

CONSULTATION ON PROPOSED AMENDMENTS TO THE Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015

Consultation on proposals

7 July 2020

Closing date for responses: 1 September 2020

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1. About this consultation

1.1 The Department of Justice has identified two minor amendments to the modern slavery provisions in the Human Trafficking and Exploitation (Criminal Justice and Support For Victims) Act (Northern Ireland) 2015 ('the HT Act 2015').

These are to:

1. Amend section 12 of the HT Act 2015 to remove the statutory requirement to publish a strategy at least once in every year; and
2. Amend section 18 of the HT Act 2015 to extend support to victims of slavery, servitude and forced or compulsory labour.

1.2 This consultation document seeks your views on these proposed changes and further detail on the proposals is in section 2.

1.3 This work is part of a wider strategic approach to tackling serious organised crime and also contributes to delivery of the current NICS Outcomes Delivery Plan, in particular, Outcome 7: We have a safe community where we respect the law and each other.

1.4 The policy intent of amending section 12 is to give the Department the ability to set the longer term direction for addressing modern slavery while also delivering shorter-term operational plans. Combining these two planning components will provide an appropriate and proportionate level of assurance that we can respond quickly to a changing environment while also enabling us to work collectively with others to agree a longer term vision for the protection and support of victims and the prosecution of traffickers.

1.5 The policy intent of amending section 18 is to place on a statutory footing a decision made in January 2016, by the then Justice Minister, David Ford to extend assistance and support to potential victims of slavery, servitude and forced or compulsory labour (offences under section 1 of the Act). This proposed legislative change will therefore reflect current practice. Support for potential victims of slavery, servitude and forced or compulsory labour is in place in other UK jurisdictions.

Responding to this consultation

1.6 The best way to access this consultation is on the response questionnaire at Annex A

1.7 At the end of Section 3 there are a number of questions posed about each proposed change, and a response questionnaire is provided at Annex A. In order to aid our analysis of responses it would be helpful if you could use this response questionnaire when responding to the consultation.

Duration and closing date

1.8 The consultation will remain open until 1 September 2020 and responses will be welcomed up to that date.

Alternative formats and further information.

1.9 Hard copies of this consultation document and, copies in other formats, including Braille, large print etc., can be made available upon request. If you require an alternative format or a language other than English, please let us know and we will do our best to assist you. If you require any further information on the consultation process or the content of this document, or any other assistance to make a response, please contact the Department.

We can be contacted using the details provided below:

By Phone: 02890 520066

By Email: OCB.enquiries@justice-ni.x.gsi.gov.uk

In writing: Organised Crime Branch
Protection and Organised Crime Division
Department of Justice
Castle Buildings
Stormont Estate
Belfast
BT4 3SG

Impact Assessments

1.10 These policy proposals have been screened for equality impact and rural needs impact. No adverse impacts have been identified. Copies of these screening assessments are available on our website along with the consultation document. We welcome any comments you might have on these screening documents. These screening assessments will be revisited as necessary if there are significant changes to the policy proposals as a result of consultation comments.

Freedom of Information and General Data Protection Regulations

1.11 Please note that responses to this consultation will be subject to the Freedom of Information Act 2000, which gives the right of access to much of the information held by public authorities. Before you submit your response, please read the advice in **Annex B** about the effect of the Freedom of Information Act 2000 on the confidentiality of responses to public consultation exercises.

1.12 Before you submit a response, please also read the Privacy Notice at **Annex C** which shows how we will use personal information as part of the processing of consultation responses.

Complaints

1.13 If you have any concerns about the way this consultation process has been handled, please submit your complaint by email to standardsunit@justice-ni.x.gsi.gov.uk or write to the following address:

Standards Unit
Department of Justice
Knockview Buildings
Stormont Estate
Belfast BT4 3SL

2. Proposals

Proposal to remove the statutory requirement to publish a strategy “at least once in every year”

2.1 Section 12 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 requires the Department to publish a strategy on offences under section 1 and 2 *at least once in every year*. Section 12 also requires consultation with other relevant organisations.

