved in future years. Can you update the

committee on how the next budget equality statement will be an improvement and how lessons have been learned from comments on the initial statement?

John Swinney: We have made some progress on the matter. I am glad that the statement has been welcomed. The equality and budget advisory group has contributed a great deal to our thinking.

One of the difficulties that we have faced is the fact that, when the current Administration came to office, we had very little time in which to address the issue or to incorporate much of the thinking on it before we had to formulate our spending plans for this spending review period. As I said earlier, we will receive a report from the equality and budget advisory group in the summer, which I intend to make available to the independent budget review. I will also pursue discussions with the group, once the report is published and the independent budget review has been published, to determine how we can configure our interventions directly to respond positively to the report from EBAG.

We will have a real opportunity over the summer to engage in discussion with EBAG on those questions. I look forward to that and intend to meet the equality and budget advisory group to hear its input and ensure that we have a firm understanding of how we can meet some of the challenges that it sets out.

Shirley-Anne Somerville: In previous committee meetings, the point was made that there is a lack of good data to enable decisions to be made comprehensively and effectively. How is that being dealt with so that we can base our decisions on sound knowledge?

John Swinney: We must ensure that we have in place all the data sets that we require in order to form our judgments effectively. That work is done routinely as we try to strengthen the content of the national performance framework. We are incrementally strengthening the database that lies underneath, which enables us to assess whether performance is effective. That work is on-going and will continue in order that we have the information to enable us to make appropriate judgments.

Shirley-Anne Somerville: Another issue that has come up in evidence is the fact that equality impact is sometimes analysed near the end of the process rather than at the beginning, when the policy priorities are set. Will that also be discussed by the equality and budget advisory group?

11:15

John Swinney: That relates to my point about the advantage of the situation this time round. We

will have the report from the equality and budget advisory group in the summer and my officials and I will be able to discuss that and the implications of some of our work before we reach any conclusion about the implications of the spending review. I think it unlikely that I will receive the output of the UK comprehensive spending review any earlier than October, so we will have an opportunity to consider some of these questions within the overall framework. That is exactly what we are willing to do.

Elaine Smith: Can I raise a couple of issues with the cabinet secretary before he leaves?

The Convener: You will have to be very brief.

Elaine Smith: First, is the funding for the men's domestic abuse helpline coming out of funding for women's services or is it new money? What analysis has been done on that matter? As we know, some instances of domestic abuse against men are recorded as counterallegations to allegations of domestic abuse that women have made. Finally, the cabinet secretary mentioned alcohol in relation to domestic abuse. We must be very careful not to give the impression that domestic abuse is all down to alcohol; in actual fact, it is about power and control by men over women and spans all socioeconomic groups. It is not simply confined to alcohol-fuelled situations at the weekend.

John Swinney: On the final point, I was advancing the argument that we cannot ignore the influence of alcohol in many cases. Indeed, it is at the root of many difficulties in our society. I am in no way trying to excuse instances of domestic abuse; I am simply saying that alcohol is a factor and that, if we tackle that, we will help to tackle domestic abuse. Of course, there will still be cases of domestic abuse that have nothing to do with alcohol and everything to do with control and power, and such behaviour is completely unacceptable.

On the question of calls to the men's domestic abuse helpline and the issue of counterallegations, we will know the answer to that only when we have the information. I am sure that that will be part of the assessment that will be undertaken.

As for your first question, I consider the financial support for the helpline for men affected by domestic abuse to be new money. However, if I need to advise the committee about anything else in that respect, I will do so in due course.

The Convener: That completes our line of questioning. One strong theme that has emerged this morning is the lack of data—indeed, local government witnesses have said that authorities are short of such information. As has been pointed out, the third sector is a very good source in that respect. We would very much welcome any

information that you can supply on equal pay in local government. Would it be possible to get an update on equal pay in the national health service, too? That is another area on which the committee focused last year.

John Swinney: Yes.

The Convener: I thank the cabinet secretary for his evidence. I suspend the meeting briefly to allow a change of witnesses.

11:18

Meeting suspended.

11:22

On resuming—

Migration and Trafficking Inquiry

The Convener: The third item on our agenda is the first oral evidence session of the committee's inquiry on migration and trafficking. The committee will hear from two panels of witnesses on the issue of trafficking. It is my pleasure to welcome the first panel, which comprises Deputy Chief Constable Gordon Meldrum, chair of the serious and organised crime portfolio at the Association of Chief Police Officers in Scotland; Lorraine Cook, policy officer with COSLA's strategic migration partnership; and Helen Baillot, senior asylum support adviser, and Simon Hodgson, director of policy and communication, at the Scottish Refugee Council.

I want to tease out the scale of the issue, and to consider the thorny issue of what accurate evidence is available. Will you indicate what evidence exists and its limitations, and what could be done to improve it?

Deputy Chief Constable Gordon Meldrum (Association of Chief Police Officers in Scotland): This is not particularly helpful, but we have found in policing that it is difficult to identify the true nature, scale and extent of human trafficking as it affects Scotland. As I recollect, a Scottish Government publication from 2008 identified a total of 79 victims of human trafficking in Scotland in the financial year 2007-08. That took cognisance of information and intelligence from within policing, other law enforcement agencies, non-Government organisations and a host of others.

More recently, at the serious and organised crime level—the healthy caveat on these data is that they are still relatively raw and immature, and in need of refinement—we conducted a mapping exercise within the Scottish Crime and Drug Enforcement Agency, which was supported by all police forces in Scotland and other law enforcement agencies. For the first time, we mapped the scale of serious and organised crime as it affects communities in Scotland. The exercise told us—this is where the caveat comes in—that around June last year, there were a minimum of 367 serious and organised crime groups, comprising 4,066 named individuals who were resident in Scotland or whose criminality directly affected or posed a threat or risk of harm to communities in Scotland. Of those 367 groups, 10 were thought to be actively involved in human trafficking. The data and the exercise are relatively young and immature, but they are the first attempt to contextualise the serious and organised crime level. I am sure that the figure of 10 out of 367 will

change for all sorts of reasons that I am happy to explore, if that would help further work.

The Convener: Those comments are helpful.

Helen Baillot (Scottish Refugee Council): Our brief as a voluntary sector organisation is to work with people who are claiming asylum in Scotland, so it is very specific. Within that work, we come across people who present indicators that they may have been trafficked. We can say more about those later, if that would be helpful.

The data are incomplete. In the past calendar year, we have made 17 referrals to the trafficking awareness-raising alliance—TARA—which has provided its statistics in written evidence. Primarily, those referrals related to women who presented with indicators of having been trafficked for purposes of sexual exploitation. As front-line workers, we come across a huge number of people who have varying experiences of facilitated journeys to the UK and Scotland, and when they are in Scotland. It is complex and difficult to pull out disclosures of trafficking and to understand the full extent of the problem. Any agency that is working in the area would agree that much work remains to be done.

Lorraine Cook (Convention of Scottish Local Authorities): Across the board, trafficking is a hidden crime, but child trafficking is even more hidden and is not included to the same extent in the general discourse on trafficking. Every local authority has a duty to every child. Glasgow City Council is the only Scottish local authority that is involved in the national trafficking toolkit pilot. Since the national referral mechanism was introduced, the council has uncovered eight cases of child trafficking, but it firmly believes that that is a tiny proportion of the total. It has undertaken retrospective research into unaccompanied minors and believes that a quarter of them were trafficked.

The Convener: Is one limitation the fact that the covert and illicit nature of trafficking makes it more difficult to collect accurate data? ACPOS made that point in its submission. I suppose that a lot of work is being done to build up trust, to enable people to come forward.

I want to tease out further the evidence that we have. Can you indicate the number of people who are estimated to be trafficked into Scotland, the geographical areas into which they are trafficked and the main countries from which they are trafficked? I am conscious of the fact that the problem is not limited to trafficking from other countries; there is also intrastate trafficking. If you provided us with such information, it would help to set the scene. Would anyone like to have a stab at doing that?

Simon Hodgson (Scottish Refugee Council):

I will ask Helen Baillot to respond. The Scottish Refugee Council deals with only a small section of the broad spectrum that you have described. Unless people have a reason to come to us for advice on their asylum status, we do not see them; people from other parts of the UK never end up in our office. We can talk only about the people who pass through our door. I am not sure whether we can extrapolate information from that, but we can give you a breakdown of the cases with which we have dealt.

The Convener: Do you want to add anything, Helen?

11:30

Helen Baillot: In terms of scale, we are not in a position even to hazard a guess. In terms of geography, we have taken telephone inquiries from local authorities across Scotland, and the situations that workers have described in those inquiries fits with indicators that suggest people have been trafficked, which leads us to believe that the problem is widespread in Scotland. A lot of the work and service delivery focuses on urban areas—particularly Glasgow and Edinburgh—but in rural and further-flung areas there are issues around people's understanding of workers and having confidence in making onward referrals.

Our belief, which is backed up by the submissions from TARA and Migrant Helpline, is that the predominant nationality of the people who are arriving is Nigerian. However, we have had disclosures of trafficking from a variety of countries in east and west Africa and from Pakistan. It is quite hard to generalise. The experiences that people have, the way in which they come to this country and the exploitation to which they are subject are all variable. The experience is different depending on their country of origin.

