



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 21 September 2010

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EQUAL OPPORTUNITIES COMMITTEE
15th 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)

*Bill Kidd (Glasgow) (SNP)

*Christina McKelvie (Central Scotland) (SNP)

*Stuart McMillan (West of 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)

Bill Wilson (West of Scotland) (SNP)

*attended

THE FOLLOWING GAVE EVIDENCE:

Ann Hamilton (Glasgow Community and Safety Services)

Neil Hughes (UK Border Agency)

Alastair MacDonald (Jobcentre Plus)

Phil Taylor (UK Border Agency)

CLERK TO THE COMMITTEE

David McLaren

LOCATION

Committee Room 4

Scottish Parliament

Equal Opportunities Committee

Tuesday 21 September 2010

[The Convener *opened the meeting at 10:00*]

Migration and Trafficking Inquiry

The Convener (Margaret Mitchell): Good morning and welcome to the 15th meeting of the Equal Opportunities Committee in 2010. I remind everyone, including members, that mobile phones and BlackBerrys should be completely switched off because, even when they are switched to silent, they interfere with the sound system.

The only item this morning is the eighth evidence session for our inquiry into migration and trafficking. We will take evidence from two panels of witnesses, the first on migration and the second on human trafficking. It is my pleasure to welcome from the United Kingdom Border Agency Phil Taylor, who is the regional director, Scotland and Northern Ireland region, and Neil Hughes, who is the director of temporary migration, UKBA-wide; and from Jobcentre Plus, which is an executive agency of the Department for Work and Pensions, Alastair MacDonald, who is the customer services director.

I will open the questioning. What range of services do your organisations provide to migrants and their families?

Alastair MacDonald (Jobcentre Plus): I head up the Jobcentre Plus network, and you will be familiar with the fact that it comprises 99 centres—there is a centre in most Scottish high streets, from Lerwick to Annan. Our purpose is twofold: to help people find employment and to administer the benefits system and look after those unable to work.

Phil Taylor (UK Border Agency): In Scotland, the UK Border Agency has a public inquiry office for those in the UK within the immigration rules who are seeking to extend or vary the terms of their stay. We also provide accommodation and support for asylum seekers and those going through the asylum process who have no funds of their own. For employees and those in the workforce, we operate the sponsor management system to ensure that employers comply with our employment laws when employing overseas nationals.

The Convener: My next question probably gets us more into the detail of things. What relationships do your organisations have with each other, the Scottish Government, local authorities and Scotland's voluntary sector? Can you give us

examples of the things on which you work and co-operate with those agencies?

Phil Taylor: For several years now, we have had very close relationships with Scottish Government officials, with monthly meetings—in some cases, almost daily meetings—on particular areas. The Border Agency funds the Convention of Scottish Local Authorities strategic migration partnership, which considers local authority immigration and migration issues. Our Scotland and Northern Ireland region also hosts three partnership groups, the first of which deals with asylum matters and involves the complete range of Scottish public and local authorities and the voluntary sector. We also have a managed migration group, which looks at issues around people coming into the country to settle and look for work and employment, and a legal compliance group, which deals with crime and immigration-related crime matters.

The Convener: Can you give me an example of some of the voluntary sector organisations with which you work?

Phil Taylor: The Scottish Refugee Council is part funded by the UK Border Agency and we deal regularly with it. We also deal regularly with the Red Cross and Scottish churches. We have a whole range of arrangements with various organisations that engage with us generally on matters to do with asylum and protection. In dealing with family issues we have close relationships with Scotland's Commissioner for Children and Young People.

The Convener: Do you tend to engage with national voluntary organisations or with local organisations?

Phil Taylor: We tend to engage with national organisations.

The Convener: That is helpful.

Alastair MacDonald: There is really quite a large and complex connection between all the institutions that you mentioned. We own employment. The fact that matters such as education and skills are devolved creates a need for close partnerships, certainly at official level—we have a lot of meetings and there is a lot of close talking. It is very difficult to talk about employment without bringing in skills and education, because they are all part of a continuum.

I have been the chair of the Scottish employability forum, which used to be called the workforce plus partnership board, whose network includes employability bodies at national and local level, such as local authorities. We have changed the constituency of the forum, which now represents the main players around employment

and employability in Scotland, such as COSLA, the Scottish Government, Scotland's Colleges and the Scottish Trades Union Congress, and we also have an employment representative from the Edinburgh city jobs strategy.

Our district managers are closely involved in local employability partnerships through community planning partnerships.

I have had close contact with the Scottish Council for Voluntary Organisations, which recently has taken a bit of a lead in galvanising the third sector to come together more on employment, which Scottish Government colleagues have encouraged.

We also have close contact with Citizens Advice Scotland and a number of third sector bodies and charities that are connected with providing for our customers.

The Convener: Is there a scheme to encourage people to volunteer?

Alastair MacDonald: Yes. "Get Britain working" is the new banner for it, but we will be promoting further volunteering as an excellent way for people to find a route back into employability.

The Convener: Do you find that how actively local authorities engage with you in that process varies from local authority to local authority?

Alastair MacDonald: Recently we had a contract with Volunteer Development Scotland, under the previous Government's strategy for employability. That is changing under the new coalition Government's policy. The process is still being worked through, so it has not been finalised yet. I anticipate that there will be a strong emphasis on volunteering. That will have to happen principally at the local level, with an overview from the regional Jobcentre Plus office.

The Convener: Does Neil Hughes want to add to that?

Neil Hughes (UK Border Agency): I am from Sheffield and have a national, UK-wide, remit. My colleagues are much better informed about developments that are specific to Scotland.

The Convener: You can chip in as and when you like.

Our next questions are really about scene setting. It would be good to know what the key migration issues are for both your organisations. Are there differences between Scotland and the rest of the UK? Are the issues that migrants from within the European Union bring to you any different from those that migrants from outwith the EU bring to you?

Alastair MacDonald: I thought that the committee might find it helpful if I gave a brief

overview in relation to the people who apply for national insurance numbers. That is quite a good measure of inward migration, because people need a national insurance number to register in the process and take up employment.

The latest figures that I have are for the year to March 2010. For the UK as a whole, there were 573,000 NI registrations of adult foreign nationals, which was a decrease on the previous year. Of that total, 36,000 were registered in Scotland; that figure comes out at 6 per cent.

If one looks at a graph that runs from 2002-03 to 2009-10—the latest figures that we have—one can see a peak around 2006-07 and 2007-08, and the numbers have been falling since then. The proportion for Scotland was roughly 4 per cent in 2002-03. The following year, it rose to 5 per cent and then to 6 per cent, and it was at 7 per cent for three years. By 2008-09 the proportion stood at 7 per cent, which amounted to roughly 52,000 registrations. In 2008-09, it fell to 46,000, and for the last year we have a figure of 36,000. We can see that there has been a rise and then a fall.

I am sorry—what was your question?

The Convener: It was on the issues in relation to migrants and whether the situation varies between Scotland and the rest of the UK.

Alastair MacDonald: We have identified—some of this is fairly self-evident—that there is a higher proportion of foreign workers in hospitality in Scotland than in the rest of the UK. The proportion sits roughly at about a third of foreign workers in Scotland, whereas for the rest of the UK it is about a quarter.

The other notable fact that I picked up from the statistics was that foreign nationals tend to be more highly represented in the professional occupations and the elementary occupations. There seems to be higher representation at either end of the spectrum, whereas in the middle there is not much difference in the figures.

The proportion of UK nationals in professional occupations in Scotland is 12 per cent, but for foreign nationals it is 19 per cent. In the elementary occupations, the proportion is 12 per cent for UK nationals and 19 per cent for foreign nationals.

One particular point that I want to draw to the committee's attention is that the DWP's data come from the labour force survey. The survey is useful in identifying skill levels, but it is not a terribly accurate denominator for drilling down, and I would defer to colleagues in the Scottish Government on skills.

One thing that we have noticed from the labour force survey is that looking at the workforce in terms of when people left full-time education may

give an indicator of education levels. For example, on those in employment who left full-time education after 18, the proportion is 26 per cent for UK nationals, whereas for foreign nationals it comes out strikingly at 56 per cent.

I offer a slight word of caution on the survey: it is only a household survey, and it could perhaps be more scientific. However, it indicates that—certainly in the elementary levels of employment—we have among the foreign national workforce a disproportionate number of highly educated people. One can speculate on the reasons for that; it may simply be that a combination of unfamiliarity, language barriers and the work that is available encourages people to go in at elementary-level jobs and work their way up. There is nothing unusual in that; we encourage it as a way to progress in one's career anyway.

Those are the figures that jumped out at me.

The Convener: Are you particularly aware of any differences between issues for EU nationals and those for non-EU nationals?

Alastair MacDonald: We have noted that there is a higher degree of employability among EU nationals than among non-EU nationals, which is quite striking.

Phil Taylor: It is worth noting that there is a clear distinction in immigration and migration between EU and European economic area nationals, and non-EEA nationals. Effectively, the standard immigration laws and control mechanisms do not apply to EEA nationals.

Once we have established that someone is a EEA national, the European directives come into play, and the normal permissions and applications processes that would apply to a third-country national coming to the UK are not exercised. The UKBA's job is to establish whether someone is an EEA national. Once that person is admitted to the UK, European law takes precedence.

10:15

There are very few provisions in immigration law that may be applied to EU or EEA nationals, but one example concerns foreign national criminals who are considered for deportation. A non-EEA national will automatically be considered for deportation from the UK following a conviction and sentence of 12 months' imprisonment or more. For an EEA national, however, bearing in mind the provisions on the free movement of labour, the specified period is instead 24 months. That is a reflection of the proportionality issues concerning EEA migrants.

The most high-profile area of the agency's work in Scotland concerns asylum. When it comes to asylum in the UK, the focus tends to be on people

who are unable to support themselves going through the process, and on those who are destitute.