2.2 By their nature, strategies generally set out longer-term objectives, with action/implementation plans recording milestones within a financial year. The Department of Justice therefore proposes an amendment to Section 12(1) to enable a strategy to be published on a less frequent basis [perhaps every 3, 4 or 5 years] with the option of a regular review.

2.3 Lengthening the timeframe of the NI Modern Slavery strategy would enable the Department to focus on identifying longer-term strategic goals and to then take forward the actions underpinning these and monitor the progress of relevant contributors. As some objectives span more than one year, this would also have a positive impact on performance management.

2.4 Having now had four years of an annual strategy, it is considered that a longer term strategy with annual plans would provide the Department and partners with the ability to set the longer term direction for addressing modern slavery while also delivering shorter-term operational plans. It is considered that combining these two planning components will provide an appropriate and proportionate level of assurance that we can respond quickly to a changing environment while also enabling us to work collectively with others to agree a longer term vision for the protection and support of victims and the prosecution of traffickers.

2.5 The Department is seeking stakeholder views on:

- the proposal to lengthen the period for the strategy;
- the appropriate period of the strategy – 3, 4 or 5 years; and
- committing to publishing a progress report on an annual basis instead.

QUESTION 1:

Do you agree that amending the requirement to publish an **annual** strategy by lengthening the time period is the correct decision? **YES/NO**

If so, would you support the proposal to instead publish an **annual update** on progress?

Please use the Response Questionnaire at Annex A

QUESTION 2:

If you do NOT agree, please explain your reason.

Please use the Response Questionnaire at Annex A

QUESTION 3:

Do you believe the strategy should be published every **three years, four years or five years**?

Please use the Response Questionnaire at Annex A

Proposal to extend support to victims of slavery, servitude and forced or compulsory labour

2.6 Section 18 of the Human Trafficking and Exploitation (Criminal Justice and Support For Victims) Act (Northern Ireland) 2015 ('the HT Act 2015') provides for assistance and support to be made available to potential victims of human trafficking (an offence under section 2 of the Act) pending determination of their status as a victim by the competent authority.

2.7 In January 2016, Justice Minister David Ford in line with UK-wide support for victims of slavery policy, extended this assistance and support to potential victims of slavery, servitude and forced or compulsory labour (offences under section 1 of the Act). Support for potential victims of slavery, servitude and forced or compulsory labour is in place in other UK jurisdictions. The provision of assistance and support to potential victims of slavery, servitude and forced or compulsory labour has been in place in NI since March 2016 but is not a statutory requirement.

2.8 It is proposed to amend Section 18 of the HT Act 2015 to make the provision of assistance and support to potential victims of slavery, servitude and forced or compulsory labour a statutory requirement.

2.9 As this is current practice, we would not anticipate the proposed legislative amendment will raise any significant issues. However we are keen to ensure key stakeholders on Modern Slavery and Human Trafficking across Northern Ireland and in GB are kept abreast of developments and have the opportunity to raise any issues.

QUESTION:

Do you agree with the proposal to amend section 18 of the HT Act 2015 to extend assistance and support to potential victims of slavery, servitude and forced or compulsory labour? **YES/ NO**

Please use the Response Questionnaire at Annex A

If not, please comment:

Please use the Response Questionnaire at Annex A

Consultation Response Questionnaire

**Proposal to remove the statutory requirement to publish a strategy
“at least once in every year”**

QUESTION 1:

Do you agree that amending the requirement to publish an **annual** strategy by lengthening the time period is the correct decision? **YES**

If so, would you support the proposal to instead publish an **annual update** on progress? **YES**

QUESTION 2:

If you do NOT agree, please explain your reason.

QUESTION 3:

Do you believe the strategy should be published every **three years, four years or five years?**

Human Trafficking and Exploitation is a dynamic issue. A published strategy should be published every **three years** to address the emerging strategies those who engage in this offending behaviour and supporting victims of slavery, servitude, and forced labour.