The Convener: It would be useful to hear from Lorraine Cook before we hear from Gordon Meldrum, as his position enables him to have a more strategic view.

Lorraine Cook: Glasgow City Council's research into child trafficking showed that it involved children from every nationality and that every kind of trafficking was undertaken. The council did not see that any nationalities predominated. The statistics from Migrant Helpline show that trafficking has been uncovered in several local authority areas.

The Convener: What countries were involved? Was there evidence of intrastate trafficking?

Lorraine Cook: The Scottish migrants network and TARA deal with forced labour, and local authorities have a remit to deal with child

trafficking through that. The most significant nationalities that are involved are Lithuanian, Nigerian and Indian.

The Convener: Is there any evidence that the big cities are attracting the problem to a greater extent?

Lorraine Cook: On the issue of child trafficking, Glasgow City Council is way ahead of the game, but only because it has been involved in the pilot toolkit, which has been under way for about a year. It is at the very end stages of the pilot, and its report should be out in a month or two.

The Convener: Could you say a bit more about the pilot toolkit?

Lorraine Cook: The toolkit enables people to consider the issue in more detail and to determine how our response to child trafficking can be ingrained into child protection systems.

Last year, the Scottish Government held two child trafficking events in Glasgow and Dundee that received a good response from local authorities—indeed, they were both oversubscribed. The events, which were well attended by social work and education services, focused on identifying trafficked children, which can be difficult, because they are deliberately kept out of education and social work systems.

The toolkit gives people ways of identifying trafficked children. For example, some trafficked children might be involved in the education system for a term or so, and the toolkit gives people ways of recording information about children who are missing from the education system and so on.

The Convener: And it helps to raise awareness in general, which ensures that the issue is on people's agenda.

Lorraine Cook: Yes. Further, once a child has been identified, the toolkit helps people through the subsequent interviewing process so that information can be gathered from the child, who might be in fear of the trafficker or have some misplaced loyalty towards them or a carer or guardian who is involved in some way.

A lot of work needs to be done to generate the information that can lead to the development of an evidence base. The work that has been done this year has focused on that. A report on that work should be out in a month or two, and all Scottish local authorities will be invited to attend a conference on the subject.

The Convener: We will await with interest the details of that report.

I invite Gordon Meldrum to give an overview from the police's point of view.

Deputy Chief Constable Meldrum: For the reasons that I alluded to earlier, I am afraid that it is difficult to establish the numbers of those who are trafficked directly into Scotland. I go back to the figure of 79 victims in the country during 2007-08, which I think is the best assessment or guesstimate of the figure that anyone has at the moment. However, I do not know how many of those people were trafficked directly into Scotland. The police are often told through the victim care organisations that victims end up in Scotland to escape traffickers in the south-east of England, Birmingham or Manchester. Victims believe that if they put some distance between themselves and the trafficker, they can break the link and effectively escape. That adds to the difficulty of establishing the number of people who are trafficked directly into the country versus those who end up here for other reasons.

We have just reached the end of the first year of the new national referral mechanism, which came in on 1 April 2009. That mechanism is of interest to all of us. I am no expert in it, so if anyone else has better information on it, please bail me out. The UK Border Agency and the UK Human Trafficking Centre are the two competent UK authorities for a number of public bodies to refer victims to, so information is now captured centrally on victims. Those who have perhaps been referred at a local level to victim care organisations, the police or anyone else can now be referred to the two competent authorities, and we can get a UK-wide picture. We will not catch all the victims of human trafficking in the country, but it might be interesting to consider the Scottish context in the overall UK figures. If 1,000 victims throughout the UK go through the NRM, we could reasonably expect 100 of them to be in Scotland, purely by using the simple 10 per cent rule. There will be possible answers to difficult questions as the mechanism evolves.

On the countries of origin of trafficked people, committee members may be aware that, back in 2007-08, there was a UK-wide policing operation called operation pentameter 2. The caveat is that it focused on adult trafficking for sexual exploitation. During the operation, 51 victims of human trafficking were recovered in the Scottish context. If we exclude 12 males from the Lothian and Borders area, who were all of Chinese origin, we are left with 39 female victims, of whom 53 per cent were Chinese, 12 per cent were Brazilian, 12 per cent were Thai, 8 per cent were Malaysian and 3 per cent were Nigerian, Pakistani, Romanian, Slovakian or Vietnamese. On the geographic spread in the force areas—I am excluding the 12 males—18 of those victims were found in Strathclyde, eight were found in Tayside, six were found in central Scotland, four were found in Lothian and Borders, and one victim was found in

each of the Dumfries and Galloway, Fife and Grampian areas. The data from pentameter 2 are two years out of date, but they give an idea of the countries of origin of victims at that time and the geographic spread of where they were recovered across Scotland.

The Convener: There is much there that will certainly help the establishment of the NRM as a point for gathering such information, which I hope will allow analysis that will help to identify the problem more accurately in Scotland.

Hugh O'Donnell: Given the thinness of the data that everyone works with, this question might not be easy to address meaningfully. However, the common perception is that sexual exploitation is the most common rationale for trafficking. We have evidence that supports that perception. Equally, however, we have evidence that contradicts it. Do you have a view on that?

The next question is possibly for the police to answer. What other forms of illegal activity tend to be supported by trafficking? There is a popular perception—I will come on to the media in more detail—that trafficking solely and exclusively consists of people with bags over their heads being hidden in vehicles and illicitly sneaked into the country. That perception is reinforced by the fictional side of the media as well as by the allegedly factual side. How do we therefore identify the sorts of issue where pressure is brought to bear? Some of the countries from which people are trafficked have legitimate access to the UK, which jars with the perception of what trafficking is. Is the media guilty of sensationalising by picking out small bits, using them out of context and allowing some of the more negative elements of our society to use them on a political platform? I am finished.

The Convener: Who wants to start dissecting that?

Deputy Chief Constable Meldrum: The perception that sexual exploitation is the most common rationale for trafficking comes from the media grabbing on to that view, which appears in the red tops—the tabloids—and is reported on from that perspective. However, there is counter research out there. For example, the International Labour Organization has reported previously that its assessment of all victims of trafficking across the globe is that, on an annual basis, about a third of all victims are exploited for forced labour. However, that does not tend to grab the headlines in the same way as the perception that it is—

Hugh O'Donnell: Salacious.

Deputy Chief Constable Meldrum: Exactly. That is the word I was grasping for. That is where the focus is.

If I am honest, much of the work that we have done in the past in policing—operation pentameter 2 is a good example—has focused on adult females who are trafficked for sexual exploitation. We therefore have more knowledge of that than we do of forced labour, domestic servitude, child trafficking, organ donation and all other potential forms of trafficking.

On the question whether the media are helpful or otherwise, I do not think that they are helpful, frankly, although there are pockets of good, insightful forensic reporting. For example, Lucy Adams from *The Herald* has written a number of articles about her recent visit to Bangladesh, and she has written about other parts of the world, too, so there are good examples out there.

I have created the human trafficking unit within the SCDEA. Following a couple of recent salacious articles on trafficking in tabloids, I sent detectives from the unit to say to the tabloids, "That's of real interest to us. We would love to know what you know, and if we can help in any way, shape or form, please pass the dossier to us and we will investigate." Nothing has been forthcoming. However, that is potentially a useful way of trying to redress the balance a bit. We do not just accept such reporting but go on the front foot and say to the media, "We now have a focus on this. We want to understand better. We're desperate for the information that you have. Please pass it over and we'll do something about it." I wait with bated breath.

11:45

Simon Hodgson: As Hugh O'Donnell pointed out, it is difficult to answer the question. We have some concerns about the mixture of people who are being smuggled into the country. You alluded to the fact that you can get into the UK from some countries in a fairly straightforward way. You can obviously do that if you are from another EU country or another part of the UK. However, there is virtually no legal route into the UK for the people who come to us who want to claim asylum. Virtually everybody we deal with has had to enter the country illegally, which happens in all sorts of ways. You can use false documents and try to get through the borders or you can be assisted into the country. There is a clear worry that there is potential for people to be exploited.

This morning, we discussed the cases of some people who were exploited by the people whom they had paid to bring them into the country or to assist them into the country and whether that counts as their being trafficked, as there will not necessarily be a long-term relationship at the end of that process. There is clearly a blurring of boundaries, which applies not just in Scotland but in the whole of Europe. There is a lot of concern

about how people who cross the Mediterranean are being dealt with. There are clearly mixed groups of migrants: some come for economic reasons and others come for protection reasons, but no distinction is being made. We are concerned.

Under the current arrangements for the points-based system, there is no legal route into the country for unskilled workers from a whole range of countries, some of which have been mentioned already. There might be a tendency for more people to ask someone to assist them to enter the country, but we are not sure of the consequences of that at the moment.

Helen Baillot: The media pick up on sexual exploitation because it is a clear-cut case of victim and evil criminal. The reality is that there are so many grey areas in relation to how people come into the country, their reasons for leaving their own country, their reasons for coming here and the exploitation that they might suffer once they are in the UK. Simon Hodgson said that one of those grey areas is that some people might have a facilitated journey to the UK, for which they signed up because they were desperate to get here, but in transit they are sexually abused by the person who is bringing them into the country. That is very common in our experience. Others might be brought here and, for some time, be forced into a labour situation, or experience some other form of exploitation, and then be released.

