

Memorandum of Understanding (MoU) between the Independent Anti-Slavery Commissioner (IASC) and the Home Office

Introduction

A MoU is a form of framework document which provides an essential part of the foundation of the relationship between a public body and a sponsor team. It defines at a high level what function the public body fulfils and the roles and responsibilities of the key individuals involved in running, sponsoring, and overseeing the activities of the body. Framework documents are usually published on the website of the public body and remain in place until a new framework replaces it.

This Memorandum of Understanding relates to the relationship and governance arrangements between the IASC and the Home Office.

This MoU has been agreed between the IASC and the Home Office. However, it is not intended to, and will not have effect so as to, create legal relations. Nothing in this MoU supersedes the provisions in the Modern Slavery Act 2015.

The MoU will remain in place until a new document has been agreed and replaces it. It must be reviewed at least every three years and, where appropriate, revised by agreement between the IASC and the Home Office. Minor changes of a routine nature can be managed on a year-to-year basis by correspondence.

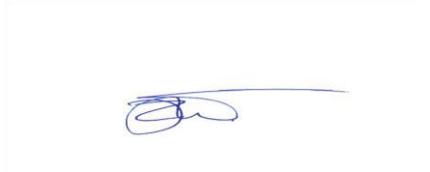
Any review of this MoU should be undertaken jointly by the IASC and the Home Office. The resulting document should be published to replace this version.

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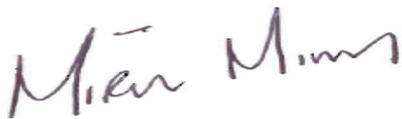
Signatories:

A large, stylized handwritten signature in black ink, consisting of several sweeping, connected strokes.

Julia Kinniburgh, Senior Sponsor of the IASC, Home Office Director General for Serious and Organised Crime Group.

A small, handwritten signature in blue ink, appearing to be a stylized 'Z' followed by a few loops.

Zoe Wilkinson, Head of Home Office Sponsorship Unit

A handwritten signature in black ink, clearly legible as 'Miriam Minty'.

Miriam Minty, Home Office Policy lead on Modern Slavery

A handwritten signature in black ink, appearing to be 'Sara Thornton'.

Dame Sara Thornton, Independent Anti-Slavery Commissioner

1. Background

Although sponsored by the Home Office, the IASC is a public appointee and operates independently of the Home Office. Part 4 of the Modern Slavery Act 2015 ('MSA') established the role of IASC. The responsibilities of the Secretary of State in relation to the IASC are also set out under that Act.

The IASC's role is to encourage good practice in the prevention, detection, investigation, and prosecution of slavery and human trafficking offences and the identification of victims of those offences which includes offences under section 41(2)(c) and (e) of the Modern Slavery Act 2015, the Human Trafficking and Exploitation (Scotland) Act 2015, and the updated section 41(2) Scotland Act Order with the new offences under the Human Trafficking Act.

In fulfilling these duties, the IASC may make reports and recommendations to government in accordance with Section 41 of the Modern Slavery Act and make recommendations to any public authorities, undertake research, provide education and training and cooperate or work jointly with public and non-public bodies. The IASC is independent and the recommendations and decisions she makes will be reached independently.

The IASC focus will primarily be on efforts to tackle modern slavery in the UK, including the work of the Devolved Administrations. Where the IASC engages internationally she is doing so in her independent capacity rather than representing HMG.

2. Responsibilities of the Home Office

- (i) The Home Office Director General for Serious and Organised Crime Group will be the senior sponsor of the IASC.

The Senior Sponsor will:

- Act as the contact for official level contact between the IASC and the Home Office at senior management level.
- Hold meetings with the IASC to discuss performance against objectives including financial outturn.
- Ensure that there is sufficient information to provide a view of the health of the operation of the IASC and where necessary integrated into Home Office corporate performance systems.
- Conduct the annual appraisal of the IASC.

(ii) ALB Sponsorship Unit

The Home Office Sponsorship Unit (HOSU) will hold lead responsibility for governance of the relationship with the IASC. HOSU will lead on corporate and non-policy issues.

These will include but are not limited to:

- Supporting, where possible, the procurement, legal, commercial and HR needs of the IASC through facilitating communication with HO Business Partners and the relevant HO teams
- Providing a forum for networking with other arm's length bodies e.g. the HOSU ALB Conference
- Support the HO Public Appointment Team on the IASC's appointment process
- Engaging across the Department and other ALBs to support the work of the IASC
- Coordinating and arranging for the approval of the IASC annual report and strategic plan.

