

IASC advisory panel: Minutes (13 October 2020)

Date: 13 October 2020
Time: 16.00 – 18.00 (Virtual meeting)

Members

The Rt Revd Dr Alastair Redfern	Chair, The Clewer Initiative (Advisory Panel Chair)
Lara Bundock	CEO and Founder, The Snowdrop Project
The Rt Hon. the Baroness Butler-Sloss GBE	Co-Chair, All-Party Parliamentary Group on Human Trafficking and Modern Slavery
The Rt Hon. Fiona Mactaggart	Chair, Agenda and Fawcett Society; former Co-Chair, All-Party Parliamentary Group on Human Trafficking and Modern Slavery
Julia Mulligan	Police, Fire and Crime Commissioner, North Yorkshire
Dr Paul Rigby	Lecturer in Social Work, University of Stirling (Scotland)
Gillian Rivers	Partner, Penningtons Manches Cooper
Sir Bernard Silverman FRS	Professor of Modern Slavery Statistics, Rights Lab, University of Nottingham
Yasmin Waljee OBE	International Pro Bono Director, Hogan Lovells
The Baroness Young of Hornsey OBE	Co-Chair, All-Party Parliamentary Group on Sport, Modern Slavery and Human Rights

Apologies

Mick Clarke	The Passage
Mel Wiggins MBE	Former Project Coordinator, Freedom Acts (Northern Ireland)

In attendance

Dame Sara Thornton DBE QPM	Independent Anti-Slavery Commissioner
April McCoig	Victims and Partnership Lead, IASC
Jenna Teasdale	Research and Innovation Lead, IASC
Emma Crates	Private Sector Policy Lead, IASC
Richard Marsh	Law Enforcement and Prosecutions Lead IASC
Ed Bateman	Chief of Staff IASC

1. Introduction, minutes and actions of the last meeting (Rt Revd Dr Alastair Redfern, Chair, IASC advisory panel)

The Chair opened the meeting and welcomed Advisory Panel members to this third virtual meeting of the Advisory Panel. The minutes from the last Advisory Panel on 7 July 2020 were agreed.

Actions of last meeting:

The following actions were completed:

- Dame Sara to obtain a timeline for publication of the modern slavery statements audit and continue to press for progress on the audit and modern slavery statements registry.
- IASC Communications Officer to publish policy regarding media requests and draw up new logo designs to share with the panel.
- IASC office to consider engaging with the Migration and Modern Slavery Envoy for a future meeting.

The action for the IASC Prevention Lead and IASC Communications Lead to incorporate letters to CEOs as part of Operation Fort review launch is ongoing: letters referencing the Op Fort report and the IASC maturity model to be sent to CEOs.

Members asked about the timescales of the register of modern slavery statements. **Action: The Advisory Panel to be informed when the consultation on a register of modern slavery statements is live.**

2. Briefing by Dr Paul Rigby on child trafficking issues in Scotland

Supported by the paper appended to the minutes, Paul Rigby provided the Panel with a briefing on child trafficking in Scotland.

In relation to the transfer system, members commented that it was important that young people received good, timely legal advice but due to capacity issues this was probably a challenge in Scotland.

Dame Sara said that her experience on visiting to Scotland was that, historically, there has been low reporting of instances of child criminal exploitation although this is now beginning to change.

3. Deep dive on Priority 2: Supporting Law Enforcement and Prosecutions

Dame Sara and Richard Marsh (Law Enforcement policy lead IASC) provided an overview of the Commissioner's ongoing work related to law enforcement and prosecutions (Priority 2 of the [Strategic Plan 2019-2021](#)).

3.1 IASC review on Section 45

Dame Sara reported that her review [Modern Slavery Act 2015 statutory defence: a call for evidence](#) was published on 9 October.

The Commissioner provided a commentary of the review and 10 recommendations. Focussing on the four issues and three consequences deduced from the evidence received (see schematic at page 18), Dame Sara said that she was concerned that ‘the system’ was not sufficiently examining the nexus between trafficking and offending. It cannot be right that there is a common view among police practitioners that the best way to protect a young person was to put them into the courts’ system. Many local authorities consider that once a young person is in the NRM, thereafter the Home Office is singularly responsible for their safeguarding. These view and others resulted in the recommendation that the Home Secretary write all Local Authorities to ensure that they understand what the NRM means in the context of children.