We have not yet touched on the point that we have seen people in the UK who have escaped an exploitation situation in another EU country—particularly Italy, for women who have suffered sexual exploitation. They are not exploited once they are in the UK, but they have been trafficked to Europe from a third country.

There are huge grey areas, which it is hard for the media to portray, because they want something much more clear cut. The media definitely go for the easy option. Our experience is that the reality is a lot less clear cut. A huge number of things, such as people's experience at home, bring them into exploitative situations here in the UK. A lot of movement within the UK is a classic indicator of trafficking.

Hugh O'Donnell: I do not know whether you will be able to answer this question. In the event that someone who is engaged in domestic servitude presents themselves to any of the organisations represented here, are there circumstances in which the family group, or whoever the person is working for, is exempt from prosecution and, if so, what are those circumstances?

Deputy Chief Constable Meldrum: Are you talking about the circumstances of the person presenting?

Hugh O'Donnell: I will clarify. Say for example that a young Filipino lady pitches up at any of your organisations and says that she is a domestic servant, in effect under bondage—not necessarily physical bondage—with a family and that she was brought to the UK as part of that family, albeit not as a blood relative but as a servant. Are there any circumstances in which no action can be taken against the family that has brought her to the UK?

Deputy Chief Constable Meldrum: If the victim presents in that way and says, “I have been brought here for that purpose,” and there is a combination of an act by which the person was brought to the country and a means that involves coercion, that, in effect, presents us with a victim of human trafficking and we would be duty bound to investigate that.

Hugh O'Donnell: Are you always able to prosecute? I appreciate that a decision to prosecute would be subject to the procurator fiscal.

Deputy Chief Constable Meldrum: We would always investigate. There would be a detailed conversation with the Crown Office and Procurator Fiscal Service, which would determine whether there would be a prosecution.

The Convener: It is indicated that, contrary to popular belief, human trafficking is not necessarily about only sexual exploitation but is further complicated by the fact that it might start with cheap labour or domestic exploitation and move on to other forms of trafficking. The submission from Migrant Helpline mentioned the definition of human trafficking. Would it be helpful for the United Nations Palermo protocol definition to be widely circulated and known so that there is increased awareness? Does anyone know what the definition is?

Deputy Chief Constable Meldrum: I can help, convener, as I happen to have it in front of me. It is a bit of a mouthful, so I will have to read it out, if that is okay.

The Convener: That would be terrific.

Deputy Chief Constable Meldrum: As you say, the 2000 UN protocol, commonly known as the Palermo protocol, defines human trafficking as follows:

“‘Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a

minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.

That definition is what the police service uses to break down what is going on. First, there is the act, or what is done. Is it

“recruitment, transportation, transfer, harbouring or receipt of persons”?

Then there is the means, or how it is done. Is it through the

“threat or use of force or other forms of coercion, of abduction ... abuse of power or of a position of vulnerability or of the giving ... of payments or benefits”?

Then there is the purpose, or why it is done. Is it exploitation, including

“the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”?

The act, plus the means, plus the purpose, equals trafficking, but it is a fairly complex landscape, especially for front-line service deliverers, who are under pressure doing a hundred other things. If a person presents to them, they must ask whether what they hear equates to all of the above. If I were still out there on the streets, I would be going back to the books to remind myself of the definition to work out whether it constituted trafficking.

The Convener: That is quite a good shortcut. Breaking down the definition into the act, the means and the purpose is a good way of widening it out.

Marlyn Glen: I think that the witnesses have answered part of my question, which is about the difficulties that public bodies face in securing convictions for trafficking offences. Can you also comment on the difference in conviction rates between Scotland and the rest of the UK?

Deputy Chief Constable Meldrum: The difference in conviction rates between Scotland and the rest of the UK is startling. In Scotland, to the best of my knowledge we do not have a conviction for human trafficking. One case got to the stage of going to court, but was abandoned. My understanding, although I was not involved in it, is that it was abandoned due to a lack of evidence once it was in the court arena.

That contrasts with the experience south of the border, where there have been a number of successful prosecutions in different parts of the country. The most notable of those, according to the research, have, not surprisingly, been within the Metropolitan Police area. The big centres for investigation and prosecution down there tend to be the Metropolitan Police area, the Greater Manchester Police area and the West Midlands

Police area, which covers Birmingham. In other areas, the numbers of investigations and prosecutions reduce significantly.

Why is there such a difference? I honestly do not know the answer to that. I have spoken recently to colleagues in the police service and in the Crown Office and Procurator Fiscal Service about it. The legislation on sexual exploitation is slightly different across the border, but that should not lead to such a marked difference in prosecutions between the north and the south. Is the issue a difference in focus and priority on each side of the border? This is no criticism of the United Kingdom human trafficking centre that has been established down south—within the policing context, there are all sorts of other non-Government organisations down there as well—which has regularly published the statistics for England, Wales and Northern Ireland regarding the number of victims and investigations and so on; however, it has focused on England, Wales and Northern Ireland, not on Scotland.

I cannot tell you why there is a difference between the north and the south or why there have been successful prosecutions down there. From speaking to colleagues in the Crown Office, I know that their view is that the legislation in Scotland is no bar to a successful prosecution. It is interesting that, although there were police reports to the Crown for the keeping of brothels and so on regarding the victims who were recovered during the pentameter 2 operation, there were no police reports to the Crown for the human trafficking of those victims. There were several reasons for that, one of which was the fact that, when the victims were recovered, they were placed in bed-and-breakfast accommodation overnight and, when the police went back in the morning, they had gone. That is not hard to understand, given the nature of the crime. That is part of the issue for us. Another issue for us is getting victims to speak up, not only in the first instance, but for the duration of any investigation and subsequent court case.

Marlyn Glen: They must speak up and feel safe in doing so.

Deputy Chief Constable Meldrum: Absolutely.

Marlyn Glen: Does anyone else have anything to add?

Simon Hodgson: Prosecution is not something that we pursue at the Scottish Refugee Council.

Marlyn Glen: I realise that.

Helen Baillot: From a victim support perspective, we recognise that it is difficult to elicit even an initial disclosure. A lot of people—children, women and men alike—are terrified of the people who have trafficked them. TARA's written submission sets out well the various

threats that may be made against people. The coercion that may be used is multiple, and threats may be made against the victims' families back home as well as against life and limb here. It is also difficult to facilitate disclosure. Typically, people have had negative experiences of authority and police, particularly back home. Even helping them to understand that the police genuinely will not harm them in any way can be an uphill struggle. From our perspective, building someone's trust to enable them to give a disclosure that could assist the police in pursuing a prosecution is a huge job that requires specialist skills and, above all, a lot of time.

People who come to the Scottish Refugee Council also face a real worry about what will happen to them immigration-wise. Yes, we have the NRM, and it is great that there is now a system that recognises the specific needs of the victims of trafficking. Nevertheless, people are still worried about what may happen to them if they are in the country illegally and they pop their heads up above the parapet. That is also a big issue.

Marlyn Glen: So, there is a connection between the support, the charging and the conviction.

Helen Baillot: Absolutely.

12:00

The Convener: Gordon Meldrum wants to add something.

Deputy Chief Constable Meldrum: I have a comment about the focus that I spoke about. I have recently taken over the human trafficking portfolio in ACPOS. That is helpful, because I also have the serious organised crime portfolio.

We are building a new unit—the human trafficking unit—in the Scottish Crime and Drug Enforcement Agency. People might say, “So what?”, but that represents the first time that Scottish policing has had a unit that will focus on human trafficking throughout Scotland and not just in relation to the agency's work. Where the unit is located means that it will have secondees and integrees from the UK Border Agency, Her Majesty's Revenue and Customs and the UK Serious Organised Crime Agency, but the unit will focus on human trafficking.

It helps that the detective sergeant from Lothian and Borders Police who will lead that business for me has spent the past three years with Lothian and Borders Police and the UK human trafficking centre in Sheffield. In Scottish policing, she is the closest thing to having an expert on human trafficking. She will head the unit and give the issue additional focus and impetus in policing.

The Convener: That is encouraging.

Marlyn Glen: I am interested in the connections, which must be available so that people who come forward feel that the police will support them from the word go. Do you have suggestions for improving support for victims? To what extent, if any, is a multi-agency approach taken?

Helen Baillot: Our experience is that such an approach exists to an extent. The data limitations that we talked about restrict even the best intentions, because it is hard to work when we are not quite sure of the scope of what we are working with. However, from the initial awareness of the trafficking problem, a multi-agency approach has been taken.

We work primarily with the TARA project, which has always ensured that discussions include the police, the UK Border Agency and relevant voluntary sector bodies. Good multi-agency work has definitely been done in Scotland, but it needs to be developed and extended, particularly to cover people who do not quite fit the neat definitions, as discussed earlier.

Bill Kidd: It is about the right time for my next question, on which DCC Meldrum probably knows more. What happens to people who have been trafficked and who are then taken into custody? Organisations such as the SRC might advise and help them. Do such people claim asylum? I am talking not about people who abscond, such as those whom you mentioned, but about people who are brought in from a raid or who turn themselves in, because of their concerns about how they are being treated.

