

To: Safer and Stronger Renfrewshire Thematic Board

On: 7 February 2017

Report by:

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Consultation on the Scottish Government Strategy on Human Trafficking and Exploitation

1. Summary

- 1.1 The Human Trafficking and Exploitation (Scotland) Act 2015 created offences of human trafficking, slavery, servitude and forced or compulsory labour, and requires that Ministers and the Scottish Government prepare a strategy to tackle these issues in Scotland.
- 1.2 The Scottish Government launched the consultation on the strategy on 12 October 2016 with responses to be provided in December 2016. The consultation response attached as Appendix 1 to this report was submitted in line with the Scottish Government timescales.
- 1.3 The strategy sets out a vision to eliminate human trafficking, slavery and servitude, details how the Scottish Government plan this will be achieved and sets out an action plan as to how this will be monitored.
- 1.4 The consultation response was coordinated by Renfrewshire Council's Community Resources and, sought the views of other interested Services including the Council's Legal Services, Children Services and the Renfrewshire Health and Social Care Partnership.
- 1.5 In the proposed consultation response, Renfrewshire Council welcomes this strategy and fully endorses the vision to *eliminate human trafficking and exploitation* both locally, nationally and internationally.
- 1.6 The proposed consultation response also highlights that the Renfrewshire Community Safety Partnership and Daily Tasking process is a key conduit to provide intelligence on potential trafficking and exploitation within Renfrewshire. The Daily Tasking process assists by highlighting vulnerable people; missing persons; using public space CCTV and ensuring the key stakeholders are made aware of concerns and have an early action to intervene.



2. Recommendations

- 2.1 That the Safer and Stronger Renfrewshire Thematic Board note the Consultation on the draft Human trafficking and exploitation strategy carried out by the Scottish Government and the Council's response.

3. Background

- 3.1 In October 2015 the Scottish Parliament passed the Human Trafficking and Exploitation (Scotland) Act 2015, the first dedicated Scottish legislation on this issue. The Act created the offences of human trafficking and of slavery, servitude and forced or compulsory labour, with a maximum life sentence possible for those convicted of committing these crimes.
- 3.2 Human trafficking is the illegal trade of human beings, both adults and children, for exploitation. Exploitation can take many forms. For example cannabis cultivation, work in the hospitality industries for little or no pay and in poor conditions, being forced to commit benefit fraud for others' gain, domestic servitude, commercial sexual exploitation, sham marriage and organ removal. These are only examples and there are many others that could be listed.
- 3.3 Slavery, servitude and forced or compulsory labour are defined in terms of Article 4 of the European Convention on Human Rights. Although no exchange of control over the individual takes place, the victims are still treated as the property of another, obliged to provide services through the use of coercion. The term covers all work or service which is exacted from any person under the threat of any penalty.
- 3.4 These offences happen in Scotland, within the UK and internationally.
- 3.5 The Trafficking and Exploitation Strategy is a direct result of the 2015 Act, which requires Scottish Ministers to prepare such a Strategy. The Act requires that the Strategy sets out such actions, arrangements and outcomes that Ministers consider appropriate in relation to conduct which constitutes an offence under the Act.
- 3.6 The draft Strategy cross-refers with other relevant strategy and policy documents, including, for example, Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls (2016); Scotland's National Action Plan to tackle Child Sexual Exploitation (2015); and Scotland's Serious and Organised Crime Strategy (2015).

4. The strategy

- 4.1 The strategy is divided into 6 parts:



- Introduction
 - Background and Evidence
 - Vision, Action Areas and Moving Forward
 - Action Area 1 – Identify victims and support them to safety and recovery
 - Action Area 2 – Identify perpetrators and disrupt their activity
 - Action Area 3 – Address the conditions that foster trafficking and exploitation
 - Children
 - Next steps and measuring progress
 - Policy Context
- 4.2 The strategy will require to be reviewed 3 years following inception to ensure it remains meaningful and is continuing to tackle the main issues.
- 4.3 The vision of the document is to *eliminate human trafficking and exploitation* both locally and internationally.
- 4.4 The strategy is written as a partnership at a local, national and international level and includes the Scottish Government and partners from the public, private and third sector organisations.
- 4.5 The trading of adults and children as commodities and exploiting them for profit and benefit causes lasting physical and psychological damage.
- 4.6 Human trafficking and sexual exploitation is continually evolving as part of wider serious and organised crime and exploitation can include sexual, labour, criminal, domestic servitude and sham marriages.
- 4.7 Under the 3 key actions areas above, the Scottish Government plan to:
- 4.7.1 **Identify victims and support them to safety and recovery**
- The strategy aims to promote increased understanding and awareness among those who may encounter victims about signs of trafficking and exploitation and create clear pathways for them to take action and get support from specialists.
 - A network of experts will be developed to improve joined up support. They will provide victims with support to help them start the recovery process and build greater resilience. They will also seek to improve the identification process so as to ensure the trust of victims and professionals in the support systems available to them.