Members commended IASC for an excellent report and strongly recommended that the Commissioner engaged the Criminal Bar Association to explore how best to take forward some of her recommendations. Dame Sara said that she was about to bring together a small team to take forward the recommendations and would consider the advice.

A member asked what percentage of young people engaged in County Lines offences were engaged with Independent Child Trafficking Guardians (ICTG). Dame Sara replied that, as said in her report, there is no data.

A member mentioned the group ‘Parents Against Child Exploitation’ ([PACE](#)) as a further source to contact in relation to the impact of Covid on the sector.

3.2 Sentencing Guidelines

Richard Marsh reported that the Modern Slavery Act created new offences under s1 and 2 of the Act, carrying a maximum sentence of life imprisonment. An examination of the key judgements, sentencing remarks, and appeals in this area demonstrate a consistent sentencing pattern of between 5 and 8 years custody. More lenient sentences have been passed together with a small number of significantly longer terms of imprisonment. No sentencing guidelines have yet been published and, as such, the authorities cited in these decisions have usually referred to earlier legislation and offences with significantly lower maximum sentences. As a result, there does not appear to have been a noticeable increase in sentences for trafficking type offenders following the passage of the Act, despite the new life sentence provision.

Throughout the process, we have emphasised the need to confront stereotypes about physical restraint and lack of ‘consent’ from victims in defining what modern slavery is, and to consider the often more subtle, invisible but effective use of coercion, deception and debt bondage as high culpability, aggravating factors alongside physical and sexual violence.

A draft of the proposed sentencing guidelines is about to be circulated for consultation that, hopefully, will be shared at or immediately before the Advisory Panel meeting. The IASC response to the consultation will focus on the goals of establishing sentences which are a deterrent to engaging in human trafficking in the United Kingdom and promote reparations for victims so they can build

sustainable lives as survivors. The draft guidelines include advice to judges about reparation orders and IASC will be keen to engage to ensure the wording is informed and fit for purpose.

The guidelines include a detailed consideration of degrees of harm to individual victims: physical, psychological and adverse impact on daily life (drawing the concept from controlling and coercive behaviour) but contain nothing about the wider harm to the community, or to society as a whole from the practise of these criminal enterprises. The operation of businesses using slave labour undercuts and damages legitimate businesses who comply with the law and encourages associated harm such as immigration offending and health and safety breaches with wider public health effects as the Covid-19 pandemic is highlighting. The harm index fails to recognise any of the wider, pervasive impact caused by the criminal activity.

Ancillary orders are explicitly referenced in the guidance, and it would be beneficial to expand this section to draw attention to a point which has emerged as a recent issue in “Operation Ullswater” in Blackpool i.e. that a Slavery and Trafficking Prevention Order comes into force at the time it is made, and as such the length of the order must extend well beyond any custodial sentence to be of value, or explicitly target the operation of criminal enterprise from within prison.

A member said that sentences were far too low and that they had raised the issue with the Lord Chief Justice. The member asked that the consultation be shared with the Panel when published. (Note – the Sentencing Council’s modern slavery offences [consultation](#) was published on 15th October and Panel members were provided the link).

The Panel discussed whether or not they would make a submission independent of the Commissioner and agreed that they should consider it.

A member commented that it was important that compensation under the Act should be wrapped into any discussion. Courts should be reminded that they are able to award compensation to victims. Dame Sara commented that one of the disbenefits of MSHT investigations being charged under other legislation was that the opportunity for compensation under the 2015 Act is lost.