The agency operates a dispersal policy. The overwhelming majority of applicants for asylum make their applications in London and the south-east. They are dispersed to accommodation throughout the United Kingdom. Glasgow City Council is the only local authority in Scotland that has contracted to house asylum seekers as they go through the process. Traditionally, Glasgow has favoured families as opposed to singles. That meant that, when the contracts were first let, Glasgow took a disproportionate number of families out of the overall UK intake of asylum seekers. That has rebalanced, however, and the intake in Glasgow is now more in line with the general UK intake of roughly 80 per cent single asylum applicants and 20 per cent families. Asylum applications have been falling for the past 10 years, and they are now at about their lowest level for the past 15 to 17 years.

There is a particular area of contention around asylum-seeking families who have failed in their applications and whose appeals to the courts have been dismissed. They are expected to leave the UK voluntarily; otherwise, they face an enforced departure. That is a particularly challenging issue. In Scotland we have worked closely and carefully with many key partners in the voluntary sector, in other public and Government areas and in local authorities. We have tried various mechanisms to find a way to deal with asylum-seeking families who need to return home, without the need for detention. The new coalition Government has made a commitment to dispense with detention as a way of dealing with asylum-seeking families for migration purposes.

The other area that we deal with is managed migration, which involves people who come here for employment purposes or for study. One key factor in how we decide which categories and areas permits will be issued in is the shortage occupation list. The Migration Advisory Committee is an independent committee that is largely made up of academics and economists. It advises Government on areas where it thinks that the economy is in need of skills. A Scottish shortage occupation list has been attached to the UK list in an attempt to address specifically Scottish issues. However, I note that the Migration Advisory Committee has publicly commented that it has been disappointed by the lack of engagement on the part of employers in Scotland and by a lack of evidence to support some of the claims that Scotland needs specific skills that are different from those needed in the rest of the UK.

As for people coming to study, it is recognised that the UK is a leading centre for tertiary

education—that applies to Scotland, England, Wales and Northern Ireland. We have been successful in how we have formulated policy in this area. For example, the year before last, we considered new arrangements for issuing visas for undergraduate degrees. The original proposal was to have visas that were valid for three years, which would cover the standard undergraduate degree course in England and Wales. We know that it is different in Scotland, of course, where degree courses tend to last for four years. The policy has therefore changed, and an undergraduate degree visa now lasts the length of the course. Some courses, such as medicine and veterinary science, can go on for five or six years. Scotland can influence policy making in such ways because we need to take into account the differences that occur here.

There are also issues around courses that lead on to degrees. For example, a higher national diploma that is taken at a Scottish institution is different from one that is taken in England or Wales, which is not usually used as a foundation course for a first degree.

On employment areas, we look to manage the sponsorship arrangements. Perhaps I should hand over to Neil Hughes, as that is his specialist area.

Neil Hughes: As far as our engagement with employer groups is concerned, we have a number of what are called, rather unfortunately, task forces. We gather together groups such as an employers task force, an education task force and an arts and entertainment task force, on each of which Scotland is represented. They lobby on behalf of UK employers, colleges, universities and so on. We use them as consultation bodies before we implement new policies or put out new products. They meet about every six weeks at the moment and every two months at other times. They represent a total of about 20,000 sponsors nationally, about 1,300 of whom are in Scotland. An incredibly diverse range of organisations is represented, from what might be described as business organisations to sporting bodies, religious bodies, educational institutions and charities. We deal with a highly diverse group of bodies. We take as much time as possible to listen to what they tell us and to adjust policy to meet their needs.

The Convener: Another member has a question, but first I would like to drill down a bit and find out more about the deportation of foreign criminals. I think that Phil Taylor said that there were two timescales: 12 months for non-EU criminals and 24 months for EU criminals. What about the checks and balances for people who come into the country? Concern has grown that such people are not looked at robustly enough, even though they have potentially very—

Phil Taylor: Are you talking about foreign criminals who come into the UK?

The Convener: Yes.

Phil Taylor: Most countries' criminal records are held by the criminal justice system, not by the border agency authorities. We have arrangements with the police service in the UK whereby when we are notified of someone who is of interest to the police, we will identify them, and we have the power to detain for non-immigration purposes on behalf of the police.

The manner in which that operates in England and Wales is that an immigration officer may detain, for up to three hours, someone who he has reasonable cause to believe is of interest to the police. Those three hours give us time to notify the police to come and decide whether they want to interview or otherwise deal with that person. In Scotland, the process is slightly different, in that we depend on notifications from the Scottish police service, which we put on our warning systems.

However, as far as I know, there is no system for Governments across the EU or the world to share their criminal records databases. Even when that has been considered for sex offenders, for example, many countries have data protection laws that do not allow them to share data that they have collected for a particular purpose. It would be for the Scottish criminal justice system to decide whether it wanted to share its criminal records database with other Governments and agencies. The Border Agency is dependent on notification from the criminal justice system to keep a watch out for a particular person. We act on that information when possible.

Our powers in relation to non-EEA nationals are pretty robust. We can take full consideration of criminal records into account. With British citizens, we have the very limited powers that I referred to earlier, and with EEA nationals, we can detain on behalf of the police, but for a very short period of time, to give the police time to react.

The Convener: If an EU national or a non-EU national appears in court and they are found to have an outstanding conviction, are they deported right away? I think that I read recently that people were looking to do that. Am I right in thinking that?

Phil Taylor: No, it is never quite that easy. There are rights of appeal. If someone appears before a court and is sentenced, it is up to the court and the judge whether to recommend deportation. If the court recommends deportation, that is considered to be part of the criminal sentence and is appealable through the criminal process. The recommendation is not automatic; the Secretary of State decides whether to make the deportation order, and there are secondary

rights of appeal through that process. For those on longer-term sentences, the judgments of the court are that the decision to deport should be taken late on in the course of the sentence, not at an early stage, in order to consider the facts at that time rather than at the time of sentencing.

The Convener: So the periods of 12 months and 24 months apply to people who have a criminal record, but who have served their sentences. However, if there was still an outstanding conviction—

Phil Taylor: Someone who goes before a court now and is given a sentence of 12 months or greater—or 24 months or greater—would automatically be considered for deportation.

The Convener: And it would not matter whether they had an outstanding conviction in their native country.

Phil Taylor: If we found that someone had entered the United Kingdom with an outstanding conviction, we could, on the basis of that conviction—taking into account whether the conviction was spent—consider deportation, if it were considered to be conducive to the public good to do so.

Hugh O'Donnell (Central Scotland) (LD): I ask Alastair MacDonald to talk me through the process of getting a national insurance number. I have come across the myth a number of times that there are more national insurance numbers than there are people eligible for them. Is there any basis to that myth?

I also have a question for Phil Taylor. What is the average waiting time for someone who applies for an education visa, how many people in Scotland are waiting for education visas, and what connection do you have with the further and higher education institutions in relation to those applications?

Alastair MacDonald: I am afraid I am not in a position to comment on the number of national insurance numbers that are in circulation; I do not have that information. I can, however, tell you what the process is at the moment. Quite a strict check is connected with national insurance applications—I have seen it for myself in jobcentres. People are interviewed in person, their identity documents are checked for forgery, and a series of eligibility criteria are checked by a job centre clerk. The details of the outcome of that process are sent to a central unit where further checks are made. On the basis that someone is found to be who they say they are and that they are entitled to a national insurance number, they will enter the system.

In addition to that, we have a team—it is based in Wick, incidentally—that deals with what we call

the habitual residents test for the whole of the UK. That test is applied to UK nationals and EU nationals who have come to the UK—EU law requires that there be no discrimination between UK and EU nationals in that regard. Anyone who is applying for income-based—that is, means-tested—benefits must be tested under the criteria for habitual residents. That is designed to prevent benefit shopping.

Hugh O'Donnell: It would be helpful if you could make available the figures that I asked for, if they exist.

Alastair MacDonald: I am happy to take that away and do what I can. Would I write to the committee once I have found out the information?

The Convener: You can write to the clerks with any additional information.

Phil Taylor: In response to Mr O'Donnell's question, I will hand over to Neil Hughes, as he is the expert on the points-based system.

Neil Hughes: The answer depends on whether you are talking about people who are overseas or those who are already in the UK.

Hugh O'Donnell: Overseas, to start with.

Neil Hughes: The service standard that is being met in 97 per cent of our issuing posts is that the application will be turned around in 15 working days. In certain places—one of which is Iran, at the moment—there are problems that make the process take longer. Last year we had problems with Pakistan and earlier this year we had problems with China, but they are okay now.

10:30

Marlyn Glen (North East Scotland) (Lab): I invite you to comment further on the interaction between the new developments in UK immigration policy and specific Scottish policies on inward migration. What problems arise from that? You have touched on that in talking about managed migration. Can you say a bit more about the lack of engagement that the Migration Advisory Committee commented on? Is there a need for us to call for more engagement from Scottish employers and the Scottish Government or for more evidence? How could we help in that respect?

Neil Hughes talked about the task forces. Is the number of Scottish sponsors that you talked about proportionate or is there a need for more Scottish sponsors?

Phil Taylor: I will address the general point and then hand over to Neil Hughes on the specifics.

There is a general concern in Scotland around the demographics, the ageing population and the

need to grow the population. However, the General Register Office for Scotland has indicated that the population is starting to grow and looks as though it will be growing for some time to come.

We have been approached not just by the Scottish Government but by various employer groups and sectors about Scotland's need to bring in certain skills in specific areas. What has been less fruitful has been those employers' engagement with the Migration Advisory Committee. The committee has said that it was disappointed at the level of engagement and the level at which an industry could single out and provide evidence for a particular skill shortage that cannot be met from within the EEA and the resident workforce. Last week, our chief executive, Lin Homer, and I met representatives of the oil and gas sector to discuss the proposed migration limit and some of the issues that they expect to come out of the changes that are happening in that industry. Those include, for example, deep-sea drilling and the decommissioning of old rigs—new work for which the expertise may not already exist in the UK. We talked them through the fact that they need to highlight that to the Migration Advisory Committee, so that their case is clearly understood.