Deputy Chief Constable Meldrum: I will do my level best to answer, but I genuinely believe that the victim care organisations know much more about the subject than we in policing do. The first reason for that is that we do not deal with many victims. For all the legitimate reasons that have been given, not many people present to the police. If we stumble across a victim as part of another operation, even trying to get the victim to talk to us—let alone tell us their experience—can be hugely difficult.

As I said, during operation pentameter, an awful lot of victims absconded very early. That could have happened for all sorts of reasons. Undoubtedly, some victims would now want to use the national referral mechanism that I described, because I understand that that puts them into a process in which the UKBA and the UK human trafficking centre have a 45-day reflection period. If I say, "I am a victim of human trafficking and I'd like you to do something about it, please," nothing can be done about my status in the 45-day reflection period. In other words, such an individual who is here illegally will not be deported immediately. That is my understanding of the

matter, but others will have much more experience of that than I have.

None of that particularly answers the question, but the police service has not dealt with a huge number of victims so we do not have a great understanding or knowledge of how people claim to be a victim and what happens to them subsequently. However, if a person who is taken into custody presents as a victim, obviously we would, as with any other victim, take a victim care-centred approach. In the few operations that have taken place in Scotland, organisations such as Migrant Helpline—and perhaps some other organisations around this table—have been massively important in working alongside the police service. While we have focused on trying to gather evidence to prosecute the trafficker, those organisations have taken care of the victim by looking to source accommodation or a place of safety where the victim could be looked after. However, I stress that the police's experience of dealing with victims is not very broad, because we do not deal with many of them and those with whom we have dealt have found it difficult to talk to us.

Bill Kidd: Do the other witnesses have a view on that? For example, if the UK Border Agency becomes aware that such an individual is in the UK without proper papers and without having gone through the proper procedures, does the UKBA intervene and deport the person?

Helen Baillot: That issue is really complex, but the next panel of witnesses includes people from Migrant Helpline and the Poppy project who are probably better placed to answer that question.

The NRM is, as has been described, an attempt not just to shovel everyone into the asylum process. Not every victim of trafficking will—although some victims might—be able to make an asylum claim, which is very much based on the claimant's protection needs back home. The NRM is an attempt to bridge that gap by giving those victims of trafficking who have no other legal basis for staying in the UK a safe period within which they can assess their options.

The people from the Poppy project and from Migrant Helpline will be a lot better placed than we are—I think that I speak for everyone on this panel—to talk about what happens with the victims afterwards. Those organisations have a wealth of knowledge about that.

The Convener: Lorraine Cook wanted to make a point about care packages.

Lorraine Cook: In the case of child trafficking, the toolkit ensures that the child is immediately put into the child protection system so that a whole care package can be implemented around the child. As part of that multi-agency approach,

Glasgow City Council has worked closely with the police in such cases. The social work services have provided care and built up trust with the child, which has been crucial in providing information that can lead to a conviction.

Deputy Chief Constable Meldrum: If I may, I will also add something on the question about connections.

On 30 March this year, the Scottish Crime and Drug Enforcement Agency and the Scottish Government jointly hosted the first ever workshop in Scotland—I do not know whether it was the first in the UK—with all the victim care organisations in Scotland. On our part, that was an attempt to say that, in order better to understand the problem of human trafficking, we in the police service need to have a much better understanding of the knowledge, experience and information that those organisations have from working with victims in what is a really complex area. If we are charged with struggling, as is only right, not only to provide communities with protection from the traffickers but to look after those who are trafficked, we need to understand much better what that experience is. That all-day workshop seminar at COSLA headquarters was an attempt to improve upon some of the connections that already exist. In my opinion, we can definitely do better by bringing the law enforcement and victim care sides closer together. Understanding both those elements is really important.

Christina McKelvie: It is heartening to hear that that work is going on between Government and non-Government organisations, the voluntary sector and so on. We have heard this morning about the importance of such co-working. People should be able to trust the organisation that they come to talk to.

The evidence from Migrant Helpline talked about the issue of identifying the victims of trafficking who are currently in the asylum system and possibly in Dungavel detention centre. My question is for the Scottish Refugee Council and it is about the UKBA's hardening of attitude on asylum claims. First, in the past six to eight months it has become much tougher for anyone to state their case. How difficult are you finding it to take people through the process?

Secondly, how well is the information that you get from organisations such as Medical Justice and the Medical Foundation for the Care of Victims of Torture used in the identification of trafficking and in proper routes to treatment and support?

Helen Baillot: That is a huge issue, and one to which we refer at all times in relation to anyone who is claiming asylum in the UK. There are barriers within the process—for example, the

speed of decision making—that can make it hard to gain a full disclosure prior to someone having their first and all-important interview with the UKBA. The expectation within the asylum process is that right from someone's arrival in the country or their escape from an exploitative situation, they should be able to give full details of what they have experienced. When someone—I am referring in general to all asylum claimants—has experienced abuse, exploitation, torture or the loss of family members, it is common sense, and also medical knowledge, that that can be hard to talk about, especially for someone who does not have a relationship of trust with the officials with whom they are in contact.

I come back to the NRM, which the committee will hear more about from the next panel. The aim of the NRM was to provide a 45-day reflection period to give victims of trafficking more time to reflect and recover, and be able to talk with officials, who would then take a final decision about whether they were deemed victims of trafficking by our procedures. However, that is only for people who are identified as possible victims. I think that Christina McKelvie's point is about the initial identification. In Scotland, there has been good partnership working between a range of agencies, which means that identification is better than it would have been in the past.

We are particularly concerned about people who are detained in the south of England and put through a fast-track system. They arrive in Scotland after their asylum claim has been fully refused, and at that point are able to disclose exploitation—they have gone into the system, been dealt with very quickly, come out again and are in Scotland. As Gordon Meldrum said, people will not always initially have arrived in Scotland. If disclosure comes once the full asylum process is over, the issue is a lot more complex. There is an ingrained attitude in many agencies that late disclosure is not credible. We have found that people at that stage—particularly if they are destitute—may be subject to further exploitation here in the UK. That does not mean that they were brought to the UK by the people exploiting them, but that they fall into exploitation, such as prostitution and forced labour, in order to survive. The system is better as a result of the NRM, but it is not perfect. Early identification remains key to ensuring that people are supported.

Elaine Smith: Migrant Helpline identified four issues that might impact on anti-trafficking work: the Olympic and Commonwealth games; the wider use of the internet; changes to prostitution laws; and a significant rise in the number of Lithuanians being trafficked. What issues do the witnesses think might impact on the scale of human trafficking into Scotland in future years? Can anything be done about those issues?

12:15

Deputy Chief Constable Meldrum: Strathclyde Police's planning team for the Commonwealth games in 2014 is linking closely with the Met police team for the Olympic games in 2012, on the issue of human trafficking. Given that a lot of males travel to the games, one of the stereotypical issues is that the demand for prostitution services in any city that has hosted the Olympics has been significantly higher. We have anecdotal evidence that prostitutes from other parts of the world target the host city at the time of the games. The whole issue of the Olympic and Commonwealth games is something on which Strathclyde Police are focused, certainly for 2014.

The internet issues for the future are absolutely massive. We have undertaken research into the trafficking of adult females for sexual exploitation. Some of the services—I use that term loosely—that are advertised on the internet are what I will call thinly veiled prostitution services, although it is unclear whether the women who are being used—it is generally, although not exclusively, women—are acting of their own free will or whether they have been threatened or coerced. Policing the internet on that issue—as on every other issue—is a massive task for us for the future.

Lorraine Cook: A lot of work has just started with the community planning teams for the Commonwealth games and the Lanarkshire children's games. The Lanarkshire councils and Glasgow City Council have been working with the UK Border Agency and have invited it, as well as the police, along to the community planning groups. The UK Border Agency has highlighted to us the problem of human trafficking and the issues that could be generated around it.

The Convener: It is good to know that it is firmly in their sights and that they are aware of the problem in advance.

Lorraine Cook: Yes. That work is focusing on the Commonwealth games, the Lanarkshire children's games and the toolkit, and Glasgow City Council is working with the SRC. However, the multi-agency approach is only just beginning to make those links. Following the loss of the Scottish Government human trafficking stakeholder group, there has been quite a gap in information sharing that is only just being picked up following the event that you talked about, which was hosted by COSLA at Rosebery house. There is also Migrant Helpline, through which a local authority can uncover victims who need its support, especially if there are dependants involved. Local authorities need to be involved and to know about such issues, but the links are really only just being generated.

Hugh O'Donnell: Is the UKBA involved in the Lanarkshire children's games on the basis of overstayers, rather than trafficking?

Simon Hodgson: Visas, for sure.

Lorraine Cook: It was explained to us along the lines of issues of child trafficking, but the UK Border Agency will be involved with visas and overstayers as well.

Hugh O'Donnell: Thank you. I am glad to have that on the record.

The Convener: Are you content with that, Elaine?

Elaine Smith: I am.

Malcolm Chisholm: At the end of its inquiry, the committee will publish a report with recommendations. Is there one key recommendation that you would like the committee to make?

The Convener: No pressure. Lorraine Cook has already mentioned that the toolkit and things such as that would be helpful.