- Support and protection for children in Scotland who have or may have been subject to these crimes will be provided within the context of Scotland's child protection system and the national Getting it Right for Every Child (GIRFEC) approach to improving outcomes for children and young people, recognising the specific rights afforded to children and young people in this respect through the United Nations Convention on the Rights of the Child (UNCRC). This places the child at the centre, enabling services to focus on both the protection and the wellbeing needs of the child.

4.7.2 Identify perpetrators and disrupt their activity

- The flow of information about trafficking and exploitation will be improved by working to increase the reporting of potential victims and encourage voluntary reporting. This will include developing better information sharing and joint action across borders. Courts will have new powers available when sentencing perpetrators, including powers to restrict their activity and confiscate their profits.

4.7.3 Address the conditions, both local and global, that foster trafficking and exploitation

- The strategy will seek to inform the public, encouraging them to question and reject the exploitation of other human beings and to think about how what they buy and what they do could contribute to this crime. The fact that trafficking and exploitation not only happen across international borders, but also within the UK and Scotland will be highlighted. Alongside this work will be undertaken to identify those areas where victims brought to Scotland come from.

4.7.4 For each of these Action Areas, the Strategy sets out short, medium and long term actions.

4.8 One of the key aims for the strategy is not just to focus on victims, but to ensure that appropriate help is provided before vulnerable people become victims.

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Appendix 1

Trafficking and Exploitation Strategy – Consultation



Scottish Government
Riaghaltas na h-Alba
gov.scot

Responding to this Consultation

We are inviting responses to this consultation by 7 December 2016.

Please respond to this consultation using the Scottish Government's consultation platform, Citizen Space. You view and respond to this consultation online at <https://consult.scotland.gov.uk/human-trafficking-team/a-human-trafficking-and-exploitation-strategy/>

You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 7 December 2016.

If you are unable to respond online, please complete the Respondent Information Form (see "Handling your Response" below) to:

Human Trafficking Team

GWR

St Andrews House

Edinburgh EH1 3DG

Handling your response

If you respond using Citizen Space (<http://consult.scotland.gov.uk/>), you will be directed to the Respondent Information Form. Please indicate how you wish your response to be handled and, in particular, whether you are happy for your response to be published.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form attached included in this document. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material,

responses will be made available to the public at <http://consult.scotland.gov.uk>. If you use Citizen Space to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them human.trafficking@gov.scot

Scottish Government consultation process

Consultation is an essential part of the policy-making process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.scotland.gov.uk>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Consultations may involve seeking views in a number of different ways, such as public meetings, focus groups, or other online methods such as Dialogue (<https://www.ideas.gov.scot>)

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

TRAFFICKING AND EXPLOITATION STRATEGY

RESPONDENT INFORMATION FORM

Please Note this form must be returned with your response.

Are you responding as an individual or an organisation?

- ☐ Individual
- ☒ Organisation

Full name or organisation's name

Renfrewshire Council

Phone number

0141 618 4609

Address

Renfrewshire House
Cotton Street
Paisley
Renfrewshire

Postcode

PA1 1BR

Email

chris.dalrymple@renfrewshire.gcsx.gov.uk

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- ☒ Publish response with name
- ☐ Publish response only (anonymous)
- ☐ Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

☒ **Yes**

☐ **No**

TRAFFICKING AND EXPLOITATION STRATEGY – CONSULTATION

Introduction and background

In October 2015 the Scottish Parliament passed the Human Trafficking and Exploitation (Scotland) Act 2015, the first dedicated Scottish legislation on this issue. The Act created the offences of human trafficking and of slavery, servitude and forced or compulsory labour, with a maximum life sentence possible for those convicted of committing these crimes.