There has been some difficulty in evidencing the specific needs. Last year, my colleague Victoria Bowman and I took part in the national conversation about the need for migration into Scotland. At the end of it, it was still unclear to me what Scotland's specific needs were. Where were the shortages? Was it just about the volume of people? Was it about specific skills, and was the need for those skills specific to certain regions of Scotland? It is that sort of evidence base that persuades the Migration Advisory Committee more than just a general concern that there is a demographic issue in Scotland.

Neil Hughes: The introduction of a limit on migration will have an impact throughout the UK. The Government's policy is that we will reduce net migration from hundreds of thousands to tens of thousands of people. Given that that net migration includes British citizens moving or returning from abroad and EU citizens moving into and out of the UK, and the fact that the levers that the Government can adjust are around non-EEA migration, we can expect to see a tightening of the arrangements right across the board for people coming here for work, study and family reunions. There is no Scotland-specific dimension to the policy at the moment. The MAC will advise us whether there needs to be, so engagement with the MAC is crucial, as Phil Taylor said.

We have three Scotland-specific representatives on the education task force, although there are no Welsh or Northern Irish representatives—the rest

of the representatives are generally UK-wide—so there is a disproportionately strong representation from Scotland at the moment.

Bill Kidd (Glasgow) (SNP): I will ask a couple of questions based around the profile of migrant communities as they come to Scotland and either settle here or live here for a period of time. The apparent lack of robust and up-to-date statistical evidence about migrant communities and the trends and patterns has been a recurring theme in a number of evidence sessions. That is possibly because a range of data is held by the registrar general for Scotland, the UK Border Agency and the Home Office, and there are also administrative databases containing information on education, national health service admissions and employment registration. Given the apparent lack of robust and up-to-date statistical evidence because of the range of organisations collecting it, can the witnesses give us some idea of how greater information sharing between key organisations will allow public services to plan for these migrant communities?

Alastair MacDonald: My view is that the community planning partnership process is probably key, because it involves local authorities and the people who really understand the community. It becomes more difficult the further away that you get and the more nationally that you look at things. I recognise that there are different databases. I do not feel terribly well informed of the facts about migrant communities, but I would certainly expect local employability partnerships to be focusing on them.

Bill Kidd: Given that most people come here to work, might not their applying for a national insurance number draw a lot of the issues together? That system would not necessarily register their family, but it would certainly register those who were coming here to work.

Alastair MacDonald: The national insurance process is currently just a registration process to link into the benefits system and to pay national insurance contributions. There is potential for the use of that system, but I am not entirely sure what the data-sharing implications would be. As Phil Taylor said, there is often a lot of nervousness, even between public bodies with the same purpose, about how much they can and cannot share.

Phil Taylor: From the perspective of the UKBA, we try to identify those who come into and go out of the UK, but, in the vast majority of cases, once someone has come into the UK we do not impose restrictions on them as to where they can go in the UK. For example, it is not as if EEA nationals require a sponsor employer in, for example, Glasgow or Birmingham and therefore we can presume that that is where they have gone. They

are free to come and go and to take employment in the same way as any resident. That also applies to all non-EEA nationals who are admitted to the UK for settlement: husbands, wives, spouses.

There is a degree of measurement—although it is limited—in respect of sponsorship arrangements, when people come to study at a specific university or college or to work for a specific employer. However, even then—I was thinking about this the other day—if someone comes to work for Rolls-Royce in East Kilbride, for example, there is nothing to prevent Rolls-Royce from deciding that that person can go and work in Derby, so it is very difficult. The best figures that I have seen, or the ones that I think are the most reliable, are the General Register Office for Scotland ones. They look to me to be the closest. The local connection probably gives a much better handle on the make-up of local communities than do the national figures.

Bill Kidd: There are problems, such as the situation in Govanhill in Glasgow, where certain newspapers have wildly overreported the numbers. According to them, there are more people from the Roma community in Govanhill than there are in eastern Europe. That is a big problem community-wise, but it is also a problem for the local housing associations, education services and so on, because the figures for the numbers of people who have arrived have not been kept well, so it is not always easy to plan services for them while maintaining good community relations.

Phil Taylor: Yes. Again, that reflects the European dimension. The concept of the European Community is that there is no difference between a Scot moving to England or an Englishman moving to Scotland. For UK Border Agency purposes, once someone has established that they are an EEA national, we do not track them through an immigration process beyond that.

The previous Administration set up the migration impacts fund to help local authorities to address issues and problems, and I think that about £2.8 million was transferred to the Scottish Government from that fund last year to try to help with some of those pressures in local communities.

Bill Kidd: I have a related question. What information is held—if any, given what you have just said—on the main countries from which migrants come to Scotland, the areas of Scotland that they are most attracted to, and the main sectors in which they seek employment?

Phil Taylor: The UK Border Agency keeps statistics not on a Scottish, Northern Irish, Welsh or English basis but on a UK basis, so it is difficult to say. However, I know from our local statistics that the Pakistani community in Glasgow is still a

strong community and one that attracts migrants. Beyond that, most of the migration that comes through the non-EEA route tends to be through the asylum routes rather than through the normal migration routes, and that includes Iraqis, certain Nigerians and significant numbers of Indians and Chinese.

Hugh O'Donnell: I note what Phil Taylor said about the migration impacts fund. For the record, the funding that came to Scotland—the figure that he mentioned is almost exactly right, as far as I am aware—was absorbed into the mainstream budget. It was not allocated to immigration issues by the current Government.

I have a couple of questions on rights and entitlements. Alastair, are migrants entitled to jobseekers allowance?

Alastair MacDonald: There are two sorts of jobseekers allowance: income based and contributions based. If I start with contributions-based jobseekers allowance, no distinction is drawn. If the person has paid their contributions, they are entitled to contributions-based jobseekers allowance. Income-related benefits—that is income support; income-based jobseekers allowance; income-based employment and support allowance, which is the allowance that is connected with disability and ill health; pension credit; housing benefit; and council tax benefit—are subject to the habitual residence test, but they are available.

There are limitations on A8 and A2 nationals linked to the worker registration scheme, but by the end of 2011—I think; I am afraid that I am not entirely sure when it will be—no further distinction will be drawn between A8 and EU nationals. There might be some run-on for A2 nationals, but that is still to be confirmed.

The key thing about EEA nationals is that they must be seeking work and have worker status. Unless one has permanent residence or refugee status or something like that, entitlement is linked to whether one is actively seeking work. That links in to the jobseekers allowance regime anyway, because that benefit is paid only on the condition that one is actively seeking a job. If an EEA national was not doing that, jobseekers allowance would not apply.

Hugh O'Donnell: That is helpful.

In relation to the immigration and asylum system, it appears that there are occasional tensions between the UKBA and local authorities with regard to entitlements such as access to health and education. Evidence that we have received from the Ethnic Minorities Law Centre and the Scottish Refugee Council states that there is some confusion about that. What are your agencies doing with local authorities and health

boards to clarify existing entitlements? There seems to be either confusion or a clash of two sets of rules on this matter.

10:45

Phil Taylor: Those going through the asylum system who are being supported—or, indeed, not being supported—are entitled to health care in the UK; their children are entitled to education; and the support mechanisms are based on standard benefit rates with a reduction to take account of the fact that the agency provides accommodation and utilities. The only challenge that I can think of—and I am not sure whether the Scottish Refugee Council would be concerned about it—is in relation to migrants who are in the country unlawfully and are seeking to obtain services or those who are here for a very short time and for a very temporary purpose. In that respect, there is a real issue around NHS services, and we work closely with Glasgow City Council and NHS Scotland counter-fraud services on access to public health.

In recent years, there has been growth in the phenomenon of what has been called health tourism—in other words, foreign nationals coming to the UK to take advantage of the fact that many health services can be obtained free of charge. One of the most prominent recent cases involved an American lady who obtained more than £1 million of health services in regular visits to the UK. If you live in a country that does not have free health provision, there is a certain attraction in coming to this country to benefit from those services. That said, I am not aware of any major problem with accessing health services other than people being unaware of them. In that respect, the UK Border Agency part-funds the Scottish Refugee Council to induct people into the process and help them through the stages, but I will probably need to speak to John Wilkes a bit more to understand the detail of that.

We do a lot of things. Meanwhile, organisations such as the SRC and other advisory groups help to ensure that asylum seekers understand their rights and entitlements. Glasgow City Council has been very proactive in ensuring that those rights are understood and applied.

Hugh O'Donnell: Before we move on, I want to consider some of your comments. You said earlier that Glasgow City Council runs housing on a subcontract. What is the role of the Angel housing organisation in that respect and how does the UKBA monitor the standards and quality of accommodation that it is providing in Glasgow?

Phil Taylor: There are three accommodation providers for asylum seekers in Scotland: Glasgow City Council and the YMCA, both of which obtain

their properties through Glasgow Housing Association; and Angel Group, which I think now has about 254 service users. I know that, historically, there have been concerns about compliance arrangements with regard to Angel, which is a private company that procures properties from private landlords to house asylum seekers. However, I should say that, from 1 April, we have received nine complaints from service users about the standards of Angel's accommodation, which is about 3.5 per cent of the total 254 service users.

On occasion, the standard of accommodation is not satisfactory. Our contract compliance team inspects it regularly, and although we have had difficulties in the past the team tell me that the Angel Group has become much more effective in managing those situations than it was previously. In any case, the number of service users that we have with the group has decreased considerably, and there has been a considerable increase in the use of the YMCA, which has a particularly strong and good housing accommodation record. There has also been a decrease in the use of Glasgow City Council, but that reflects the overall drop in asylum intake.

Alastair MacDonald: Normally, inquiries to Jobcentre Plus can come through a number of channels—we offer choice about how to contact us—including by telephone, by visiting a jobcentre to speak to someone at the front desk and by inquiring online through Directgov. On Directgov, people can follow their nose for a lot of information, whether they are a foreign worker or an employer who is taking on a foreign worker. I am told that we have also worked with Edinburgh University Settlement's community learning centre and the European Commission to produce an online information pack—I am afraid that I have not seen it myself, but I am aware of it—for migrants who wish to come to Scotland. I am also advised that citizens advice bureaux provide a number of advice services for migrants.