Lorraine Cook: That is the primary concern of local authorities. We need to publish the report on the development of an evidence base before the conference in the summer and look at rolling that practice out across local authorities and embedding child trafficking measures in child protection systems. My recommendation is for more work to be done on how front-line services can identify any form of trafficking, not just child trafficking.

The Convener: So raising awareness is key.

Lorraine Cook: Yes.

The Convener: Does Helen Baillot or Simon Hodgson want to suggest a recommendation?

Simon Hodgson: We have not got to that stage in our thinking. Bits of work are being done separately. For example, the work with children is different from the work with women who have been sexually abused. There is, therefore, still potential for people to fall into gaps and we are certainly having to deal with some of them. Some issues are being partly addressed. For example, men who have been trafficked are being addressed through the Migrant Helpline project. However, for people who present at our office at five to five on a Friday, it is still the situation that, because nobody in authority might be available to help them, we would find it difficult to get an immediate referral to somebody who would know what to do. That is partly to do with resourcing, partly with understanding and partly with us all being more aware of what potential there is. As the committee develops this inquiry and adds to

the evidence that you have already taken, some of the issues will probably start to make sense.

The Convener: Gordon, the new human trafficking unit, and the detective sergeant who heads it, is obviously good news.

Deputy Chief Constable Meldrum: Yes. I am thinking on the hoof in response to Mr Chisholm's question. The definition that we talked about earlier is important. If the definition of what constitutes trafficking is complex, long and intricate, that can get in the way of defining the problem, as we know from other arenas. I am not voting for one second to move away from the overall Palermo protocol, but some simplification within the context or confines of the protocol would be helpful.

The Convener: Thank you very much for that. That completes our lines of questioning. I thank all the witnesses for what has been a fascinating and very worthwhile evidence session. We will suspend briefly to allow for a change of witnesses.

12:21

Meeting suspended.

12:27

On resuming—

The Convener: I welcome the second panel of witnesses for today's session on trafficking: Michael Emberson, chief executive officer of Migrant Helpline; Abigail Stepnitz, national co-ordinator of the Poppy project; and Simon Chorley, advocacy and partnerships officer of Stop the Traffik. You will have heard some of the questions, and we intend just to go for them again.

What is the extent of current evidence about the scale of trafficking in Scotland? What problems and limitations inhibit the improvement of the available data?

Abigail Stepnitz (Poppy Project): We do, indeed, struggle with data collection UK-wide. I want to start, though, by thanking you for having the Poppy project give evidence. We really appreciate the opportunity to take part.

The data that we collect internally on the referrals to our project and on the women we support are obviously quite good from our perspective, in that we know what we are looking at. In the seven years from March 2003, when we started, to the end of March 2010, we took 1,551 referrals. Of those, we supported 278 women in our accommodation and support service, and another 310 women on an outreach basis. We support women over the age of 18 who have been trafficked into sexual exploitation or domestic servitude. Our statistics predominantly reflect those two support groups. When we receive referrals for persons who fall outside our scope—

men and children—they are signposted on to more appropriate services.

12:30

Our dominant countries of origin are Nigeria, Lithuania, China, Albania and Thailand, although we have taken referrals of women from more than 80 countries. Recently, there has been a shift to referrals from west Africa. When we began—indeed, until the end of 2008—Lithuania was our primary source country, followed by a list of other eastern European countries. Since the end of 2008, we have seen a steady increase in the number of referrals from west Africa and south-east Asia. We are seeing a geographical shift in the source countries of the women who are identified and referred to us. The other country that has moved up significantly in our referral statistics, particularly in the past nine months, is Uganda.

We began working with women trafficked into domestic servitude in April last year, so we have been working actively in that area for only 13 months. The predominant source countries are different. Nigeria is still the top source country across the board of different types of exploitation, but the other countries at the top are India, Ethiopia, Pakistan and Kenya. The picture is slightly different.

Outside the data that we work with, we face similar challenges in trying to understand the scope of the problem. It seems that the one question that everyone wants answered is how many trafficked persons are in the UK, London or a particular area. We struggle to answer those questions, but it is important to remember that, based on the numbers of people who are referred to us and the demand for services, it is evident that, whether or not we know exactly how many people are out there, the numbers that we see indicate that the problem is real, is not going away and needs to be addressed. Even one person going through what our service users have been through is a big problem.

The Convener: Just to set the scene, will you tell us a little about the Poppy project? You are talking about dealing with massive numbers of people.

Abigail Stepnitz: Certainly. We were started in 2003 as part of Eaves housing for women. Originally, Eaves provided services to homeless women and at the end of the 1990s, it began to notice a trend of single homeless women with no dependants who had experienced exploitation in the UK. Most of those women had been exploited sexually, predominantly in prostitution. With that information, Eaves approached the Ministry of Justice and asked it to fund a pilot project to look

at the needs of women who had been trafficked into the UK. That started in 2003, initially with only five beds, growing eventually to 35 beds. Now we have capacity to support in accommodation 54 women in England and Wales who have been trafficked into sexual exploitation and domestic servitude. Technically, we have capacity to support about another 45 women on an outreach basis. However, the members of my team are overzealous and do not get much sleep so, at any given time, they carry an active case load of between 60 and 100 women on an outreach basis. It is a rather expansive service. When someone is with the Poppy project, they are provided with access to legal advice, mental health care, health services and immigration assistance. It is an holistic service and we try to meet as many of the demonstrated needs as possible, working in partnership with the police, legal services and all the other stakeholders.

The Convener: Thank you for putting the project in context very nicely. Would Michael Emberson like to continue from there?

Michael Emberson (Migrant Helpline): Yes. Shall I start by talking about Migrant Helpline?

The Convener: A wee thumbnail description of Stop the Traffik and then your evidence would be great.

Michael Emberson: Migrant Helpline is a charity that was formed in 1963. Its remit is to deal with foreign nationals in distress so we deal with a wide range of refugees—

The Convener: My apologies—I should have said that you were from Migrant Helpline, not Stop the Traffik.

Michael Emberson: We deal with refugees, asylum seekers, foreign national prisoners and so on. We were approached by the Home Office at the beginning of 2008-09 to get involved in supporting victims of human trafficking in England and Wales and in 2009-10 we spread to Northern Ireland and Scotland. During the past two years we have dealt with 271 victims of all sorts.

We have outlined numbers, spread and categories in our submission, but specific evidence for Scotland is patchy, although there are one or two nuggets. We have dealt with a total of 61 victims so far this year, although the data are somewhat skewed by operation mockday, which dealt with 44 victims in one particular day, none of whom gave their permission for us to refer them on through the national referral mechanism.

Our submission lays out the figures for those who have been referred to TARA. You have already heard about the figures from operation pentameter. We give lists of countries of origin and types of exploitation: sexual exploitation, domestic

servitude and labour exploitation—although, as you will be aware, we do not like those categories. We give some other indicators, such as the detention back in 2003 of Chinese workers, who were later found in Morecambe. We make some points about the other anecdotal evidence and how it should be treated with at least a healthy scepticism. The information is laid out there. I do not believe that there is enough evidence at the moment to reach any firm conclusion about the numbers within Scotland. Suffice it to say that you have an issue.

The Convener: That is helpful, particularly given that we looked at the national referral mechanism and said that it was good that we had a central point. However, it is predicated on the people coming to you giving their permission to be passed on to it, yet you say that none out of 44 did so.

Michael Emberson: Yes. Operation mockday dealt with a large number of people on one day. We have only just finished the first year of the NRM. We are great fans of the NRM. Overall, it has worked and has taken us a stride forward from where we were before. The situation before the introduction of the NRM and all the associated things such as residence permits and so on was quite disastrous. The NRM has worked well considering that this is its first year. However, there are some anomalies that need to be hacked out and discussed. We look forward to the national review of the NRM.

One aspect that was flagged up, with which we do not necessarily agree—we know that one or two police forces are vehemently against this—is that it is the only system in the world that requires the victim to consent to being a victim. They have to sign the form; otherwise, it cannot be put into the NRM and they cannot get a decision.

On the day of operation mockday, 44 people elected not to sign the form although, in many of the cases, there was strong evidence that they were trafficked. In other cases, we have had great breakthroughs. I can think of another operation in England in which we dealt with 23 victims in one go. It was a long slog that day, but eventually—later in the day—we got the breakthrough when they all agreed to sign the forms and be referred. The figures are somewhat skewed. Although this makes the whole area very vague and grey, there are two overlapping aspects: people who are recognised by the NRM as victims of trafficking; and victims of trafficking.

The Convener: Thank you for that. Simon, will you give us Stop the Traffik's perspective?

Simon Chorley (Stop the Traffik): Sure. Stop the Traffik is a global movement that works with communities. As such, we are not a victim support

provider and we do not work closely with the NRM. On the scale of the problem, you have before you the evidence from TARA, the Migrant Helpline and Poppy, as well as the Scottish Government and Amnesty reports, which are the ones that seem most reliable.

Getting evidence is a very real problem, which is why we are working with local authorities and police forces to establish community groups to map their area and establish where there are indicators of trafficking. That information is then passed on to the authorities. We are still in the pilot phase of that, but we see it as a way forward in establishing evidence from the ground up as to what is happening. The police officer cannot be on the ground the whole time, whereas the community is.

