

Chief Constable Shaun Sawyer  
Devon and Cornwall Police Headquarters  
Middlemoor  
Exeter, Devon  
EX2 7HQ

6 November 2020

Dear Shaun,

**'The Modern Slavery Act 2015 statutory defence: A call for evidence'**

On 8 October 2020, I published my review [The Modern Slavery Act 2015 statutory defence: A call for evidence](#) which examined the use of, and the challenges associated with, the defence created by s.45 of the Modern Slavery Act. The report made ten recommendations, three of which relate to policing:

2. Training in the statutory defence needs to be prioritised by the police, CPS, defence lawyers, magistrates and judiciary.
5. The police, together with other criminal justice partners, should consider adopting Northumbria Police good practice of a national disclosure document to prompt consideration of the statutory defence.
6. Every child within the NRM should be referred to the relevant local authority Children's Social Care who should convene a Strategy Discussion under Section 47 of the Children Act 1989.

Post publication, it was brought to my attention that the Northumbria good practice initiative was 'awaiting' implementation and I was therefore pleased to hear that Detective Superintendent Sheon Sturland in the Modern Slavery and Organised Immigration Crime Unit is actively exploring its wider application.

We recently discussed data limitations and the challenges caused by the lack of information collected by any agency about the use of this defence. This is an area of significant public interest and it is essential that the police, CPS and courts collaborate to identify a method of monitoring the use of the defence at all levels of the criminal justice system. In addition to my request for an update on the above recommendations, I would be interested to hear details of any proposed new approach to collecting data on the use of the s.45 defence.

I intend to review progress against my recommendations in the New Year and would therefore be grateful to receive a formal update on the above recommendations by Friday 15 January 2021.

I look forward to receiving your response. In the interests of transparency, I request that you respond in a way that enables me to publish your letter on my website.

Yours sincerely,



**Independent Anti-Slavery Commissioner**



# Devon & Cornwall Police

**Sent by email:**

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Shaun Sawyer QPM BA Hons  
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11 February 2021

Dear Sara

I write in formal response to your report, in 'The Modern Slavery Act 2015 statutory defence: A call for evidence' report you published on 8<sup>th</sup> October 2020. The recommendations in respect of policing are accepted in my national lead role on behalf of the NPCC. I have copied to the Chair, AC Martin Hewitt, for completeness.

Your report made three recommendations which relate to policing:

- (2) Training in the statutory defence needs to be prioritised by the police, CPS, defence lawyers, magistrates and judiciary.
- (5) The police, together with other criminal justice partners, should consider adopting Northumbria Police good practice of a national disclosure document to prompt consideration of the statutory defence.
- (6) Every child within the NRM should be referred to the relevant Local Authority Children's Social Care who should convene a Strategy Discussion under Section 47 of the Children Act 1989.

The Modern Slavery and Organised Immigration Crime Unit (MSOIC) has worked closely with the National Crime Agency (NCA), the Crown Prosecution Service (CPS) and the

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National County Lines Coordination Centre (NCLCC) to improve policing's understanding of S45. A working group has been established to design and deliver a series of webinars to enable police investigators to better understand the S45 defence in order to more effectively safeguard victims in need of its protection and prevent its abuse by offenders. The design and content of the course has been agreed and the NCA has kindly agreed to take the lead in delivering this training to police forces with support from the MSOICU and NCLCC. The training webinars are planned to begin during this quarter and will be monitored over the coming months.

You are aware of the work of the Prosecutions Oversight Board (POB) chaired by the MSOIC involving wider criminal justice and law enforcement partners. The recommendation made by you is clearly far reaching and whilst the training recommendation is being progressed, the substance of that recommendation will be incorporated within the work of POB. This will ensure that we are able to monitor the impact of training for victims whilst reviewing, as a collective, the impact of the wider recommendation which you set out.

The Northumbria Police good practice document has yet to be implemented. Your recommendation is accepted and has formed part of our discussion to improve police understanding of S45. The principles of the document have been incorporated into our training, as detailed above, as well as the accompanying guidance documents.

In respect of recommendation 6, police forces are committed to ensuring all children get the support they need to prevent them being exploited. Police forces' safeguarding policy and training requires officers to consider referrals to Children's Social Care for any children at risk of harm. Police forces work closely with Children's Social Care and other safeguarding partners to check this is happening as part of good safeguarding governance arrangements as well as statutory inspections. All Modern Slavery-specific guidance includes making a referral to Children's Social Care as part of any NRM referral. This is also checked as part of Modern Slavery local scrutiny panels.

Currently, the Department for Education (DfE) are responding only to recommendation 7 in your report but I believe it would be helpful for the Department for Education to also examine recommendation six. This could be part of the recently announced review into children's social care and consider whether an update to the statutory guidance would assist in providing greater consistency amongst local authorities in supporting children subject to exploitation and other extra-familial harm. The MSOIC would be willing to work with the DfE on this recommendation.

Subject to your considerations may I propose that I write to you by way of further update as to progress by the NPCC in six months' time.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Shaun Sawyer'. The signature is stylized with a large, sweeping flourish at the end.

**Shaun Sawyer QPM**  
**Chief Constable**

cc AC Martin Hewitt, NPCC