Dame Sara referred to her [letter](#) of 9th October to the Ministry of Justice responding to the consultation on the Criminal Injuries Compensation Scheme (CICS) and agreed to include a copy in the minutes of the meeting. **Action: to circulate the Ministry of Justice letter to the Panel.**

3.3 MSHT Financial Investigations

Richard Marsh reported that financial investigation is a broad area which we believe provides opportunities to enhance the investigation of MSHT offences, secure more accurate and effective reparations from offenders and access a wealth of data to inform an intelligence led approach to identifying victims and offenders. The Modern Slavery Organised Immigration Crime (MSOIC) Unit reports very limited use of Financial Investigators (FIs) in Modern Slavery investigations, often deployed late to focus on proceeds of crime (POCA) considerations and not at an early stage to focus on proving evidence of offences under the Modern Slavery Act.

Richard Marsh provided the Panel with an outline of the framework that will shape his focus and invited feedback.

Early Progress

It is clear from initial work that there is a variable approach across the country to using financial investigation resources to combat modern slavery. There are several pockets of innovative practice including the MPS's use of SARs to proactively identify child victims of criminal and economic exploitation, and their efforts to embed Financial Investigators within their vulnerability function. We are in possession of a report on financial investigation completed by the MSOIC in mid-2019 which will inform the work. We are also linking in with the UK Financial Investigation Unit (FIU) at the NCA who have recently completed a project to use Suspicious Activity Reports (SARs) to detect County Lines offending and are interested in expanding this to Modern Slavery more broadly.

Richard added that the Suspicious Activity Reports (SARs) process is being reviewed. Whilst effective for fraud, money laundering and financial crime, and a reasonable fit for drugs crime, it needs reform to have greater benefit to investigators of MSHT.

A member commented that they had long thought that law enforcement should be focussing on the lifestyle of traffickers as indicators of criminality and emphasised the need to collect the evidence before the arrest – or lose it. How can that be done?

A member commented that law enforcement should consider working closer with commercial asset tracers. The member's experience is that they are very effective and probably ahead of some of the methodologies used by the statutory agencies. **Action: Richard Marsh agreed to consider bringing the NCA, MPS and commercial asset tracers together to explore the opportunity for joint working.**

A member referred to recent investigations into football agents and the trafficking of young people and asked whether agencies should not work closer together to make 'collective swoops'.

3.4 Increasing Prosecutions

Dame Sara reported that the IASC annual report 2020 raised concerns relating to the levels of prosecutions and provided a brief commentary of the key issues outlined in paragraph 2.2.1.

An initiative that should have a positive impact on improving prosecution rates is the recent decision to allocate 800 of the 20,000 police uplift award to regional organised crime units (information from MSOIC). While it will take some time for the numbers to permeate through to ROCUs (and there will be other calls on their time), the increase in personnel will provide greater opportunity to engage specialist officers toward MSHT intelligence and offences with, hopefully, a commensurate increase in offenders convicted at court.

Dame Sara said that she had reached out to the CPS. Following on from the publication of the annual report, it has been agreed that the Commissioner will attend the CPS Modern Slavery leads meeting on 24 November 2020 to discuss barriers to prosecution. The office has also agreed to work with the McCain Institute to understand falling prosecution rates across the World.

Richard Marsh is currently liaising with MSOIC Unit and Regional Organised Crime hub MSHT liaison desks to identify a group of police senior investigating officers with the intention of bringing a group together to learn from their experience as to what must happen to increase prosecutions.

A member commented on a Centre for Social Justice report and the proposed benefits of putting non MSHT case files through a language sieve to identify if the terms used in the statements were similar to that used in MSHT investigations/prosecutions.

A further member raised the fact that a number of agencies were currently engaged in a deep dive looking at criminal justice outcomes. Could IASC include some MSHT questions into the work? There is concern that case numbers had decreased due in part to losing the confidence victims following long remands. We were approaching a pinch point as police had used the COVID period as an opportunity to build cases that were now all with the CPS for decision.

4. IASC briefing

4.1 Dame Sara referred to correspondence with the [Secretary of State for Trade and Industry](#) and the [Secretary of State for Education](#)

A member suggested that in relation to the letter to Gavin Williamson MP, there may be benefit to additionally providing a copy of the letter to the chair of the Education Select Committee. **Action: a copy of the letter to the Secretary of State for Education to be provided to the chair of the Education Select Committee.**

4.2 April McCoig, Victims and Partnership Lead provided the meeting with an overview of the [IASC and EPCAT UK review: A review of what works in multi-agency decision making and the implications for child victims of trafficking](#)

A member commented that it was an excellent report and raised the possibility that it could be used to put pressure on improving services for adults.