Human trafficking is about the illegal trade of human beings, both adults and children, for exploitation. Exploitation can take many forms. For example cannabis cultivation, work in the hospitality industries for little or no pay and in poor conditions, being forced to commit benefit fraud for others' gain, domestic servitude, commercial sexual exploitation, sham marriage and organ removal. These are only examples and there are many others that could be listed.

Slavery, servitude and forced or compulsory labour are defined in terms of Article 4 of the European Convention on Human Rights. Although no exchange of control over the individual takes place, the victims are still treated as the property of another, obliged to provide services through the use of coercion. The term covers all work or service which is exacted from any person under the threat of any penalty.

These offences happen in Scotland, within the UK and internationally and affect people from a range of nationalities and ethnic backgrounds.

Strategy

The Trafficking and Exploitation Strategy is a direct result of the 2015 Act, which requires Scottish Ministers to prepare such a Strategy. The Act requires that the Strategy sets out such actions, arrangements and outcomes that Ministers consider appropriate in relation to conduct which constitutes an offence under the Act.

The draft Strategy on which we are currently consulting seeks to bring together and build on all of the valuable work already undertaken by the Scottish Government and its partners in the public, private and third sectors, to provide coherent and effective support for victims and take action against perpetrators.

It sets out the approach that the Scottish Government and its partners, working with others in the UK and internationally, will take to address human trafficking and slavery, servitude and forced or compulsory labour.

The draft Strategy has been developed in partnership with stakeholders over the past months. Our shared vision is a straightforward (although not simple) one – to eliminate human trafficking and exploitation. The vision reflects the fact that, although the main focus and influence of this Strategy is within Scotland, it seeks to contribute to the effort to tackle human trafficking and exploitation across the UK and

beyond and we believe that the actions set out in the Strategy will help us to move towards fulfilment of that vision.

The draft Strategy cross-refers with other relevant strategy and policy documents, including, for example, Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls (2016); Scotland's National Action Plan to tackle Child Sexual Exploitation (2015); and Scotland's Serious and Organised Crime Strategy (2015).

Giving your views

The following questions are designed to find out your views on the Strategy and to offer the opportunity for you to highlight areas where it could be improved. You may find it useful to refer to Annex One in the Strategy document, which gives links to a number of other documents that provide the broader context for the Strategy.

In addition, we have produced a guide to the Human Trafficking and Exploitation (Scotland) Act 2015, which has been published alongside the draft Strategy for reference.

Our stakeholders have provided some case studies, which help to illustrate some aspects of human trafficking and exploitation as it manifests itself in Scotland today.

Following the close of the consultation, the responses will be analysed, considered and taken into account in developing the final version of the Strategy, which will be laid in Parliament by the end of May 2017.

CONTENT OF THE STRATEGY

1. Section 1 (pages 4-8)

The overall **Vision** of the Strategy is to eliminate human trafficking and exploitation.

The Strategy sets out **three Action Areas** that will help us to achieve this vision.

These are

- Identify victims and support them to safety and recovery
- Identify perpetrators and disrupt their activity
- Address the conditions, both local and global, that foster trafficking and exploitation

Do you agree that these Action Areas taken together will help to achieve the vision?
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Yes /No (Please highlight your answer)

Are there any other comments you wish to make?
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Renfrewshire Council welcomes the strategy and fully agrees with the vision and 3 action areas. As stated in Action 3, this serious and organised crime is on an international level, therefore cross boundary work is also essential to reduce human trafficking.
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2. **Section 3 (pages 11-24)** of the Strategy covers each Action Area and sets out

- what is already happening,
- what we need to improve and
- what actions we will take.

2.1 Action Area 1 (pages 13-16) deals with identifying victims and supporting them to safety and recovery. Do you think the particular actions listed on pages 15 and 16 will help in achieving this?

Yes/No (please highlight your answer)

Please expand on your response if you wish to.

Intelligence is filtered through the Renfrewshire Community Safety Partnership Hub and in particular the daily tasking meeting in relation to adult and child protection. Efforts from various agencies will help enable delivery of the Strategy with practitioners taking their own statutory roles. Daily tasking can contribute to generating a greater understanding and awareness of such crimes and will be a central approach regarding sharing of intelligence to the agencies for an earlier intervention approach.