(iii) The Home Office Modern Slavery Unit

- The Head of HO Modern Slavery Unit and Director of Tackling Slavery and Exploitation Directorate will provide policy engagement with the IASC, ensuring that the IASC is sighted on relevant policy developments, associated communications on modern slavery policy announcements, and, as appropriate, consulted or invited to contribute to relevant policy developments. In the absence of an IASC, the Head of the MSU will be responsible for ensuring that suitable alternative line management arrangements are made for the IASC Secretariat. MSU will lead on providing a public Government response to all reports published by the IASC within a reasonable timeframe and will engage with the Devolved Administration as appropriate.

3. Responsibilities of the IASC

The IASC functions are set out in the Modern Slavery Act 2015, which include some of the following responsibilities:

The IASC must:

- Encourage good practice in the prevention, detection, investigation and prosecution of slavery and human trafficking offences and the identification of victims of those offences.
- Produce an Annual Report (see below) on IASC's performance and activities during the applicable financial year.
- Produce a Strategic Plan (see below) setting out how the IASC proposes to exercise the IASC's functions in the period to which the plan relates, which must be not less than one year and not more than three years.

In pursuance of these responsibilities, the IASC may:

- Make reports to the Secretary of State, the Scottish Ministers and the Department of Justice in Northern Ireland;
- Provide advice and make recommendations to Ministers and other public bodies on best practice relating to modern slavery;
- Support research into modern slavery
- Provide information, education or training
- Cooperate or work jointly with public authorities, voluntary organisations and other bodies to address modern slavery
- Request a specified public authority to co-operate with her in any way that she considers necessary for the purposes of her functions

Annual report

- The MSA sets out that the Annual Report is to cover the exercise of the IASC's functions during the year. To adequately inform the Home Office and other stakeholders of the performance and activities of the IASC, the Annual Report must include:
 - (i) an assessment of the extent to which the IASC's objectives and priorities have been met in that year
 - (ii) a statement of the matters on which the IASC has made reports to the Secretary of State, the Scottish Ministers and the Department of Justice in Northern Ireland during the year
 - (iii) a statement of the other activities the IASC has undertaken during the year in the exercise of the IASC's functions.

Strategic plan

- The IASC must, as soon as reasonably practicable after the IASC's appointment, prepare a strategic plan and submit it to the Secretary of State for approval.
 - (i) The IASC must, before the end of the period to which a strategic plan relates ("the current period"), prepare a strategic plan for a period immediately following the current period and submit it to the Secretary of State for approval in accordance with section 42(7)a of the Modern Slavery Act. The strategic plan should be submitted allowing adequate time for the need for consultation with the Devolved Administrations
 - (ii) The IASC may at any time prepare a revised strategic plan and submit it to the Secretary of State for approval.

(iii) A strategic plan is a plan setting out how the IASC proposes to exercise the IASC's functions in the period to which the plan relates, which must be not less than one year and not more than three years.

(iv) A strategic plan must in particular:

- state the IASC's objectives and priorities for the period to which the plan relates;
- state any matters on which the IASC proposes to report under section 41(3)(a) during that period;
- state any other activities the IASC proposes to undertake during that period in the exercise of the IASC's functions.

To the extent that new issues may arise, during the period of the Strategic Plan, the IASC will not be limited by the Strategic Plan and may report within the remit of the IASC responsibilities.

4. Governance, oversight and reporting

IASC Staff

The IASC is supported by a team, identified as the IASC Secretariat, with additional support provided by corporate services from the Home Office. Whilst members of the IASC Secretariat are civil servants governed by the civil service rules and regulations, members are under the day to day direction and control of the IASC in support of her work. The IASC will be accountable for performance appraisals and performance management of the Secretariat and make sure appraisals are recorded on the HO appraisal system (METIS). Members of the Secretariat must comply with all relevant HO policies, processes and procedures including those for finance, procurement and HR. However, to ensure the independence of the IASC, staff are operationally independent and their work is led by the IASC.

