

Modern Slavery Bill

Factsheet: Independent Anti-slavery Commissioner (Part 4)

Minister for Modern Slavery and Organised Crime, Karen Bradley:

“It is vital that law enforcement agencies do all they can to stamp out modern slavery. We need to ensure that a very wide range of public authorities work together to identify victims, prevent modern slavery offences and punish the perpetrators.

“Having a senior figure dedicated to bringing agencies together to strengthen their overall response is critical to what we all want to see – more victims removed from slavery and an end to the heinous trade in human beings.”

Background

The Centre for Social Justice, in its report “It Happens Here” said that:

“Given this complexity and stagnation, the appointment of an Anti-slavery Commissioner will mark a significant step forward by providing continuity of expertise and independent advice. There is significant need in the UK for the appointment of a single individual to oversee efforts to fight modern slavery in the UK, in light of the disparate national response.”¹

Modern slavery and human trafficking affect the lives of many people. As crimes, they have the potential to be identified and tackled by staff from many public authorities; including police, border officials, HMIC, health workers and many more.

Currently there is a tendency to work in silos, which is not always the best way to identify and help victims of slavery and human trafficking, or to successfully disrupt or prosecute those responsible for these appalling crimes.

What we are going to do:

For the first time, we will have a senior figure dedicated to the UK’s fight against modern slavery. The Commissioner will act strongly in the interests of victims (and potential victims) by making sure that the law enforcement response to modern slavery is coordinated and effective and by ensuring that victims are identified effectively. Since the introduction of the Bill in the House of Commons, we have amended the title of the office holder to clarify that the Commissioner is the ‘*Independent Anti-slavery Commissioner*’.

¹ Centre for Social Justice Report: It Happens Here. Published March 2013, page 59

Part 4 (Clauses 40–44) of the Modern Slavery Bill would establish the Independent Anti-slavery Commissioner. Government amendments to the Bill during its passage through the House of Commons have given the Commissioner a UK wide remit, subject to the agreement of the Scottish Parliament and the Northern Ireland Assembly.

In performing his or her functions, the Commissioner must encourage good practice in the prevention, detection, investigation and prosecution of modern slavery offences and the identification of victims.

The clauses also provide that specified public authorities are under a duty to cooperate (as far as reasonably practicable) with the Commissioner for the purpose of the Commissioner's functions.

Benefits:

The role of the Independent Anti-slavery Commissioner has been designed to make a major, and speedy, operational difference to the fight against modern slavery by working with law enforcement agencies and other stakeholders to improve their overall response to this terrible crime.

The Commissioner's role includes a focus on improving the effective and prompt identification of victims: essential to both the protection of victims and effective prosecution. This will help ensure that victims are identified quickly by front-line professionals.

The Modern Slavery Bill will also allow the Commissioner to develop a strategic plan covering between one and three years. This will allow the Commissioner to plan on a long-term basis to ensure a coherent and effective programme of activities to strengthen law enforcement efforts.

The Commissioner will provide independent analysis, make independent reports and make recommendations to public authorities about the exercise of their functions.

Crucially, the Commissioner's ability to build partnerships and work effectively with stakeholders nationally and internationally is critical to tackling modern slavery effectively. This will allow the Commissioner to better understand, support and improve the totality of law enforcement efforts from a domestic and international perspective.

Q&A

Will the Commissioner be independent?

Yes.

The Commissioner's independence will be respected, just as the Government respects the independence of other similar office holders.

The Commissioner will have the authority and autonomy needed to carry out their functions effectively, whilst at the same time ensuring that their remit is clearly focused.

The Commissioner will have the freedom and independence to look at the law enforcement response to modern slavery without fear or favour, and make reports which will highlight where improvements can be made.

Won't having to agree annual and ad hoc reports undermine the independence of the Commissioner?

No, it is normal for arm's length bodies to agree their programme with the Secretary of State. It is also in the interests of the fight against modern slavery.

It is critical that the Commissioner and the Secretary of State build a partnership, where the Commissioner's work helps the Secretary of State to push through real change to stamp out modern slavery. The requirement for approval helps ensure this coherence.

Once the plan is agreed, the Commissioner will be entirely independent and able to report freely on his or her findings with the exception of redactions limited to very specific grounds, such as in the interests of national security.

Why does the Secretary of State, Scottish Ministers and the Department of Justice in Northern Ireland need to retain the power to redact information in any reports made by the Commissioner?

The provisions of the Bill have been amended to allow only for redaction where the publication of material would be against the interests of national security, might jeopardise an individual's safety or might prejudice the investigation or prosecution of an offence. These specific and proportionate grounds for redaction are necessary in order to ensure that matters of important public interest are not inadvertently put at risk. The powers provided to the Scottish Ministers and Department of Justice in Northern Ireland respect the devolution settlements.

Home Office
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