

Consultation on section 38 of the Human Trafficking and Exploitation (Scotland) Act 2015

**Duty to notify and provide information
about victims**

Responding to this Consultation

We are inviting responses to this consultation by 06 September 2019.

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>). Access and respond to this consultation online at [<https://consult.gov.scot/justice/duty-to-notify-and-provide-information>]. 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 06 September 2019.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form to:

Human Trafficking Team
Scottish Government
GWR
St Andrew's House
Regent Road
Edinburgh
EH1 3DG

Handling your response

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.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.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see our privacy policy: <https://beta.gov.scot/privacy/>

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.gov.scot>. If you use the consultation hub 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. An analysis report will also be made available.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at human.trafficking@gov.scot

Scottish Government consultation process

Consultation is an essential part of the policymaking 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.gov.scot>. 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.

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.

CONSULTATION DOCUMENT ON SECTION 38 OF THE HUMAN TRAFFICKING AND EXPLOITATION (SCOTLAND) ACT 2015; duty to notify and provide information about victims

Introduction and Background

In October 2015 the Scottish Parliament unanimously passed the Human Trafficking and Exploitation (Scotland) Act 2015 (“the Act”). This was the culmination of significant partnership working between agencies and across the political spectrum, including the Cross Party Group on Human Trafficking.

The Act creates a new legislative context that simplifies how police and prosecutors can deal with crimes of human trafficking and of slavery, servitude and forced or compulsory labour.

Human trafficking (section 1 of the Act) 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 (section 4 of the Act) are to be construed in accordance with 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.

Background – Trafficking and Exploitation Strategy

The Act requires Scottish Ministers to develop and publish, for the first time, a Trafficking and Exploitation Strategy. The Strategy was published in May 2017 following collaboration with stakeholders including feedback from survivors themselves. The overall vision of the Strategy is to eliminate human trafficking and exploitation. The Strategy identifies three areas where the Scottish Government will focus efforts:

- 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, both local and global, that foster trafficking and exploitation

As time has moved on since the passage of the legislation in 2014 section 38 of the Act will now also feed into and meet the key outcomes of the Trafficking and Exploitation Strategy as a whole but more precisely in respect of Action Area 2 where there are specific commitments in respect of the duty to notify.

Background – Hidden Crime

It is widely recognised that human trafficking is a hidden and often complex crime and therefore the true scale of the problem is unknown.

Victims can be reluctant to acknowledge the situation they are in and accept that they may be the victim of an offence. There are many reasons for this including fear and a lack of trust of authorities, fear of reprisals from their traffickers and a lack of awareness that there are agencies who can support them to safety and recovery.

The only available data on the numbers of trafficking victims in Scotland is taken from the UK National Referral Mechanism (NRM). The NRM is a framework for identifying potential victims of trafficking and ensuring they receive appropriate support and assistance. It was introduced in 2009 to meet the UK's obligations under the Council of Europe Convention on Action against Trafficking in Human Beings. If a victim consents to entering into the NRM they will receive a minimum of 90 days support, provided currently by the Trafficking Awareness Raising Alliance (TARA) or Migrant Help.

Since the NRM's introduction, recorded numbers of victims have increased across the UK. In Scotland there has been a 130% increase in referrals to the NRM in the last 6 reported years (see table below). Although not its primary purpose, the NRM is the only significant mechanism for accruing and processing data about trafficking and exploitation in the UK. For those victims that do not consent to enter the NRM, no data is recorded.

	Female		Male		
Year	Adult	Minor	Adult	Minor	Total
2018	67	22	108	31	228
2017	63	24	81	39	207
2016	54	21	49	26	150
2015	52	19	51	23	145
2014	48	14	38	11	111
2013	52	13	25	9	99

Section 38 of the Act

This consultation document is about section 38 of the Act, which relates to specified Scottish public authorities providing information to Police Scotland about a person(s) who is, or appears to be, a victim of a section 1 or section 4 offence. Once Police Scotland receive this information they must notify a third party about the person who is, or appears to be, a victim of either a section 1 or 4 offence.

The original policy intent underpinning section 38 of the Act was to allow for the collation and processing of wider information about trafficking activity in Scotland not currently collected through the NRM or the criminal justice system. It was envisioned that this would provide a more accurate picture of the scale and extent of trafficking

in Scotland, and enable more effective targeting of enforcement activity and provision of support services.

More specific information about the purpose of section 38 of the Act can be found throughout the consultation document at relevant points.