Renfrewshire Council agrees with the short term, medium and longer term actions set out in the strategy.

Is there anything you would add to Action Area 1 on identifying victims and supporting them to safety and recovery?

2.2. Action Area 2 (pages 17-20) deals with identifying perpetrators and disrupting their activity. Do you think the particular actions listed on pages 19 and 20 will help in achieving this?

Yes/No (Please highlight your answer)

Please expand on your response if you wish to.

As above, through the Community Safety Partnership Hub, where there is potential intelligence of trafficking and exploitation, this will be shared with Police Scotland who are based within the Hub. This intelligence could come from different partners including Renfrewshire Council Community Resources, Children Services, Adult Services and Social Work.

Is there anything you would add to Action Area 2 on identifying perpetrators and disrupting their activity?

2.3. Action Area 3 (pages 21-24) deals with addressing the conditions that foster trafficking and exploitation. Do you think the particular actions listed on page 24 will help in achieving this?

Yes/No (Please highlight your answer)

Please expand on your response if you wish to.

The actions on page 24 will help in achieving this, however, it should be noted that these will be difficult. In particular the long term target for the UK's Independent Anti-Slavery Commissioner on work in source/ transit countries, to improve partnership working and the capacity to break the cycle of trafficking and exploitation, is difficult.

Partnership working for this action area will be critical.

Is there anything you would add to Action Area 3 on addressing the conditions that foster trafficking and exploitation?

3. Section 4 of the Strategy (pages 25 to 30) deals specifically with children.

Do you think the particular actions listed will improve support for children in Scotland?

Yes/~~No~~ (Please highlight your answer)

Please expand on your response if you wish to.

In particular, highlighting the context of Getting It Right for Every Child (GIRFEC) and the role of Child Protection Committees is important to ensure the appropriate interventions and links are put in place.

The role of Missing Persons is also important and relevant, and in Renfrewshire this is linked through the tasking process, with for example the CCTV operators briefed to assist with the National Missing Person Strategy. All rough sleepers within the town centre areas that are covered by Public Space CCTV are reported through to daily tasking and appropriate interventions discussed and put in place.

Is there anything you would add to this Section?

4. **Section 5** of the Strategy (pages 31-34) sets out the measures we plan to use to assess the progress that has been made with the Strategy.

Do you agree that these measures will be effective in measuring progress?

Yes /No (Please highlight your response)

Please expand on your response if you wish to.
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Measuring progress (or success) is extremely important to ensure that the strategy is fulfilling its commitment. The measures are noted to be appropriate, however, the benchmark data will also be extremely relevant.

Are there any that you would add?

5. When we implement the Strategy we will want to do that by focusing on victims; by working in partnership; and by always looking to improve what we are doing. Pages 4-8 of the Strategy give more background information on this.

Do you have any views on the best way to implement the Strategy?

Daily Tasking in Renfrewshire has been an integral part of the work of the Renfrewshire Community Safety Partnership for a number of years. Previously partner agencies would deliver their own work programmes with some element of partnership working, however the introduction and expansion of the Daily Tasking process ensures that this partnership approach is embedded to ensure there is an early intervention approach to dealing with Public Protection issues. This would include human trafficking and exploitation if identified.

The Daily Tasking process will continue to respond to the changing environment including the partnership working around human trafficking and exploitation, in which it operates and will align with the priorities of the Council. This approach will allow issues such as human trafficking to be linked directly into strategic groups including Adult and Child Protection Committees, the Chief Officer Public Protection Group and the Renfrewshire CONTEST/PREVENT multi agency group which also has a focus on Serious and Organised Crime. Daily tasking and the Community Safety Partnership also directly links to operational interventions in relevant services.

GENERAL

6. Do you have any other comments you wish to make?

Renfrewshire Council Public Protection and the appropriate Groups therein i.e. PREVENT group are committed to tackling serious and organised crime within the Renfrewshire area. This would include human trafficking and exploitation.

Through the Renfrewshire Community Safety Partnership, we have a sound foundation to tackle many issues. The information sharing protocols and attendance at Daily Tasking allows earlier intervention and also allows stakeholders to notice issues that could lead to human trafficking and exploitation e.g. missing persons.

The key partners are engaged within Renfrewshire and for the strategy to be successful, partnership working and early intervention will be crucial.



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