A good example of how we work closely with the UK Border Agency is our work on long-term cases that have just been decided and have received a positive outcome. Essentially, we move those people from the Home Office benefits system, register them with the standard benefits system and help them to understand employment access and benefits. That is done by our move-on team in the jobcentre in Glasgow, which is where the majority of those cases live. By being aware of the vulnerability of such people and of their difficulties with overcoming language barriers, rather than just letting them make a normal application, we have created a fast-track process whereby we deal with their cases as the decisions come through. We give them an early interview in the jobcentre and allocate them to a caseload so that

their details can be submitted for jobs and training courses. We might refer them to the Glasgow regeneration agencies or perhaps to Careers Scotland for curriculum vitae building and careers advice. We pay particular attention to refugee groups and those who might need English language support. That is a fairly effective channel that has worked quite well in ensuring that people are not slightly lost in trying to understand what is sometimes rather a complex system.

On top of that, Jobcentre Plus has a small team across the UK that deals with EU workers who want to settle here. That team, which is called Eures and is established under European law as the European employment service, exists to provide people who come here with advice, including sometimes on understanding technical language and that sort of thing.

Hugh O'Donnell: With the convener's forbearance, I want to ask Phil Taylor what percentage of Angel Group's tenants have English as a first language. What access do they have to information on how to complain?

Phil Taylor: Very few of them have English as their first language. However, all asylum seekers in Scotland are inducted through a one-stop-shop process that is provided by the Scottish Refugee Council, which is the process by which they can complain initially. The majority of complaints about accommodation go to the SRC first. That is helpful, because the SRC will often give us a heads-up that there is a particular accommodation issue. However, as far as I am aware, I have not directly received any challenge from John Wilkes or his team about Angel Group in the past 18 months.

Elaine Smith (Coatbridge and Chryston) (Lab): My colleague has already explored many of the issues that I wanted to ask about, but I have a further question on awareness levels among staff. Given that witnesses expressed concern about confusion between devolved and reserved areas, is there sufficiently robust training in your organisations for staff to be able to know that the advice that they are giving out is correct?

Alastair MacDonald: That is a difficult question to answer accurately, as I do not think that one can ever have full confidence that the advice given out will always be accurate. That said, I have checked the instructions in the online A to Z that the training for jobcentre staff refers to for guiding people through what is a very large and complicated process. Having looked at that myself, I think that it provides pretty clear signposting.

Elaine Smith: Is the UK Border Agency happy about awareness levels among staff?

Phil Taylor: I would not say that we are happy. One of my deputy directors, Victoria Bowman, is now head of devolution policy for the agency, because I was very struck by the fact that the Home Office tended to be Anglocentric in its thinking. We now have three devolution settlements—in Scotland, Northern Ireland and Wales—that are all distinct and different. Victoria Bowman not only works for me but is part of the UK Border Agency's policy team. Part of her work is ensuring that, when we formulate policy and instructions, we are conscious that things are different in Scotland, Northern Ireland and Wales. That is still a challenge, but I suspect that I am told less about us getting it wrong than I am about us getting it right nowadays. However, there is still some way to go.

Elaine Smith: One reason why we are conducting the inquiry is to dispel some myths about migration and trafficking. Is any of you in a position to give exact details of what people are entitled to when they come to the country? I ask because, over the past weekend, I received all sorts of comments from people when I was out and about. I heard the usual one about people flooding—that term was used—into the country, although somebody mentioned today that the migration rate has decreased. I was told that everybody who comes to the country is entitled to claim family allowance, which they can send back to their families who live elsewhere. Such myths are around.

Can anybody give details on what benefits people receive when they claim asylum? Someone told me—and flourished a web page to confirm it—that illegal asylum seekers were receiving thousands of pounds from the Government. I pointed out that people who were here illegally were unlikely to receive anything. A bit of a discussion about the benefits that people receive and about what people are and are not entitled to might be helpful.

Phil Taylor: I will talk about the asylum process. Section 95 of the Immigration and Asylum Act 1999, which deals with the support that is given to people who go through the asylum process, relates directly to benefit rates in the UK. However, as I have said, it is abated for those who are provided with accommodation, because the Border Agency pays directly for the accommodation and the utilities—gas, electricity and water.

The rates of support per week are £70.34 for a qualifying couple—people who are married or in a civil partnership; £42.62 for a lone parent who is 18 or over; £35.52 for a single person who is 18 or over and who is not a lone parent; £38.60 for a person who is at least 16 but who is under 18, except a member of a qualifying couple; and

£51.37 for a person who is under 16. A baby who is under 12 months attracts an additional £5 a week, pregnant women and children who are aged between one and three receive an extra £3 a week and pregnant mothers can receive a one-off maternity payment of £300. Those are not massive flows of thousands of pounds.

Elaine Smith: Can those figures be presented as a percentage of what a British national in similar circumstances receives?

Phil Taylor: I am sure that they can. Does Neil Hughes know the exact percentage?

Neil Hughes: I do not—sorry.

Phil Taylor: I can write with that information, if that would help.

Elaine Smith: That would help.

If a person's asylum claim is successful, what happens to their housing, rent, electricity and allowances?

Phil Taylor: If someone succeeds and is given legal status in the UK, they fall in with the normal population and they are entitled to the same benefits as are members of the normal population who are in the same circumstances.

Elaine Smith: So the minute that a claim finishes, the housing and assistance that have been provided to a claimant stop.

Phil Taylor: That depends. In Scotland, we have been fortunate in that the only local authority that contracted to take on asylum seekers who were going through the process—Glasgow City Council—favoured keeping many asylum-seeking families in the accommodation in which they had been housed and many families were happy to stay in that accommodation. That was the easiest transfer, because the family, which might have been in the accommodation for a year, two years or three years—and sometimes longer in legacy cases—just stayed in their accommodation.

If they are in accommodation provided by the YMCA or the Angel Group, they go on to the local authority books and there is a transfer arrangement. On getting people into the UK benefits system, as Alastair MacDonald said, we have worked to ensure that people do not fall between the cracks when they move from one accommodation provider to another.

11:00

We are in pretty much weekly contact with Glasgow City Council about the grant rate that we anticipate. We work with the council to phase the grant at a rate at which they can accommodate people. The last thing that you want to do is find that the accommodation that people have been in

during the asylum process is terminated and there is then a gap between that and their going into long-term housing. We have been relatively successful at ensuring that that does not happen.

Elaine Smith: Is it correct that people who are refused asylum—the term “illegal asylum seekers” has been used, which is completely wrong, because there is no such thing—and who do not leave the country receive nothing?

Phil Taylor: The situation is slightly different. There is a process under section 4 of the Immigration and Asylum Act 1999. Families with minor children are kept on the support system, because it is seen to be unacceptable to do otherwise. The main issue tends to be around singles who have been refused asylum in the process. If the final statutory appeal goes against the applicant, at that point they have no status in the UK; they are here unlawfully and they should either remove themselves from the country or face an enforced departure.

However, in some countries it is difficult to get the processes working to get people back, so where someone is actively taking steps to remove themselves from the country, we will continue to provide support in the form of a prepayment card, which is called the Azure card, which operates like a debit card and is to the value of £35.39 a week. One of the issues with that is that some nationals will say that they are proactively taking steps to remove themselves from the UK but are not doing so. There are points at which benefit will be suspended or stopped, but there is an appeals process to a tribunal if people think that we have acted unfairly or suspended their support unreasonably.

Neil Hughes: For people who have come here to work, train or study, the general rule is that there is no recourse to public funds. With most of the points-based system, we require people to demonstrate up front that they have enough money to support themselves. The amount varies tier by tier. A student needs to show not only that they have the money to pay their course fees but that they have £600 a month to accommodate and support themselves for the duration of their course.

Alastair MacDonald: I do not have much to add to that. We draw no distinction: once people are entitled to a range of benefits or services, we treat everybody equally. We have clear criteria, which we enforce strictly.

Stuart McMillan (West of Scotland) (SNP): I want to take you back to the employment situation. The committee has heard a range of evidence from different people about the exploitation of migrant workers. We heard about employers making illegal deductions from pay, not paying for

holiday leave or cutting hours because of pregnancy. The committee is also aware that migrants often do not want to come forward to complain in case they lose their job. What action can be taken to protect migrant workers from exploitative practices in the workplace? How can we encourage migrants to come forward with complaints? As MSPs we would highlight the problem if it affected a Scottish or UK national, and I see no difference between a Scottish or UK national and a migrant worker.

Neil Hughes: I will start to answer those questions. Phil Taylor might be able to add a local dimension. When employers are bringing in people from outside the EEA, they are required to have a sponsor licence issued by the UK Border Agency. They have to sign up to certain obligations, such as paying people the appropriate rate for the job, which are all set out in codes of practice and the like, to which they have to adhere.

We have teams of people who go round compliance checking the sponsors to ensure that they are doing what they said that they would do. If we find that they are not, there is a range of things that we can do. We can ask them to take corrective action—I know of cases in which people have not been paying what they said they would, so we have made them give back pay to the people whom they have brought in.

We can also downgrade their licence and impose restrictions on what they can do, or we can suspend or revoke their licence to prevent them from sponsoring anyone else in the future. In more serious cases, we can use measures such as illegal working legislation. We have a range of sanctions that we apply, depending on the nature of the offence and how serious it is.

Phil Taylor: I would distinguish between legal and illegal migrants. If someone is here illegally and in employment, they are much more vulnerable than they would be if they were here lawfully and had rights and entitlements.

There is quite a lot of evidence from the operations that we conduct to uncover illegal working that there are exploitative employers out there. The civil penalties regime, which was introduced several years ago, was designed to address that threat at source by penalising the employer rather than the employee. If the employee is in the UK illegally they will, unfortunately, probably have to go home, but we can impose on the employer penalties of up to £10,000 per illegal employee. It is very difficult for those who are here unlawfully. I can think of occasions when we have reported to the fire authorities and the local authorities houses of multiple occupation in which the living arrangements are 10 to a room.

Those who are here lawfully have rights and entitlements and, as Neil Hughes said, standard UK employment law should apply. One would hope that those people would have the courage to raise their voices, but part of the sponsorship compliance system is to ensure that that happens, and that we check that it is happening. If we suspect that it is not, we will report that back and review the licence.