Hugh O'Donnell: Before I come to my formal question, I want to return to the issue that I raised earlier about domestic servitude. I think that Abigail Stepnitz heard the question and knew where it was going.

Abigail Stepnitz: Diplomats.

Hugh O'Donnell: Diplomats are certainly one aspect. However, I was thinking also of a family who come here with someone who has already been put into domestic servitude. Are there many of those people about?

Abigail Stepnitz: We started supporting victims of domestic servitude during the ironically named operation tolerance, which ran from May to December 2008. By and large, the women who were referred to us had come over in that window—on migrant domestic worker visas. In order to qualify for that visa, someone has to demonstrate a connection to the family before they come to the UK. The majority of the women—five beds at the time—had already been in a situation that would qualify as domestic servitude before coming into the UK. Many of them had not even moved officially to the UK. They were here on holiday with people who had obtained visas with them and brought them along for three or four months, while those people spent time here, usually in London.

There are significant difficulties in prosecution. The biggest one is immunity, if the person concerned is a diplomat. Poppy has dealt with two women who were brought over on diplomatic migrant domestic worker visas. In those cases, not surprisingly, the sending countries decided not to waive immunity, so there were no prosecutions. Fortunately, in situations of domestic servitude, there is often the opportunity for the victim—be they male or female—to have recourse to an employment tribunal or to seek justice elsewhere, even if a prosecution cannot be brought. However, right now we have two pending police cases, one

of which we hope will be a trafficking case and the other of which will be for false imprisonment. There are possibilities.

Hugh O'Donnell: Thank you for clarifying the matter. I know that all of you listened keenly to the evidence that we took earlier. We spoke about the fact that sexual exploitation is the primary focus, especially in the media, and dominates public perceptions of trafficking. Have you come across other illegal or legal activities, besides those that previous witnesses mentioned, that are supported by trafficking and people who have been trafficked?

Michael Emberson: Absolutely. As you know, we find the distinctions artificial and unhelpful. We have dealt with the issue of domestic servitude. Two cases in Scotland spring to mind. One is the subject of a prosecution that I hope will result in a custodial sentence. Sadly, the second case will not be pursued, as the procurator fiscal did not regard the witness as credible.

Op mockday is a good example of a large operation that revealed the existence of a significant number of people who had been trafficked across for the purposes of what I keep calling benefit fraud—I am told that it is tax credit fraud—and identity theft, which is linked to organised crime, money laundering and so on.

We believe that a significant number of people are trafficked here in the agricultural sector. We look back to the discovery in 2008 of 150 Poles at a strawberry farm in the Perth area, who were declared to have been exploited. I suspect that, had the NRM been in place and had the knowledge sets and cultural attitude that we have now been available, they would have been seen to have been trafficked. In our submission, we give the example of shellfish workers.

We have noticed that significant numbers of people who are engaged in low-level, petty street crime have been trafficked specifically for that purpose. Scams in which false charities collect and sort textiles seem to be to the fore at the moment. There is significant evidence that sexual exploitation is not the only purpose for which people are trafficked into Scotland.

People traffic other human beings for profit—for cash and power, rather than any other reason. If the money from an individual or trade is to be made in a brothel, people will trade in that; if it is to be made in a factory or on a farm, they will go there. People will move out of the sex trade into labour exploitation, from domestic servitude into sexual exploitation and so on. In a recent case, about which I must be somewhat circumspect, a person was trafficked in to be married to another. It was not a false marriage to obtain a visa or a status but a marriage of slavery, in which the

person was expected to cook, to clean, to satisfy the sexual needs of the gentleman concerned and so on. It is hard to see how that is much different from enforced prostitution. It is hard to see how someone who comes to the United Kingdom and is forced to work as a maid in a brothel is a labour exploitation case, not a sexual exploitation case. It is hard to see what the difference is between a female being trafficked into the country for labour exploitation and raped repeatedly by her so-called employer and one being set to work in a brothel. It also is hard to know what the difference is between male and female sex workers.

There is a severe attack on the numbers of sexual exploitation victims that have been published in England and Wales. If anyone plays a numbers game and has the carpet stolen from under their feet, they look pretty simple. We need to put resources and effort into tackling sexual exploitation because of the abhorrence of the crime, not because of the numbers. Sexual assault and abuse go across the whole range of types of employment.

12:45

Simon Chorley: I back up Mike Emberson's point. The friend of a Nigerian girl who was trafficked into the UK for sexual exploitation but moved from that into domestic servitude managed to get our number and call us. We found a place for the girl in supported accommodation, but she did not take it because of her fear of the family for whom she was working. The issue is the mixing of distinctions and the fear that the victims feel.

I also agree with Mike Emberson that forced street crime is a growing issue when it comes to trafficking. I do not know whether you saw the recent Metropolitan Police operations that showed that 1,107 children were trafficked across Europe from one town in Romania. At least 200 of them were rescued from enforced street crime here in the UK. I believe that the cities that the operations covered included ones in Scotland. In local communities, awareness of forced street crime is also increasing.

A third activity connected with trafficking is cannabis cultivation. In 2008, the UK police closed down at least 3,032 cannabis farms throughout the UK. Ninety four per cent of them were in domestic dwellings and 74 per cent of those were controlled by Vietnamese and Chinese organised criminals. That is one of the reasons why the Vietnamese nationality is so high on the NRM. It has jumped up in the past two or three years because of that trend.

Sexual exploitation is not the only activity connected with trafficking.

Hugh O'Donnell: The debate in the public domain verges on the salacious. How do we engage with the media and get them to have a more balanced view of this fairly serious issue? How do we promote a positive attitude towards the migrant population—whether trafficked or otherwise—that does not create an opportunity for the more extreme right-wing elements to make sweeping statements that are accepted as true, whether they are about housing benefit, access to housing or any other nonsense about privileges that migrants allegedly get? How do we begin to challenge that?

Abigail Stepnitz: Public perception and media portrayal are extremely important to consider. The Government has an important role to play in leading the way in which such debates are framed.

Let us consider where trafficking sits within the law and the Government. This inquiry is called a review of migration and trafficking. Trafficking sits in an immigration framework for about half the time and in a serious and organised crime framework for the other half. However, it belongs in a human rights framework in which human rights violations are examined. That would overlap with all sorts of areas, such as gender-based violence—because of the experience of sexual exploitation—the exploitation of migrants, enforced labour or demand for cheap goods and services. When the Government pushes the characterisation of trafficked persons as one type of asylum seeker, public perceptions and media representations flow from that. There is a very negative perception of what it means to be an asylum seeker or immigrant—I say that as someone who is here on a work visa—so there is a tangible problem, which is a problem for our service users as well.

We are repeatedly approached with requests to do different media things. We find it interesting that even the journalists who mean the best want a story about an eastern European woman trafficked for sexual exploitation who is willing at the very least to be in some kind of photo—perhaps obscured or not of her face—with a human interest component that the journalist can hang their story on. The press are not often interested in covering anything else, even the most horrific cases of forced labour or domestic servitude or cases of sexual exploitation in which the woman involved is from west Africa or somewhere else that does not fit in the stereotypical cookie-cutter experience of what the public see as trafficking.

There are two points: there is a responsibility on the press to look at the other things that are happening and the Government must lead by taking the issue out of the frameworks and spheres of immigration, asylum seeking and

organised crime for the purposes of communicating with the public. Obviously, at the legislative and policy level, some things will need to remain in immigration and crime spheres because that is reasonable, but communication with the public needs to be about Government and social awareness of the problem. It should be about being appalled at how people are treated in your country because of basic human rights rather than depending on whether or not they have the papers to be here or the type of exploitation that they have experienced.

Simon Chorley: I completely agree with Abigail Stepnitz. It is a problem that trafficking is posed within immigration and crime, as it is a human rights issue. There are issues in the NRM that reinforce that immigration bias, especially when it comes to the role of the UK Border Agency.

When engaging with the media, we try to distinguish between trafficking and smuggling, because it is a common misconception that they are the same and the media often confuse the words. We also focus on the trafficking of UK nationals, who are currently the fourth highest nationality in the NRM. We aim to discourage the xenophobic idea, "Oh, trafficking is all these eastern European women coming over." For example, we are supporting a young lady who is a British national who was trafficked abroad. She had finished college and was going to university. The girl-next-door syndrome helps to enlighten the discussion on trafficking in the media and with others, and we try to bring in such elements to break down the stereotypes.

Michael Emberson: I do not think that there is any easy answer to Hugh O'Donnell's question. As an organisation, we shun publicity. We do not give interviews to the media and so on; we concentrate on our work. However, the Government could use organisations that have a different approach to the media. The third sector is very good at getting its message across—it does it really well.

There is a question about language and definitions. Even the gentleman from the SRC who spoke before used some loose language such as, "Oh, they may just be trafficked in for money and there is no further involvement." In that case, it is not trafficking but smuggling or facilitating.

In the written submission, on the wider issue of immigration I talk about myth busting, a lot of which was done about asylum seekers and refugees. Perhaps there is a myth-busting campaign to be had on this issue. The third sector could do a lot to get the message across for you, but we do not do that ourselves—others do it better than we do.

Christina McKelvie: I apologise—I will have to scoot away as I am going to a funeral.