Proposal to extend support to victims of slavery, servitude and forced or compulsory labour

QUESTION:

Do you agree with the proposal to amend section 18 of the HT Act 2015 to extend assistance and support to potential victims of slavery, servitude and forced or compulsory labour? **YES**

If not, please comment:

FREEDOM OF INFORMATION ACT 2000 – CONFIDENTIALITY OF CONSULTATIONS

The Department intends to publish a **summary** of responses following completion of the consultation process.

Your response, and all other responses to the consultation, may also be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this public consultation.

Subject to certain limited provisos, the Freedom of Information Act gives members of the public a right of access to any information held by a public authority, in this case, the Department. This right of access to information includes information provided in response to a consultation.

The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity should be made public or be treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- ❖ the Department should only accept information from third parties "in confidence" if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
- ❖ the Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature;
- ❖ acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

Further information about confidentiality of responses is available by contacting the Information Commissioner's Office (or at www.informationcommissioner.gov.uk).

Privacy Notice

Data Controller Name: Department of Justice (DoJ)

Address: Department of Justice, Castle Buildings, Stormont Estate, BELFAST, BT4 3SG

Telephone: 02890 378617

Email: FOI@justice.x.gsi.gov.uk

Data Protection Officer Name: DoJ Data Protection Officer

Telephone: 02890 378617

Email: DataProtectionOfficer@justice-ni.x.gsi.gov.uk

Why are you processing my personal information?

- DoJ is seeking comments from interested parties as part of its public consultation on the Consultation on policy proposals for new offences to tackle organised crime in Northern Ireland. DoJ is not seeking personal data as part of the consultation but is likely to receive names and addresses/e-mail addresses as part of a consultee's response.
- Consultation is a requisite part of the development of public policy and strategy.
- **ONLY if you are relying on consent to process personal data.**
DoJ is not relying on consent for processing the data supplied by the applicant. DoJ is required to seek consultation responses as part of policy development.

What categories of personal data are you processing?

- Responses to the consultation will include names and addresses and/or e-mail addresses.

Where do you get my personal data from?

- The personal data will originate from the person responding to the consultation.

Do you share my personal data with anyone else?

- We will not share your personal data with other organisations.

Do you transfer my personal data to other countries?

- No.

How long do you keep my personal data?

- We will retain your data in line with 5.7 of Schedule 5 of the DoJ Retention and Disposal Schedule (<https://www.justice-ni.gov.uk/publications/doj-retention-and-disposal-schedule>).

(If you use automated decision making or profiling) How do you use my personal data to make decisions about me?

- DoJ will not use automated processing for responses to this consultation.

What rights do I have?

- You have the right to obtain confirmation that your data is being [processed, and access to your personal data](#)
- You are entitled to have personal data [rectified if it is inaccurate or incomplete](#)
- You have a right to have personal data erased and to prevent processing, [in specific circumstances](#)
- You have the right to 'block' or suppress processing of personal data, [in specific circumstances](#)
- You have the right to data portability, [in specific circumstances](#)
- You have the right to object to the processing, in specific circumstances
- You have rights in relation to [automated decision making and profiling](#)

How do I complain if I am not happy?

Complaints should be submitted to:
Freedom of Information Unit
Department of Justice
Castle Buildings
Stormont Estate
BELFAST
BT4 3SG

Telephone: 02890 378617
Email: FOI@justice.x.gsi.gov.uk

If you are unhappy with any aspect of this privacy notice, or how your personal information is being processed, please contact the *Departmental Data Protection Officer* at: DataProtectionOfficer@justice-ni.x.gsi.gov.uk

If you are still not happy, you have the right to lodge a complaint with the Information Commissioner's Office (ICO):

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113
Email: casework@ico.org.uk
<https://ico.org.uk/global/contact-us/>