We must acknowledge the difficulties that arise when a migrant takes on their employer. The employers tend not to be large companies where the employee might have the support of a trade union or fellow employees, but small and medium-sized enterprises. I do not want to paint an unfair picture, because in my experience most employers are pretty fair, but there is a small core of employers who are prepared to exploit.

Recent experience in the fishing industry in Scotland has shown up some pretty blatant examples of exploitation. We dealt with some issues in the fishing industry by introducing a concession that was based on payment of the national minimum wage and the provision of proper accommodation. That followed the tragedy at Fraserburgh a couple of years ago in which three Filipinos and a Latvian died while living on board a ship. The Philippine Government introduced a parallel exit visa arrangement because of its concerns about the treatment of their nationals in some areas.

It is very difficult, but we will prosecute where we can. For example, if an employer is deliberately bringing in illegal migrant labour or exploiting the labour, we can mount a criminal prosecution. There are currently three high-profile cases going before the courts that have arisen from operations that we have carried out in Scotland in the past 12 months.

Stuart McMillan: You mentioned that fines of up to £10,000 per employee can be imposed. On how many occasions has that sanction been imposed?

You also said that there were three cases before the courts. How many prosecutions have taken place in each year during the past five years?

Finally, you mentioned the fishing industry as one example. Are there any other industries in which these types of practices are quite common, based on your investigations?

Phil Taylor: I do not have the specific figures with me. I suspect that I do not have them for Scotland at all, but I can certainly get you the national figures. If I can, I will break those down into the Scottish figures for the cases that we are taking to the courts. I will write to the clerk with that information.

As far as illegal working operations are concerned, the two predominant sectors are the restaurant and hospitality industries. The ethnic restaurant trade, hotels and bars are the areas where most illegal working takes place.

Elaine Smith: Phil Taylor mentioned trade unions. Are people who are working here legally aware that they have an entitlement to join a trade union? Is there a mechanism to make them aware of that, or is it simply up to trade unions to organise the workforce?

Phil Taylor: I do not know of any mechanism whereby we notify people about trade union rights. However, the unions are represented on the COSLA strategic migration partnership. It is fair to say that we expect the unions to do the publicity themselves.

Stuart McMillan: Earlier in the discussion we touched on the barriers to migrants taking jobs. There could be language barriers, or they might choose to enter at a lower level and then build up their position within an organisation.

Some migrants who come here will have qualifications that are not fully accepted. There might not be a language issue, and the people concerned might want to try and do the job that they have been trained to do. How can migrant skills and qualifications be better matched so that they can benefit the Scottish economy and Scotland as a whole?

Alastair MacDonald: I can partly assist with that point. I can provide only a limited answer, as the skills agenda is really owned by the Scottish Government. A scoping study entitled "Scoping Study on Support Mechanisms for the Recognition of the Skills, Learning and Qualifications of Migrant Workers and Refugees—Final Report" has been brought to my attention. It was published in July 2010.

Although the skills agenda is a matter for the Scottish Government, the Department for Work and Pensions is engaged in a European agenda to create some commonality. There is also an EU treaty obligation. We are apparently part of a European skills, competencies and occupations taxonomy, known as ESCO. It is an attempt to get a multilingual classification of occupations, skills, competencies and qualifications to allow employers and jobseekers throughout the EEA to work within some sort of shared framework. All member states in the EU are developing a national qualification framework in the European context, so as to develop some sort of common language. I do not know how far that has gone, however.

I recognise that, in reality, there remain issues around migrant workers who come into Scotland not having their qualifications recognised.

I will add a point that I was hoping to make earlier in response to your policing question, which related to vulnerability and exploitation. There is apparently a body within the Department for Business, Innovation and Skills, with a remit that runs UK-wide, called the employment agency standards inspectorate. It exists specifically to work with agencies, employers and workers on compliance, particularly when it comes to the more vulnerable agency workers, who may well form a large chunk of the people we are talking about today.

Stuart McMillan: All of us around the table will have heard anecdotal evidence about qualified doctors coming to Scotland and the rest of the UK who are not allowed to practise, for whatever reasons. Given the European working time directive, the health service will always be looking for qualified doctors, nurses and others to come in. I find it bizarre for there to be a trained, skilled pool of labour already in the country that is not allowed to practise—those people are not allowed to do their job, which would help the economy and themselves.

11:15

Neil Hughes: In most cases, whether someone can practise would be decided by the governing body of the particular industry or sector. It is certainly not something that we would impose from an immigration point of view.

A body called UK NARIC—I am trying to remember what the abbreviation stands for, but I am afraid I cannot—advises on the equivalency of qualifications and tells employers what a degree in medicine from, say, Uganda would equate to in UK terms and what the gap would be. However, whether an individual is allowed to practise or operate in the UK is very much up to the industry sector bodies.

Hugh O'Donnell: Going back to what Alastair MacDonald was saying, I believe that the Scottish Credit and Qualifications Framework has been involved in assessing equivalency with regard to artisan trades in Scotland, but the process has been chuntering forward rather slowly. Although, as you say, there is UK NARIC, it deals primarily with academic rather than professional qualifications and my understanding is that in individual industries the professional body sets the benchmark in that respect. I also believe that UK NARIC has been privatised and that people have to pay for this information.

Neil Hughes: It is licensed by the Department for Education, but it does charge for its services.

Christina McKelvie (Central Scotland) (SNP): Phil Taylor will not be surprised to hear that I have some questions about Dungavel and the national

referral mechanism. How is the UKBA identifying victims of trafficking in Dungavel; how is it referring such people to, say, mental health services; and how is it dealing with the fear of detention and criminality and the impact of both issues on the individual?

Phil Taylor: We operate the NRM, but it is usually the first responder—in other words, the first person who comes into contact with the individual—who deals with the matter. As a result, the individual's first point of contact with the authority will happen not at Dungavel but when they are arrested by the police or detained by the Border Agency. All officers are trained to deal with those cases and to look out for possible cases of trafficking.

The issue is extremely difficult. In some cases, I might look at the facts and think that the whole thing smells of trafficking, but if the individual gives no hint of or does not allude to that—or even flatly denies it, which tends to happen in the majority of cases—it is almost impossible for us to pursue the matter. From time to time, though, someone is brave enough to stick their head above the parapet and declare that they have been trafficked and, in that case, the first responder will look through the referral form and report the matter to the UK Human Trafficking Centre. After that, we go into the 30 to 45-day process because, usually, we will find that an asylum claim is attached to such encounters. However, all the law enforcement agencies feel great frustration in cases in which there might have been trafficking but the individual simply does not feel willing to say so—or, perhaps, does not feel that they have been trafficked.

As I say, it is a difficult challenge and the number of cases that we can pursue is fairly limited. However, where we can, we do so, and the trafficking awareness raising alliance—or TARA—has become heavily engaged in looking after women, in particular, who have been involved in the sex trade. As for cases involving EU nationals, they are, of course, not issues for the Border Agency because the normal immigration arrangements apply.

One day, I got into a taxi and had one of those “What do you do?” conversations with the driver, during which he told me about a Nigerian lady whom he regularly picks up in Glasgow and takes to a particular location to deliver services. She moves around Europe of her own volition and then spends six months recuperating back in Nigeria. If you encountered that lady in a massage parlour, bells would be ringing and you might be quite concerned about the situation but, from what the taxi driver was saying, the lady was okay with it. On occasion, I have seen reports of operations and we have referred them back to the police but

the fact is that we require evidence to prosecute cases. If the witnesses will not come forward with that evidence or will not admit to having been trafficked, it is very difficult to pursue the matter.

The Convener: Thank you for answering that question, but I must point out that this session is specifically about migration. Last week we took evidence on trafficking from the UKBA and, indeed, our next witness is from TARA so there will be an opportunity to raise questions of trafficking. If you have any specific questions, Christina, I suggest that you seek the answers to them directly.

That concludes—

Christina McKelvie: I have a question about communication between MSPs and the UKBA. Can I ask that?

The Convener: Absolutely.

Christina McKelvie: MSPs have an issue about communication between us and the UKBA. Yesterday, I received a letter from Lin Homer, saying that that process is under review. That is very welcome, but where do you think that that review should go? This is anecdotal, but when I looked over my cases for the past six months, I found that for every asylum and immigration case that I dealt with, I dealt with 10 or 12 benefits cases. I do not have the same issues with the Benefits Agency—it never writes back saying, “This is a reserved matter, so I’m not going to speak to you.” How can we resolve the issue?

Phil Taylor: The matter is under active consideration by Home Office ministers, as it has been from time to time over the past several years. As Lin Homer pointed out in her letter to you, it is being reviewed by ministers and I expect that we will get a further decision in the next several weeks. However, it is a matter for ministers and, once the decision is taken, my job is to comply with their policy.

The Convener: We fully appreciate that you are attending as civil servants.

Thank you very much for your comprehensive evidence, which will help us immensely, not only with our inquiry but with next week's evidence session with the Cabinet Secretary for Justice and the Minister for Community Safety.

11:22

Meeting suspended.

11:29

On resuming—

The Convener: We move to the second panel of the morning. It is my pleasure to welcome to the

meeting Ann Hamilton, head of equalities and women's services at Glasgow Community and Safety Services, who is representing the trafficking awareness-raising alliance, which is more commonly known as TARA.

I will open the questioning by asking you to comment on the current evidence base on the scale of trafficking in Scotland. What more can be done to improve the evidence base and acquire more robust data?

11:30

Ann Hamilton (Glasgow Community and Safety Services): At the moment, one of the problems is the distinction between forced and free prostitution—I am talking about sexual exploitation. As Phil Taylor said, many victims of trafficking will not identify themselves as such, which makes it difficult to know what percentage of people in the sex industry are trafficked. I have brought along five copies of today's *Daily Sport*—you will need to share them. If you have not seen it, it is worth a look. It contains a couple of pages of adverts supposedly placed by individual women who are selling sex. There are adverts for Aberdeen, Glasgow, Peterhead, Inverness, Dundee, Dunfermline, Falkirk, Paisley, Hamilton, Perth, Stirling, South Lanarkshire and West Lothian. So, women are being advertised all over Scotland. To me, what stands out is the fact that new, fresh faces are seen very much as a selling point. There are a lot of oriental women, such as Thai women. I will leave you to have a look at what is there.