I welcome the panel: it is very interesting to have your insight. One issue that I brought up earlier was about the identification of victims in the current systems, such the asylum system—Dungavel is in the region that I represent. I was interested in Abigail Stepnitz's comment that we should take the issue out of Government immigration and asylum structures and put it into a human rights structure. I hope that that will happen.

I want to hear about your experience of the UKBA, the hardening of its attitudes and the barriers that there have been. How can we remedy the situation?

Abigail Stepnitz: Our statistics show that, by and large, our referrals come from other non-governmental organisations, such as those that work with asylum seekers and those—for example, FPWP Hibiscus in England, which works with women in prison—that are based in prisons and detention centres. Those are the organisations that actively identify people as victims of trafficking. The UKBA's immigration service comes fourth on our list of referral sources, so the UKBA does slightly better than punters, health services and social services but less well than NGOs, the police and legal representatives.

There is a problematic overlap between the identification of victims of trafficking—obviously, "victim of trafficking" is an administrative category and is a formal rubber-stamp identification—and the immigration and asylum system. That overlap is really quite dangerous and is one reason why we have advocated strongly for informed consent before people use the national referral mechanism. In the UKBA, the same case owner will decide on both the NRM application and on the immigration or asylum claim in the event that the applicant has no right to remain in the UK. We have seen letters to our service users that say, "Although initial information suggested that you might be a victim of trafficking, further inquiries into your situation suggest that there are not conclusive grounds to believe that you are a victim of trafficking for the purposes of the convention. Therefore, please see attached your asylum refusal." The asylum refusal will arrive in the same envelope. The overlap between those decisions, along with the fact that we can practically set the clock for a negative asylum decision following a negative NRM decision, is really quite concerning. The general UKBA perception about how credibly and quickly victims should be able to tell their story is one of our major concerns about the NRM.

The 45-day reflection period that was referred to earlier is not even at the minimum end of what is considered to be best practice. The Council of Europe and everyone else in Europe have consistently said that 90 days is a more

reasonable minimum reflection period, so we do not even come up to the minimum standard. During those 45 days, all that is guaranteed is that the person will not be removed from the country, but substantive asylum interviews and fast-track interviews can carry on. In a recent case of a woman who was bailed to us from a detention centre, we were told that her case went all the way to Lin Homer, who suggested that she should be bailed with an electronic-tracking anklet. During the reflection period, several other things in the UKBA's sphere can be done to the person. The person is actively protected only from removal. That overlap is really quite dangerous.

Where the referral is made internally in a detention centre, the decision may be made while the person remains in detention. If the NRM decision is negative, it can serve as a catalyst to give impetus to, or to speed up, the process of removal. UK Border Agency staff have told us that someone in detention or facing removal who cries trafficking, so to speak, is just using a steps-of-the-plane argument. They claim that, just before being removed and put on board a plane, people will say at the last minute, "Actually, I was trafficked, so you can't remove me." That real culture of disbelief is extremely problematic. That is the primary reason why, given the problems with people giving consent to the use of the NRM and the problems with victims not identifying as victims, we do not feel comfortable with railroading people into a system that can have such an incredible impact on their ability to stay in the UK.

The system can even have an impact on other things, such as on-going criminal prosecutions. Another knock-on effect of a negative NRM decision—or of a negative asylum decision—is that it is entirely likely that the police or the Crown Prosecution Service will drop the case because the person is no longer considered a reliable witness. If the claim to have been trafficked was not credible for the purposes of asylum, the CPS will certainly not want to put the person on the stand. The decisions are far too interlinked to railroad anyone unwittingly into any of those systems.

The Convener: Does anyone else have anything to add?

Simon Chorley: On the issue of identification, we find that local police teams across the UK often do not have a grasp of what trafficking is. There is now mandatory minimum training for all new recruits and for UKBA staff, but the training concentrates on only three forms of exploitation—sexual exploitation, domestic servitude and forced labour—and does not include cannabis cultivation or benefit fraud. It also does not place an emphasis on internal trafficking. We have encountered police officers who say, "She is a UK

national, so she cannot have been trafficked." That is a real problem.

We read in reports from other organisations that there are a lot of Vietnamese males in prison who exhibit all the signs of having been trafficked but who were not identified as such when properties were raided as cannabis farms. We believe that more needs to be done on that.

As I said, it is also important to raise awareness in local communities. We have a case in which a trafficking victim is now receiving support because she was identified as such by a local community member who had been involved in one of our organisations. If that member of the community had not been aware of the case, the victim would not be receiving support now, so community awareness is important as well.

13:00

Marlyn Glen: You heard the evidence that we took earlier about the different conviction rates in Scotland and the UK. I listened carefully to what was said, but trafficking is still an abhorrent crime and I would have thought that there ought to be convictions in Scotland. Can you comment on the difficulties and cast any more light on the matter than we got from the previous panel?

Michael Emberson: You need to ask the procurator fiscal about that.

We are somewhat sanguine about the matter. We hear of prosecutions in England and Wales, but huge numbers of trafficking cases are not prosecuted. However, other charges are pursued. A few convictions have been secured, but there is a pragmatic view in England and Wales that we need to lock these people up, and the CPS will look to whatever charge is the most effective, most pragmatic, and most likely to succeed.

I would not necessarily get transfixed by the idea that we must have human trafficking convictions as a matter of pride. In short, and in colloquial language, as long as we bang them up, it does not really matter what the charge is. I would not get too het up about that. Other charges are used in England and Wales—and, I am sure, in Scotland—that attract sentences that are just as severe, and it is much easier to secure prosecutions in that way.

Marlyn Glen: That is helpful. Thank you.

Simon Chorley: In England and Wales, the Coroners and Justice Act 2009 created a new offence of holding someone in slavery or servitude, which is much more reflective of United Nations language. We hope that there will be a lot more prosecutions and convictions of traffickers under that offence. Obviously, such cases will not

show up as trafficking offences, but they carry the same penalty.

Abigail Stepnitz: The experience of many of the women whom we see is that their cases do not go ahead as trafficking cases and a charge of rape is brought instead, or multiple charges of rape. However, we should bear it in mind that all our knowledge about the deficiencies in the criminal justice system in prosecuting rape and the attrition rate of rape cases also applies to those cases. It is entirely possible to have a trafficking case in which the evidence to support a trafficking charge is not there, and the default in such a situation is for a rape charge to be brought. The woman's experience of that will be similar to that of any other woman in the UK who brings a claim of rape against someone, in that their chances of success will not be particularly high.

It is not the case that, if we cannot get the perpetrator on a trafficking charge, we are guaranteed to get them on a rape charge. We work predominantly with women who have been sexually exploited, so that is the charge with which we are most familiar when a trafficking charge does not go ahead, but it is good to bear it in mind that we do not prosecute rape perfectly either, or indeed any other form of sexual exploitation.

Marlyn Glen: That is very true.

We have heard quite a lot about the support that is available from various organisations. Do you have suggestions about how support for victims of trafficking could be improved?

Michael Emberson: Specifically in the Scottish context, the police officers, HMRC officers and UKBA officers to whom I speak up here are not interested in who does what—they are not interested in the type of exploitation or the type of victim. That was reflected in remarks that we heard earlier. What they want is someone at the end of a phone at 3 o'clock in the morning, at 5 o'clock on a Sunday afternoon, or at 5 to 5 on a Friday, when cases always come up. They want to be able to give the details and to hear someone say, "I'll be there. I'll take over from you in an hour and I'll start giving support."

Sadly, such provision is not available anywhere in the UK. Particularly in Scotland, there is no single gateway. We operate a 24-hour phone line, so people can phone us and make a referral, but we are limited in the victims whom we can deal with. Victims whom we cannot deal with are dealt with by another organisation. We have long told the Scottish Government that there should be a single gateway for people in the field, through which an individual victim's needs can be assessed and then they can be assigned to the correct victim support environment. We think that

the system could be vastly improved in that regard.

We are somewhat saddened that after all this time—I may be wrong, but to the best of my knowledge this is true—there is no residential 24-hour setting for deeply traumatised people. As Abigail Stepnitz eloquently put it, many of the women—and, indeed, many of the men—who are involved in the sex trade or in labour exploitation have been deeply traumatised by their experiences. I know of women whose first conversation with my staff was spent wrapped in a foetal ball in a corner. It has been weeks before a breakthrough has been made. I am unaware of any 24-hour residential services, which is sad. Victims from Scotland are being referred south of the border, where they get excellent care, but I am not convinced that that is what the Scottish people would aspire to.

Abigail Stepnitz: When women in Scotland who need support and accommodation are referred to us, we signpost them to TARA. I cannot speak highly enough of the services that TARA provides and the work that it has done with us. TARA is a valuable asset.

The majority of TARA's service users live in accommodation such as national asylum support service accommodation. TARA has told us that that is not entirely problematic. In looking at how to structure the availability of supported accommodation, it will be critical to listen to TARA's experience because it is the organisation that works with women in Scotland who are referred, so its contribution will be the most important.

As regards other support that needs to be available, a gap that we have noticed concerns the first step after someone has been identified, perhaps at 3 in the morning, as Mike Emberson said. We run a 24-hour advice and referral line. We will go and pick someone up in the middle of the night, but if they are two or three hours away by train it will take us a few hours to get there. There is a real reluctance to put people up, even for a night. Particularly from the police, whose budgets are stretched, we get responses such as, "We can put her in a cell for the night. Will that do?", which make one think, "Oh my! I'm pretty sure that they could scrounge a bit of money to put her up for just one night." Such immediate assistance is quite important when another project or provider will be able to do something in the long run.