April McCoig went on to provide the meeting with an update on the work to encourage devolved decision-making for children. AISC have co-hosted a series of round table discussions with the MSU. There was a common view that there was a disconnect between central decision making and local safeguarding delivery. Dame Sara co-wrote a letter with Patricia Durr of ECPAT (UK) to Home Office officials thanking them for progressing the 12 month pilot with local authorities and asking that they focus on measuring outcomes to the children in the NRM and commit to introducing an advisory group for the pilot.

4.3 Jenna Teasdale (International policy lead) provided an update on IASC international work including engaging with the Essex Police team investigating the tragic incident in Grays to begin to identify learning; identifying key source countries for trafficking into the UK; considering whether Dame Sara could visit Vietnam in addition to Bangkok in February 2021 and working with the Commissioner and Richard Marsh to engage the US McCain Institute in relation to understanding the barriers to increasing prosecutions.

A member commented that in relation to the transport and logistics sector and trafficking, Crimestoppers were doing some good work raising awareness. Jenna Teasdale responded that IASC is aware and engaged in a Police led public/private forum focussing on MSHT transportation.

Another member commented that her firm were advising families of the Vietnamese victims of the Grays incident and that she would be happy to discuss the impact to be included in any learning exercise.

5. Update on IASC office, structure and staffing

Ed Bateman (Chief of Staff) reported that:

5.1 Budget

The September Home Office finance report showed a year to date spend of £233,724 against an annual budget of £575,000. Whilst the report shows a £6000 overspend on our forecasted year to date spend, this has not taking into account the £30,000 Northern Ireland contribution that is factored into the budget on its receipt in December.

He understood that the Scottish Minister had recently signed off the £30,000 Scottish contribution to IASC. While this is of course great news, we only achieved budget last year because of holding vacancies and making a redundancy so a fully resourced office, as outlined below, will make coming in on budget this financial year extremely challenging.

The case for fair funding for the Commission was made again by Dame Sara in her letter of 14 August to SOC Director General Julia Kinniburgh responding to a request for information for the 2021/22 Spending Review.

The Commissioner is exploring two opportunities to recover funds. Before leaving IASC in September, Chief of Staff Rebecca Baumgartner was loaned back to the Home Office for five months to manage part of their COVID response. Throughout the period, IASC paid the full cost of her secondment. Dame Sara has written to the Home Office seeking reimbursement of 80% of her total cost (£34,064) reflecting the reduced support Rebecca was able to provide the office during the period. Additionally, we have approached Director General Julia Kinniburgh and are seeking advice from the Home Office VAT team as to whether we should be paying VAT on the costs for our two police staff secondments. Together, the VAT on costs for the secondments is £32,167.

5.2 Resourcing

Two IASC colleagues were successful in recent external recruitment processes and are now in their new roles as the International and the Research and Innovation policy leads. The office therefore now has policy leads for each of the four strands of the strategic plan plus an International policy lead.

Due to the then Communications Officer being successful in applying for the research and Innovation policy lead role, there is a vacancy for a new Communications Officer that we hope to fill from interviews during the week commencing 26 October.

The office has recently been joined by a funded Avon and Somerset Police detective inspector who is the new law enforcement policy lead. The process to recruit a colleague to manage the finance,

resource and office responsibilities (to replace the seconded chief of staff post) failed to find a suitable candidate. The intention now is to retain the SIA seconded colleague on a fixed term contract as Chief of Staff who will, additionally, support the law enforcement portfolio of initiatives. The office compliment of eight is completed by Dame Sara's Staff Office post.

IASC is currently talking with Survivor Alliance with a view to identifying a survivor as a paid intern.

6. AOB and closing remarks

The meeting agreed to invite Migration and Modern Slavery Envoy Jennifer Townson to the next Advisory Panel meeting that will deep dive into the International policy area.

The chair closed the meeting at 1803