Trafficking is very much a part of the way in which the sex industry operates; it depends on new women arriving on a weekly or monthly basis. There must also be a variety of nationalities. Men may have had sex with white women and want sex with black women, oriental women and so on. That is part of the draw for moving women not just into the country, but around the country. On Wednesdays, we provide a service for women who are involved in indoor prostitution, none of whom is required to identify themselves as being trafficked. However, of the more than 200 women who are registered with us, well over 50 per cent are from other countries, and they tell us stories not only of being moved from their own countries, but of being moved from Glasgow to Edinburgh, Belfast and Aberdeen. That is very much the nature of the activity.

I know that I have not answered your question—the answer is that it is difficult to tell. The United Nations Office on Drugs and Crime reckons that 140,000 women have been trafficked for sexual exploitation in Europe and that 70,000 new women are trafficked each year. It is difficult to estimate the number of women who are trafficked to the

UK. The estimates range from a couple of thousand to 4,000 or 5,000, but it is difficult to tell, as it is difficult to get that information without taking an holistic look at the sex industry and the demand that is bringing the women in and circulating them around the UK.

The Convener: Let us go back to what could be done to improve the evidence base and make it more robust. Are the adverts followed up in any way? Are you aware of any policing of the adverts?

Ann Hamilton: Undoubtedly, intelligence is taken from them, and we have fed into Strathclyde Police any concerns that we have had. We have tracked a number of adverts that offer different women using the same name and telephone number. It is highly organised. Someone reading the adverts may think that they are individual operations, but following them over a period of time reveals that they are clearly not.

More than 200 women are registered with our Wednesday service, which is run jointly with the national health service. It provides a health and social care service and also allows women to report any concerns that they have, which many of them do. When we were established in 2005, we had two referrals. In 2006, we had nine; in 2007, we had 14; in 2008, we had 24; and, in 2009, we had 50. Although the number of referrals to us has been going up, we are still concerned about the low level of identification. We regularly hear that the police are to go into premises and that we can expect to find 15 women—15 victims—but we end up finding none or one.

Unfortunately, we do not routinely get the opportunity to talk to women to tease out their story. Phil Taylor was absolutely right that they will not tell, but the way in which the national referral mechanism works at the moment does not assist them to tell. Instead of being given a reflection period that allows them to recover, to think about what has happened to them and to get practical support such as counselling before going on to another stage, they are immediately questioned with a view to a conclusive decision being made about whether they have been trafficked. There is a real problem with identification that would certainly lead me to believe that the 50 women who were referred to us last year are the tip of the iceberg.

The Convener: Last week, we heard evidence from the UKHTC and the new trafficking unit that has been set up, and it occurred to me that nearly all their work was with organisations as opposed to being about raising the awareness of victims. Do you have a comment to make on that, given the concerns that exist about how long it takes for victims to become fully compos mentis? On awareness raising, do you think that a helpline or

some kind of way of allowing individuals to contact someone anonymously to talk things over would be helpful?

Ann Hamilton: Do you mean something for victims?

The Convener: Yes.

Ann Hamilton: That is what we provide on a Wednesday. I accept that it is only for women who prostitute themselves in Glasgow—they may not be from Glasgow, but that is where they are located.

I think that it is a matter of raising awareness generally across all Government agencies, local authorities and the voluntary sector. That has not happened. I will use the analogy of domestic abuse, which, about 15 years ago, was very much seen as a private matter. The police did not have a view on whether they should intervene. Unless the victim said that they wanted to do something about it, they were not supported. I think that that is the stage that we are at with many agencies at the moment—they think that unless a victim tells their full story about how they were rescued or found, they are not a victim. We need to ensure that agencies are aware of the indicators and of the broad context of the sex industry, and that they know about the pressures that will be brought to bear on women and understand the shame and stigma that they feel.

I am not sure about having a helpline. Many of the women whom we support now understand that what happened to them is called trafficking, but when they came to us, they did not say, “I was trafficked for prostitution.” In fact, many of them do not see that what they were involved in was prostitution because, for them, it was a form of rape over and over again. I think that it would be difficult to operate a helpline.

Elaine Smith: Given everything that you have said, are there issues around the terminology that is used, apart from anything else? I noted that in the discussion with the first panel, the term was used that a woman was “delivering services”. I assume that what was meant was that she was a prostitute. If we are going to look at trafficking and prostitution and tackle them in the way that you are talking about, is such terminology unhelpful?

Ann Hamilton: Definitely.

Elaine Smith: How can we help to change that?

Ann Hamilton: The term “migrant sex worker” is particularly difficult, especially in a Scottish context, given that the Scottish Government has recognised in “Safer Lives: Changed Lives” that prostitution and trafficking are forms of violence against women, which is a very welcome definition. The terminology is extremely important.

When people talk about “migrant sex workers”, that contributes to the underreporting and misunderstanding of the scale of trafficking. In Phil Taylor’s example, although the taxi driver might think that the Nigerian woman is moving around of her own volition, he has no way of knowing about the boyfriend at home who is telling her where to go, the person who has paid money for her and so on. There is an issue if all that people look at is what they see on the surface. We need to understand how the sex industry operates.

The Convener: Moving on to the trends that are likely to impact on the scale of human trafficking, I suppose that there is a link with awareness raising and an understanding that it is not necessarily about other countries but that the industry very much exists here in Scotland. Will you comment on those trends and on the Commonwealth games in 2014, which is another aspect?

Ann Hamilton: Our view of the Commonwealth games and indeed the football that will happen in Glasgow during the Olympic games is that we need a robust framework to ensure that Scotland is not seen as a soft touch or as a place where people can make money by bringing in women. We think that it is very much about having a long-term view that makes Scotland an unattractive place for traffickers, pimps and those who make money out of the industry.

On the trends, we are certainly seeing more African women coming in, and we are seeing more subtle means of control. At one point, women’s passports were taken from them, they were kept locked up in houses and there was a huge amount of coercion and violence. What tends to happen now is that women might have their passports and some money but they or their families are under some form of threat, or they think that they are complicit in their situation because they agreed to come here. They were duped into coming here, but they feel complicit in that. Those trends are coming to our attention.

The other trend is internal trafficking. That has always happened, but we are now asking women the questions and they will talk about it. One example that I can give you is that women hate being brought through to Edinburgh because the conditions are worse in brothels in Edinburgh than they are in Glasgow. There is more control, less tolerance of the use of condoms, more pressure to give free services to the friends of the brothel keeper and so on.

Women are certainly talking about being moved around—not as in, “Here’s a car that’s going to move you from one place to another,” but, “You will be operating at such-and-such a place next week. Here’s the address of the flat. You’ll pick up a mobile phone when you get there.” Whoever comes in picks up the mobile that was used the

week before by someone else. They become Jeannie or Tanya or whatever and they are then a fresh face within those premises.

Marlyn Glen: TARA's role is to identify and support women who have been trafficked for commercial sexual exploitation. Will you comment on whether you consider sexual exploitation to be the primary rationale for human trafficking in Scotland? What is TARA's experience of other forms of trafficking such as labour exploitation and domestic servitude?

Ann Hamilton: We have had a number of referrals that we have passed on to other agencies involving women who have come here as domestic servants and have been raped by the householder or subjected to some other form of sexual violence. We are also aware of women being trafficked for cannabis farming. Often they are doubly exploited. They might move on from prostitution into cannabis farming or vice versa. There is definitely movement between the different forms of exploitation.

I cannot give you the figures just now, but I can certainly work out the number that we have passed on to other agencies. I know that there was a referral today and a referral last week of cases that on the surface look as though they relate to domestic labour rather than commercial sexual exploitation. Such referrals are not common, but they still happen regularly.

11:45

Bill Kidd: I ask you to comment on some research that we have been given. The child protection committee in Glasgow had a look back at the records kept by the social work asylum assessment team and found that there were about 75 unaccompanied asylum-seeking children in Glasgow in 2007, of whom 23 were identified as possibly having been trafficked. That leaves 52 unaccompanied children arriving in Glasgow from somewhere, and they did not get on a plane by themselves. In your opinion, were they not all trafficked?

Ann Hamilton: At that point, awareness among those working with children was very low—there has been a huge improvement since then and the committee learnt a lot from going back over those cases. The committee looked at what had been recorded in those cases and made judgments about whether it was likely or possible that those children had been trafficked. There would have been concerns about their coming as unaccompanied asylum seekers, but the review was really looking at whether the committee had overlooked something and whether trafficking was involved. The committee discovered that it had indeed overlooked something, which is why we

now have a child trafficking sub-group of the child protection committee in Glasgow, as well as a vulnerable young people sub-group. Glasgow is tied into the UK national pilot, which is looking at how to support child victims better.

Bill Kidd: Thank you.

The Convener: We will be asking more about that a little later on.

Marlyn Glen: Will you share your insights into other forms of illegality that look as if they are being supported by human trafficking? In your experience, is there a link with other serious organised crime?

Ann Hamilton: We are clear that there is a link with other forms of serious organised crime. Obviously we work only with the victims, but we are aware of a range of other crimes, such as the selling and making available of drugs and the making and distribution of pornography. There is also undoubtedly money laundering through premises. We know that two or three of those charged with brothel keeping in Glasgow have had links with other forms of organised crime.

Marlyn Glen: I do not know whether we have had much evidence about the link with the making of pornography in particular.

Ann Hamilton: There is a very clear link with that. Pornography is often made on the same premises—within brothels. Victims tell us that pornography was made of them, and that it did not just involve trafficking victims but others. We run a support service for women involved in prostitution in Glasgow and we know that the making of pornography might be part of the grooming process. It is certainly one of the control methods: victims might be told, "We have film of what you've been doing and we can make it available." It can be used as a control method and it can certainly make people huge amounts of money.