The other problem is how the NRM is structured. In article 12, the Council of Europe convention is quite clear about the things that a person is entitled to if there is any suspicion that they are a victim of trafficking. Appropriate safe and secure accommodation is at the very top of

that list. If someone has not been put into the NRM officially, they are barred from accessing such accommodation in an official context. It is extremely important that consideration is given to making service provision available, without mountains of paperwork needing to be done, to people who are extremely vulnerable and who need a bit of extra time.

Michael Emberson: Just for the record, in Scotland we have never had a problem with meeting immediate needs and putting people in hotels. The Scottish Government funds the period from the point at which someone is rescued, appears or comes to attention through to referral. We can instruct that they be put into a hotel, from which someone will get them. In that respect, the situation is more difficult in England.

Simon Chorley: I want to follow up on Abigail Stepnitz's point about the police. In Manchester, the police have asked our community group to help the victims of trafficking by befriending them and giving up their time, because the police do not have the time or resources to do that. It is a case of thinking realistically about supporting victims, and seeing what is already available and what is provided by the third sector. If trusted relationships have been established, authorities can draw on them. That is not ideal, but it is a stopgap until we get support provision right.

Bill Kidd: As Michael Emberson will know, and as the other witnesses heard earlier, Migrant Helpline identified four future trends that it thinks will impact adversely on anti-trafficking work in Scotland. The first is the Olympic games in 2012 and the Commonwealth games in 2014, both of which may present challenges in terms of prostitution and forced sex—we heard earlier about the unfortunate caravan that follows those events. Secondly, there is the internet, which is used to advertise prostitution. Thirdly, there are the recent changes to prostitution laws that may make prostitutes' customers less likely to report any suspicions that they have—indeed, I do not know how frequently they do so. Fourthly, there appears to be a significant rise in the trafficking of people from the Baltic states, particularly Lithuania. Given the likelihood that those trends may grow, what are public and voluntary bodies doing to address the situation and what more could be done?

Michael Emberson: In answering the first point on the Olympic and Commonwealth games, I want to stress the word "may". There is conflicting evidence on the subject. The rise in prostitution and trafficking in Athens is well evidenced, but the predicted rise in trafficking and prostitution during the world cup in Germany did not happen. In fact, the reverse happened; there was less prostitution and trafficking during that period.

Getting to the bottom of that conflicting evidence is complicated. Huge effort went into anti-trafficking operations and attempts to change men's behaviour by handing out leaflets and so on. This is not our sphere of operation, but Stop the Traffik has done a lot of work on the subject, as has the Salvation Army. The committee might like to look into how to change the demand curve for prostitution. Indeed, we are talking not only about prostitution but about construction workers, for which existing gangmaster, environmental and health and safety regulatory frameworks will play an increasing role. I was encouraged to hear the ACPOS witness say that ACPOS has set up a working group on the subject.

I have nothing further to add to what I have said on the other points, except on the Lithuanians, who seem to have come back. There was a lot of Lithuanian activity around sexual exploitation, which died off when some serious crime gangs were broken up, but the Lithuanians seem to be coming back with forced labour. As the committee heard from Abigail Stepnitz, these things are cyclical: one year it is this country, another year it is that country.

Simon Chorley: The evidence on the Olympics is mixed. We are still getting mixed signals from the winter Olympics in Vancouver. We do not yet know whether there was an increase in prostitution and trafficking. We are trying to work with organisations on the ground in South Africa to see what we can learn from them on the upcoming world cup. We are aware of anecdotal evidence that there will be an increase in trafficking for street crime around the 2012 London Olympics. As such, we are working with the Met police, the United Nations and the Serious Organised Crime Agency on raising awareness around trafficking. We are saying not that trafficking will increase but that there is a risk of that happening. We are also looking to map trafficking before, during and after the Olympics in the London boroughs and other areas of the UK where the games will be held. We hope that lessons can be passed to Glasgow for 2014.

The Convener: Good. Thank you.

Abigail Stepnitz: The Poppy project sits on Olympic committees including the London Organising Committee of the Olympic Games and Paralympic Games and other committees that are organising things ahead of the games. One problem is that the focus is almost exclusively on the perceived rise in demand for sexual services and prostitution. There seems to be a real lack of activity around construction and what happens to the people who have been trafficked into other forms of exploitation in other parts of the UK and moved to London to address the demand created by the Olympics. The movement of people to

London will, in turn, create a vacuum in those other parts of the country. Although all the attention will be focused on picking up people who are coming to London, people might be brought in to fill the holes that are left by the people who are brought down to London because of the games.

13:15

We have certainly seen the internet being used. We ran a campaign in which we worked with local newspapers to stop them carrying advertisements for personal services, as they are called. The campaign has been rather successful.

On the new legislation on prostitution and the question about how many men report their suspicions, in the seven years since the Poppy project began, 22 punters have called in to report that they suspected that the person from whom they had bought sex had been trafficked or that the women had explained things explicitly enough to make them aware that that was the case. All those men had paid for sex before they called us. The possibility that the women had been trafficked had not stopped them doing that, and they did not seem to be ashamed of admitting that to us, which is instructive.

You asked whether punters' willingness to call will decrease. They will continue to be immune from prosecution if they ring the Crimestoppers hotline, and they can call groups like ours and make a referral without any threat of prosecution—that has not changed. We take anonymous referrals all the time. Our concern is to find and assist the women concerned.

The legislation is not in and of itself the answer to trafficking and will not stop people being trafficked for sexual exploitation, but we would not characterise it as an additional hurdle or as something that will be responsible for a reduction in identification.

Malcolm Chisholm: I thank the witnesses for their interesting and helpful evidence. You heard me ask the previous panel to suggest key recommendations for our report. You have made several important recommendations; I invite you to repeat them or make additional recommendations. That would be useful for the committee.

Michael Emberson: Our experience to date with the UKHTC has been extremely positive. We have had ups and downs. There are things that we do not like and no doubt there are things that it does not like about us, but we have had a good relationship. The UKHTC is going through massive changes and has been fantastically successful in putting things on the agenda, resourcing work and so on.

The way forward for Scotland is to treat the SCDEA's human trafficking unit in the same way, so this is my recommendation: put your faith and resources in that unit, let it become expert in the area, let it broker with the voluntary sector and others and let it deal with the UKBA and other issues. If the unit has half the success that the UKHTC has had—for all its warts and all—Scotland will do well. My recommendation is to invest in the SCDEA's human trafficking focus. That would be most useful.

Simon Chorley: We recommend the establishment of community groups in every area of Scotland, to work with local authorities and police forces to raise awareness about trafficking. Increased awareness leads to increased identification, which leads to better-quality referrals and more victims being rescued and supported.

We also recommend that areas be mapped for indicators of human trafficking, so that we have a better understanding of how widespread trafficking is and can base our future work on that knowledge. To date, community action has worked well with authorities; the approach should be replicated.

Abigail Stepnitz: Our recommendation is about increased training and awareness raising for front-line staff who are in a position to be able to make identifications. Of the referrals that we have had and the women whom we have supported, 19 per cent have disclosed some type of movement through Scotland and 7 per cent have disclosed some type of exploitation in Scotland. However, only seven of our 1,550 referrals were referred by someone who had made the identification in Scotland. There might be many more women who have been exploited in or moved through Scotland. Often, women are quite confused about where they have been, particularly if they are unaware of the geography of the UK. The numbers could be low. However, 19 per cent of the women whom we have supported moved through Scotland and—there is no subtle way of putting this—no one seemed to notice.

It is really important to skill up front-line workers such as UKBA staff, local police officers, national health service providers and other people who are bound to come into contact with vulnerable people in the first instance. If those workers do not identify people who have been trafficked, nothing that comes after that matters, because those people will slip through the cracks.

The Convener: I thank all the witnesses for their evidence, which has been not just fascinating but invaluable. The committee is grateful for your attendance.

Annual Report

13:20

The Convener: Item 4 is consideration of our draft annual report for the parliamentary year 9 May 2009 to 8 May 2010. I invite comments from members. We can consider the report page by page.

Marlyn Glen: I suggest an addition to paragraph 3, on page 2, to include mention of the Scottish Prison Service report on women offenders, which I think included work on domestic abuse and prostitution.

The Convener: Yes, certainly. I invite comments on page 3 of the report.

Marlyn Glen: On paragraph 8, on the Criminal Justice and Licensing (Scotland) Bill, can we add something about the ways in which we are monitoring the issue, to reflect that we are not concentrating on just one thing but might consider amendments to the bill and other evidence?

The Convener: Yes. I think that paragraph 8 reflects the fact that we will pursue the issue in whatever legislation or forum it has a locus. I invite comments on page 4.

Marlyn Glen: On paragraph 14, I suggest that we add “and single outcome agreements” at the end, so that we look at the issue across the board.

The Convener: If there are no comments on pages 5 and 6, is the committee happy for me to sign off those changes?

Members indicated agreement.

The Convener: Thank you. We will consider item 5 in private.

13:22

Meeting continued in private until 13:23.

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