5. IASC Advisory Panel

The IASC may constitute an Advisory Panel. The Panel should consist of members, drawn from a wide background of experts in modern slavery. Members of the Panel should be unpaid but receive, where appropriate, reasonable expenses. Members may be drawn from the UK jurisdictions and include but not limited to representatives from:

- Law enforcement
- NGO
- Business

The terms of reference of the Panel and membership should be published. The Panel should be chaired by a person drawn from outside the Government or Civil Service. The IASC's office should support the Panel to facilitate meetings, including taking minutes of meetings.

The Panel has no statutory powers and as such its role is only advisory. The IASC may choose to follow a difference course of action, to that proposed by the Panel, in carrying out her role.

6. Corporate reporting

HOSU will compile a quarterly dashboard for senior Home Office officials and also to inform the Home Office Executive Committee (EXCo), with an update on the activities of the IASC, financial performance and IASC's key risk and issues.

6.1 Corporate governance

The IASC will comply with the relevant Home Office and Cabinet Office guidance on ALB controls and any other relevant corporate governance publications. In addition, HOSU, as required, may produce process notes and/or guidance which set out to simplify, interpret or make clear any particular process which an ALB is required to carry out e.g. processes for escalating risk to HO. Where applicable HOSU may consult and work with the IASC to compile future guidance for circulation among the ALBs sponsored by the Department.

6.2 Risks and issues

The IASC will ensure that risks are dealt with in an appropriate manner, taking Home Office and Cabinet Office risk management guidance as a minimum standard. Risks relating to wider policy issues will be held and owned by the respective Home Office policy unit. The IASC will alert the HO to risks at the earliest opportunity and escalate risks to HO as necessary. HOSU will own risks relating to the appointment/re-appointment of the IASC. There may be shared risks or issues, identified by either the HO or the IASC, where engagement of all parties to support risk mitigation will be needed. Where applicable, the IASC will alert the HO to risks at the earliest opportunity where a risk materialises and propose to escalate risks to HO as necessary.

6.3 Responsibilities of public appointees

The IASC is a public appointee. HO (Public Appointment Team and HOSU) in consultation with the Devolved Authorities will ensure that appointment processes comply with the Government's Code of Practice on Public Appointments.

7. Data sharing

In taking forward the work of the IASC, she can seek data from the Home Office to help inform her work as set out in the HO/IASC data sharing protocol. The IASC and IASC's Secretariat should treat any data obtained from the Home Office with the sensitivity stipulated by the Home Office. e.g. whether or not the information is public information, and in accordance with applicable legislative requirements.

8. The principles of managing public money

As an independent office holder, the IASC is given a budget allocation and has financial accountability for the funding provided to support the role. However, delegation for the budget is retained and owned by the Head of HOSU. Day to day management of the IASC budget, in conformity with relevant HO rules and processes, rests with the Head of the IASC Secretariat. The HOSU lead sponsor will meet (monthly) with the Head of the IASC Secretariat and the Finance Business Partner to review actual and forecast expenditure against the IASC budget and will ensure that the IASC Secretariat pursues any necessary corrective steps.

The HOSU lead sponsor, working with the Finance Business Partner, will ensure that before the start of each financial year the IASC is notified of the budget allocation for the year. The HOSU will also give indicative budget allocations for the remainder of the spending review period. Firm allocation will be confirmed at the beginning of each financial year in a letter from the Head of HOSU.

The lead sponsor, working with the Finance Business Partner, will consider any proposals from the IASC to exceed the maximum sum for a specified purpose and, if necessary, provide advice to Ministers to enable them to decide on the proposals - see the process below.

9. Process for agreeing a budget for the IASC

The HO lead sponsor will ensure that the budget allocation for the IASC is considered as part of the SR and on a multi-year basis. In agreeing the annual budget for the IASC, in the Autumn (October – December) HOSU will ask the IASC to submit expected spend for the financial year ahead against priorities set out in the IASC strategic plan.

10. Process for the IASC to seek additional funding to meet unexpected expenditure

The IASC should actively aim to accommodate all spend within her budget. In seeking funding for unexpected spend, the IASC should notify the HO lead sponsor of the amount, purpose and justification as to why the spend cannot be deferred to the following year. The HO lead sponsor, working with the Finance Business Partner and senior sponsor in the HO, will assess if there

is a good case for the IASC's budget to be increased in order to meet the unexpected spend for a specified purpose. The HO will aim to give its decision within three weeks of the request for additional funding by the IASC being made.