Marlyn Glen: Thanks very much.

Hugh O'Donnell: I looked at your submission and I have heard you and previous witnesses make assertions about the extrapolation of numbers to show the scale of the problem. You painted a picture that was different from but no better founded than the picture that Phil Taylor painted.

Ann Hamilton: Absolutely.

Hugh O'Donnell: If we are to make a realistic assessment of what is going on, we have to ensure that we do so on the basis of empirical evidence. Creating or extrapolating figures does not provide a helpful basis on which to work.

Your written submission says that a total of 47 women were referred, and it makes a number of observations about the condition or situation of

each woman. Do you think that a database of 47 is sufficient to allow us to extrapolate a national problem? I am playing devil's advocate for a specific reason.

Ann Hamilton: I agree with your first point—the woman mentioned by Phil Taylor might not have been under duress. However, what I am saying is that there is often a need to look beyond what is presented. One of the first cases that we were involved in involved two young Lithuanian women who were referred to us after a police raid. We were told that they had not been trafficked and that they were just prostitutes who had come here from Lithuania, and we were asked to support them, which we did. It was very early days for us, and we made a number of mistakes in the way in which we supported them. We put the two of them up in the same hotel, because they wanted to be together. After a couple of days, it became clear that one was controlling the other. It was difficult to separate them but, when we did, the younger one began to let us know that she had not planned to come here to become a prostitute and that she was very unhappy about it. They both had boyfriends who were clearly pimps, because they were taking money from them and so on.

On the surface, those two young women looked as if they were here happily engaged in prostitution. However, in such cases, as soon as you scratch the surface and give women an opportunity to talk about their situation, you see that it has been harmful to them, and that all sorts of control mechanisms are in place.

We are much better at our work now and the police are also much better at their job. We hope that we can now separate such women at a much earlier stage and listen to what they want to tell us. However, we are clear that not all of them will tell us the truth, so we are always making assessments about that.

With regard to whether it is possible to extrapolate from a small database, there are obvious dangers in doing that. However, we have an holistic view of violence against women and prostitution, which puts us in a good position, because we are constantly monitoring the sex industry and not just our referrals. We will be looking at trends in the advertising to see whether more African women are being advertised, where they are being advertised and so on. We do not tend to use figures, but we know that what we see is the tip of the iceberg and that there is a huge sex industry out there that uses trafficking as one means of delivering its services.

Hugh O'Donnell: On the assistance that your organisation and others provide, can you give us some details of the accommodation that is available for adults and, perhaps, for those under the age of majority? What access to medical

services is available? Finally, and perhaps most crucially, what is the situation with regard to interpreters and legal services?

Ann Hamilton: For many years, we have had a lot of partnership working in Glasgow on the issue of violence against women, and I know that that is also the case in many other parts of Scotland. That has stood us in good stead and has allowed us to ensure that we are able to deliver a range of services.

First, we meet the victim and go through a risk assessment. We ascertain whether she is currently at risk, or at risk from herself; whether she has dependants; and whether she has managed to get away from the control of a pimp or a trafficker or whether that is still a consideration for us. Depending on the outcome of that assessment, we accommodate her in a hotel with additional support; in supported accommodation provided by Scottish Women's Aid or by SAY Women, which provides support to younger women who are experiencing violence; or in some other type of supported accommodation. It is all about considering the individual woman's needs. Some of the women who come to us are already in national asylum support service accommodation, and they will remain there while we work with them. That has not been a problem for us.

We then move on to arranging any services that the woman needs. If sexual health is the issue, we can arrange emergency referral to somewhere such as the Archway Glasgow project, which provides help for those who have been sexually assaulted or raped. The woman may be referred to a sexual health service; we run such a service on a Wednesday, so if she is picked up on a Tuesday we can get her in straight away. We have a very quick turnaround because of the relationships that we have.

We have had very good results in working with general practitioners and in meeting other medical requirements. However, the one issue that is undoubtedly a problem is the provision of mental health facilities. There is a long waiting list for referrals, but again we have a fast track—in this case, to the compass team in Glasgow, which supports victims of torture and trafficking. That is one of the things that we have discussed with the Scottish Government as part of the expansion of our project—on which we are currently in negotiations—and the provision of psychological services. It is undoubtedly something that we identify as not being adequate at the moment.

Elaine Smith: TARA is based in Glasgow, but from what you are saying—and as Amnesty International indicated—it seems that you provide a Scotland-wide service. Amnesty International suggested that you are not really resourced to

provide that level of support throughout Scotland, and that some victims of trafficking in Scotland may therefore be going to England to get that support. Can you comment on that?

Ann Hamilton: Yes. We are currently in negotiations on the expansion of the TARA project. We are probably working at capacity at the moment—we are still able to see victims as they are referred, although we prioritise cases depending on the circumstances. We are very hopeful that the negotiations will have a positive outcome.

When the project began in 2004, we viewed it as a way of taking an initial look at whether there was a need for any service—we had only one policy officer. Demand has increased since then, and although we have always taken referrals from other parts of Scotland, the logistics are more difficult. However, we are able to respond if victims come from other places, even if our involvement is simply to talk through a case with the police or other agencies to ascertain what information they need in relation to questioning or looking for indicators.

Some women have gone down to England, but that depends partly on their circumstances. Some of them do not want to remain in Glasgow: they may have ended up there as part of their escape from a trafficking situation, and they may want to go elsewhere.

Until fairly recently, the police were keen to use a project in the north of England that involved almost a kind of lockdown, in that the door was locked once the women went in, their mobile phones were taken from them and they were controlled to a great extent. There were good reasons for doing that, because women do not always see the danger that they are in. Quite often when they arrive with us, their mobile phone never stops ringing because the trafficker knows how to get to them. However, given that trafficking is a very disempowering process, we feel that locking up the women and taking their mobiles from them is not necessarily a good way of helping them to start to recover.

12:00

Elaine Smith: Part of my reason for asking the question is that the publication that you brought in with you—newspaper is not the right word—covers the whole of Scotland and, also, people move around. One concern is that services such as TARA and other resources might not be available outwith Glasgow, so obviously the committee is pleased to hear that a review is taking place.

That publication also brings me back to the pornography issue that Marilyn Glen asked about.

Over many years, the committee has looked at the issue of pornography, but it has been difficult to consider the issue properly without its becoming sensationalised. Given what you have said, do you keep details of the harm involved? The reason that pornography is a difficult issue for the committee to consider is that many people believe that it involves no harm or victims and that it should be up to consenting adults to make the choice. Notwithstanding all those issues, you suggested earlier that pornography clearly involves harm and is tied up with trafficking and prostitution. Can you perhaps just expand a little bit on that?

Ann Hamilton: I think that trafficking has links not just with pornography but—I have been threatened with legal action if I say this again—with lap-dancing clubs and other venues of that kind. Women have certainly come to us for support who were sometimes given light duties of dancing in a lap-dancing bar rather than prostitution. The issue needs to be looked at holistically. The people who advertise in the *Daily Sport* will not necessarily be running lap-dancing clubs—although they could well be—but they will certainly be making pornography and will be involved in all sorts of other activities. The most important thing for them is making money, and if they can find a new way of making money, they will use it. Certainly from the accounts that women give us, we know that they talk about their experience of having had pornography made of them and of being in lap-dancing or strip clubs. There are very clear links.

At the other end of the process, when the women's support project conducted interviews with men who had bought sex, it found that they had gone to lap-dancing clubs to buy sex because those were venues where they knew that they would be able to do that. It also found that a lot of them used pornography. Therefore, the evidence comes not just from the women's accounts but from the men's accounts. Both the men and the women report that pornography has had a negative impact on them, that they feel guilty about it and that they regret being involved in it. There is a need to look at both sides of the argument.

Hugh O'Donnell: Sorry, let me return to the issue. You have just made a very clear statement about the connection between the making of pornography and particular other activities. I can see the causal link, but where is the evidence?

Ann Hamilton: The evidence comes from—

Hugh O'Donnell: I am asking in terms of prosecutions and all the other issues.

Ann Hamilton: No prosecutions have taken place, as you know.

Hugh O'Donnell: One of my colleagues will discuss that.

Ann Hamilton: The evidence that we have is women's accounts—that is all that we can go on. A large percentage of the women who have talked to us—not just in relation to trafficking but in relation to prostitution—have told us that they have had pornography made of them or that they are aware that the same people make pornography. One woman who gave evidence to the police was taken around several warehouses by the police to try to identify where incidents had happened. If we had any chance of holding somebody to account, we would pass that on to the police immediately.

Stuart McMillan: In recent years, prostitutes' involvement in taking drugs has been highlighted. Is the situation similar for women who have been trafficked? Are trafficked women who are prostitutes or who are involved in pornography or any other element of the sex industry forced to take drugs, or do they take drugs for whatever reason?

Ann Hamilton: Drugs are used to control women who have been trafficked, so that is different from the situation for women who have serious drug issues and who then become involved in street prostitution or who are brought into prostitution as a result of those issues. Drugs are used to control trafficked women, so such women stop using anything as soon as they come to us. Some women might overuse alcohol, but we do not have women who use cocaine, heroin or anything like that.

Christina McKelvie: Good morning—or good afternoon, as it is now after 12. I will move on to the national referral mechanism. The report has been really helpful—I have skimmed through it and garnered much information from it. Perhaps you heard my earlier questions. I have concerns about the national referral mechanism, which is fundamentally flawed because it requires informed consent and does not just put people into the process for protection. Will you describe the concerns that you highlighted in the report and in previous comments, particularly about the reflection period and about asylum proceedings continuing while somebody waits for a determination on whether they have been trafficked? We were concerned by the evidence from the Poppy project that, when an individual's asylum application and trafficking claim were rejected, the two letters were put in the same envelope because the same person at the UKBA had made both determinations.

Ann Hamilton: Our involvement in the anti-trafficking monitoring group report has pulled out many of the issues that we struggle with. I am a member of the strategic monitoring group for the

Council of Europe Convention on Action against Trafficking in Human Beings, which someone from the Home Office chairs. That brings together three non-governmental organisations and many civil servants. Because of our clients, we are committed to making the system work as effectively as it can—we are engaged in trying to ensure that it works as best it can.

