

Human Trafficking and Exploitation Duty to Notify Consultation

Summary and Recommendations

The purpose of this paper is to seek approval from the Community Wellbeing Board for COSLA's proposed response to the Scottish Government's consultation on the Duty to Notify provision, which is to be brought in under Section 38 of the Human Trafficking and Exploitation (Scotland) Act 2014.

This paper invites Board members to:

- i. Endorse COSLA's consultation response, subject to any amendments they would wish to be made.

References

No previous reports on Duty to Notify – Board members notified about the consultation by correspondence.

Chris Murray
Policy Manager – Migration, Population and Diversity
07889 852987
Chris@cosla.gov.uk

September 2019

Human Trafficking Duty to Notify Consultation

Purpose

1. The purpose of this paper is to seek approval from the Community Wellbeing Board on COSLA's response to the Scottish Government's consultation on the Duty to Notify provision, which is to be brought in under Section 38 of the Human Trafficking and Exploitation (Scotland) Act 2014.

Current COSLA Position

2. The Human Trafficking and Exploitation Act (Scotland) 2015, will place a duty on specified Scottish public authorities to provide information to Police Scotland about a person(s) who is, or appears to be, a victim of human trafficking or of slavery, servitude and forced or compulsory labour. Once Police Scotland receive this information, they must notify a third party about the person who is, or appears to be, a victim.
3. The policy intent underpinning Section 38 of the Act is ostensibly to allow for the collation and processing of wider information about trafficking activity in Scotland not currently collected through the National Referral Mechanism or the criminal justice system. It is envisaged that this intelligence will provide a more accurate picture of the scale and extent of trafficking in Scotland, thereby enabling more effective targeting of enforcement activity and provision of support services.
4. The consultation affords respondents the opportunity to provide views on the proposed duty. In drafting this response, COSLA officers have consulted with local authorities and with experts and practitioners in the field. In particular, we have consulted with City of Edinburgh Council, which has undertaken a pilot of the Duty to Notify.

Proposed COSLA Position

5. The draft submission at Appendix A sets out the proposed response from COSLA.

Next Steps

6. Board members are invited to comment on the draft consultation response and, subject to any amendments that they would wish to be made, endorse it for submission to Scottish Government.
7. As highlighted in a separate paper to the Board, COSLA officers are closely involved in the human trafficking strategy. The Board will be kept up to date with developments, both in relation to the Duty to Notify, and the work of the strategy more broadly.