I agree that, as we concluded, the system is fundamentally flawed, because two processes—one of which informs the other—are being run in parallel. We have had several cases in which an asylum decision has been cut and pasted into the trafficking decision, or vice versa. Being trafficked is not necessarily a ground for granting asylum, but an asylum claim should be considered in a separate arena, after the trafficking has been explored and the person concerned has started to recover.

We would like to see two separate processes. One suggestion is that the asylum process should be suspended so that the trafficking process can be worked through before the asylum process kicks in at the end of that. The other factor is the pressure on victims to co-operate with the police. My colleagues on the strategic monitoring group would agree that, in a lot of the cases, more credibility is given to the police's or the UKBA's perception and account of what is happening than to those of any of the support agencies. That is not helpful.

Another issue is that the national referral mechanism is very centralised. The Organization for Security and Co-operation in Europe saw the opportunity to have a regional framework rather than a UK national framework, and we would be much more comfortable with a Scottish referral mechanism. We could have that if the asylum process were suspended. We would then have a national referral mechanism whereby we could concentrate on the recovery of the victim and any possibilities for prosecution, which are the two main aims of the convention.

The competent authority in the UK is either the UKBA asylum case owner or a police officer. Again, we think that non-governmental agencies or agencies such as TARA have a role in assisting with the identification of victims. There is a myth that we automatically believe the story of anyone who is referred to us, but that is very far from the truth. We always think about whether their account stacks up, and we have not accepted a number of women as victims because we have thought that they were lying or that they had not been sexually exploited. We are objective and would have a role to play in a Scottish referral mechanism, or two or three referral mechanisms throughout Scotland. We certainly support that.

We also recommend that the same thing happen with children—that the asylum process be suspended. It already is, to some extent, for children, but child protection should be the overriding concern. There should be no further input from other agencies until the child is in a position where that may assist.

Christina McKelvie: One of your recommendations is that the competent authority should be the child protection services rather than the UKBA. I could not agree with you more. We have specific laws in Scotland that govern the protection of children, and the welfare of the child is paramount.

Let me take you back a wee step. We are looking for an answer to the question of the disparity in the NRM between outcomes for UK citizens and outcomes for non-UK citizens. I do not know whether you have a wee bit of insight into that.

Ann Hamilton: Our first UK victim was a young woman from Edinburgh who was presented with the normal letter saying that it had been agreed that she was a victim of trafficking and that she was being awarded a reflection period within which she would not be deported. It came as a bit of a shock to a young woman from Edinburgh that she stood any chance of being deported from the UK. The whole mechanism has been designed for foreign women who come to the UK, and any UK citizens have been referred very much at the behest of the police, who have supported the identification of those people as having been trafficked. As I have said, the police's decisions seem to carry more weight than those of the support agencies.

12:15

Christina McKelvie: Does the national referral mechanism, as it stands, breach the European convention on human rights in as much as there is no right to appeal?

Ann Hamilton: Our wording was that the national referral mechanism is “not fit for purpose”. We have worked closely with the UKBA, the Home Office and other agencies to make what they have work as well as it can. However, we would definitely say that the mechanism does not fulfil the obligations and the understanding of the convention. It is much more about prosecutions than it is about victim recovery. Obviously, the convention is about victim recovery, but it is seen as assisting with the level of prosecutions and, given that we have not seen an increase in prosecutions—it is the same down south—it is an issue.

Christina McKelvie: My final question is about protection procedures for children. As Bill Kidd

mentioned earlier, the research says that in 2007 there were 75 unaccompanied asylum-seeking children in Glasgow, 23 of whose cases were highly suspicious, and another nine of whose cases were suspicious. That is 32 children out of 75. How should those children be supported differently from how they are supported now?

Ann Hamilton: The situation is changing. The exercise was useful for Glasgow because it highlighted trafficking and the profound impact that it might have on a young person or child. Glasgow is now much better at supporting such children. It is about taking an individual approach and ensuring that young people are safe to tell their story and start to recover from whatever has happened to them. Services are undoubtedly much better now. I can talk only about Glasgow, which recently had a major conference with local authorities from across Scotland coming to hear what had been happening and to have their awareness raised. The more awareness raising that can be done, the better. It is safe to say that young people who have been trafficked are more likely to be identified in Glasgow and other big cities than they are elsewhere. That is a clear problem.

Christina McKelvie: Has the quality of the training that has been taking place had an impact across all the agencies?

Ann Hamilton: There has been a lack of leadership on the issue. Somebody needs to drive the trafficking agenda through just as happened in the case of domestic abuse. We have a lot of patchy training and a lot happening at a fairly low level or a very senior level, but we do not have a drive to address the situation across all agencies. There is a role for better leadership. The fact that the UK response to the convention has been designed at Westminster by UK civil servants has meant that there has not been the focus in Scotland that there could be and that we have not had the leadership that we could have had from the Scottish Government and Scottish agencies.

Christina McKelvie: Thank you, Ann; that has been really helpful. We could probably go on for ages, but I will shut up there.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): I, too, thank you for your evidence, which has been extremely helpful. One of the issues is the lack of prosecutions in Scotland. Other witnesses have been asked about this and found it difficult to give specific reasons. Can you identify particular obstacles to securing convictions for trafficking offences?

Ann Hamilton: It is difficult to tackle trafficking when all that we have to go on is that someone is running a brothel where there might be trafficking and, in some circumstances, rape. Trafficking is a

difficult crime to prosecute. One of the problems is that, because we have not had any cases yet, we have not been able to learn whether the legislation is robust enough or needs to be looked at again.

From our perspective, the lack of identification of women as victims often means that only the brothel owner gives their story; the women do not give their stories to the police and then the procurator fiscal. If a premises is raided and six women are found, we would like to be able to talk to the women, whether they are from the UK or elsewhere, so that we can get them to tell their stories. It would assist the police greatly if we could bring out women's stories over a short period of time. That is not happening. As I said, we are often told to expect six women or 20 women on a Friday night, but at 10 pm we get a phone call to say that only one woman is being referred to us—or no women are being referred. That is problematic. An interagency approach would support prosecutions.

Malcolm Chisholm: That is helpful. Thank you. What more can be done to prevent the criminalisation of victims of trafficking?

Ann Hamilton: The first that we know about a case is often when someone is charged with a prostitution-related offence or is found to be in Dungavel because of immigration and criminal offence issues. That is a problem. We have had a number of referrals—through the UKBA, I have to say—of women who have been in both Cornton Vale prison and Dungavel, so we have been able to advocate on those individuals' behalf.

There remains a view that a person's criminal activity takes precedence over their status as a victim. There is an attitudinal problem. Some of our clients are not the easiest women to deal with. They have been through difficult circumstances and some of them are very angry. Some of them can be devious and manipulative. It is about teasing all that out. It does not help trafficking prosecutions if women who are victims of trafficking are charged with crimes that took place while they were being exploited.

I am not really answering your question, other than by saying that attitudinal change is needed. We regularly find that in decision letters women are told, "The door was open; you could have left." For a woman who is—as she would see it—being raped six times a day and who does not know which city she is in, whether or not the door is open does not matter. People's perceptions of what a person would do in such circumstances often do not take account of the vulnerability of victims before they came here and the impact of the trauma that they have experienced.

Scotland has to take a better interagency approach. It would also help if we were to have a

more robust partnership at strategic level. We could then start to discuss some key issues and look at what we, as agencies, would do. That has not happened yet.

Malcolm Chisholm: I think that you did answer my question. That was very helpful. The fact that you are listening and talking to the women makes your evidence particularly valuable. You anticipated my last question, but you may want to say more on the subject. What evidence-based approaches can be adopted in the prevention of human trafficking by public and voluntary bodies?

Ann Hamilton: There are two or three different layers. We are involved in UKHTC working groups, one of which is on prevention. After two or three years of frustration in which we did not make any great progress, we are now talking to the Department for International Development, not about running anti-trafficking programmes in other countries—developing countries, in particular—but about how to build warnings on trafficking and exploitation into the poverty reduction, educational and other programmes that are operating in the countries from which we know women are being trafficked, such as Nigeria, which is the country from which trafficking to the UK is most prevalent. Much more of that should be done. There is no evidence that the Government has mainstreamed that way of working in its international development work and linked it to aid.

Secondly, there is work with young people in this country who are vulnerable because internal trafficking is a major issue for us. Thirdly, we have to consider the demand that drives trafficking into this country and which has led to growth in the sex industry in all its forms across Scotland and the UK. Particularly in a country such as Scotland that is founded on equality and tackling issues such as violence against women, it is important to look at the demand for prostitution and the impact that it has not only on the individuals who are involved but on communities and society in general. A three-pronged approach certainly needs to be taken.

The Convener: That completes our lines of questioning. Is there anything that you want to say in closing?

Ann Hamilton: Thank you for giving me this opportunity. I know how frustrating it is that I cannot give empirical evidence to say, for example, that 300 women have been trafficked into Scotland. All I can say is that we have seen an increase in trafficking over the past few years. We have seen an increase not only in referrals but in the number of foreign women who use our service for women who are involved in indoor prostitution. Our staff say that all the 200 women with whom we are working want out. None of them wants to do what they are doing; it harms all of

them. Many of the women will have been trafficked in the formal sense, but almost all of them will have been trafficked around the country, whether from one part of Glasgow to another or from Glasgow to Edinburgh, Aberdeen or Inverness. It is time to look at trafficking on a much more holistic basis.

The Convener: It remains for me to thank you for coming to the committee today and providing an extremely valuable and in-depth insight into what is, without doubt, an extremely harrowing issue. This is a growth industry that is on our doorstep in Scotland and the UK.

Ann Hamilton: Thank you.

The Convener: The next committee meeting takes place on 28 September. It is our final evidence-taking session in the inquiry. We will hear from Alex Neil, the Minister for Housing and Communities, and Kenny MacAskill, the Cabinet Secretary for Justice. I look forward to seeing all members at the meeting.

Meeting closed at 12:30.

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