The consultation document asks for your views on the following:

- Who should be named in Regulations as a Scottish public authority that will be subject to the duty,
- What information should be included in notifications,
- Who Police Scotland should pass information on to, and
- What other bodies the Scottish Government should work with that cannot be named in Regulations

Data Protection

As the Regulations allow for the sharing of information a draft Data Protection Impact Assessment has been developed in conjunction with Police Scotland. It accompanies this consultation paper and sets out how data protection principles will be adhered to.

Case Studies

Our stakeholders have provided case studies, which help to illustrate how similar non statutory notification processes are already in place. You may find it useful to refer to the paper that accompanies this consultation paper. This also includes information about the trial implementations of the duty.

Frequently Asked Questions

A document containing a list of frequently asked questions accompanies this consultation paper. Please refer to this document in the first instance if you are unsure of anything or would like to seek more information about our approach. If you would like any further information please contact the human trafficking team by emailing human.trafficking@gov.scot or phone 0131 244 2693.

Giving your views

The following questions are designed to find out your views on section 38 of the Act and to offer you the opportunity to comment on who the Scottish Government believes should be subject to the Duty to Notify.

Following the close of the consultation, the responses will be analysed, considered and taken into account in developing Regulations for section 38 of the Act.

Section 38(1) of the Act

A specified Scottish public authority must notify the chief constable of the Police Service of Scotland about a person who is, or appears to be, a victim of an offence of human trafficking or an offence under section 4.

‘Scottish public authority’ for this purpose is defined as “any public body, public office or holder of public office whose functions are exercisable only in or as regards Scotland”¹.

The Scottish Government is of the view, subject to this consultation exercise, that the Scottish public authorities listed below should notify Police Scotland about a person who is, or appears to be, a victim of a section 1 or section 4 offence.

The Scottish Government recognises the issues that have been raised in stakeholder engagement to date. The issues that are most frequently raised are below:

- Confidentiality/data protection
- Inadvertently discouraging access to health care and other services
- Who ultimate responsibility would sit with in the organisation that is named
- Increased demands on staff time and resources in complying with the duty
- Duplication of referrals
- Different IT systems across some services
- Geographical reach of some services

The reasons why the Scottish Government would like to name these bodies is explained below.

Who	Reason
All 32 Scottish Local Authorities	<p>Local authorities are First Responders for the NRM process and many front line services such as housing, adult and child protection, education, social work, community safety and mental health will come into direct contact with potential victims.</p> <p>At present, if a person does not consent to enter the NRM, no information is collected. An alternative anonymous referral under section 38 of the Act would allow this information to be collected and inform enforcement and support provision.</p> <p>This data will be collated by Police Scotland who will be able to see what local authority areas victims are being recovered from and potentially what local authority areas perpetrators</p>

¹ “Scottish public authority” means any public body (except the Parliamentary corporation), public office or holder of such an office whose functions (in each case) are exercisable only in or as regards Scotland. Section 126 (1) of the Scotland Act 1998.

	are active in. Local authorities could also use the information to raise awareness amongst their services and the local community.
All 14 Scottish Geographical NHS Boards	<p>The NHS are not First Responders for the NRM process however front line medical, and non-medical staff, could potentially play a pivotal role in identifying potential victims that may otherwise go unnoticed or remain invisible.</p> <p>Human trafficking has parallels with other crimes such as domestic abuse, child protection, violent and sexual offences. Victims of these offences may present at different NHS access points and staff must decide if information requires to be passed on to the appropriate authorities in terms of safeguarding and the reporting of crime.</p> <p>At present there is no record of potential victims of trafficking accessing NHS services.</p>
NHS 24	NHS 24 services may come into contact with potential victims who choose to access health care services outwith normal working hours, or potentially to avoid face to face discussions.
Scottish Ambulance Service	<p>The nature of the work of the Scottish Ambulance Service means that staff and Community First Responders may come into contact with potential victims. The time that staff have with potential victims may be limited, for example at the scene of an accident. However the circumstances may alert those attending that something is not quite right and point towards the injured person being a victim.</p> <p>As Community First Responders are based in many locations across Scotland they may see things that indicate trafficking or exploitative behaviour when carrying out their duties.</p>
Scottish Fire and Rescue Service	<p>The SFRS is in a unique position to identify potential victims as it may be able to gain access to properties in the course of their work that other agencies are not. The list below are premises where the SFRS may visit and victims have been recovered from most, if not all, of these types of premises in Scotland.</p> <ul style="list-style-type: none"> • Premises that provide care • Houses in multiple occupation • Pubs, clubs and restaurants • Hotels and hostels • Factories and warehouses

<p>Scottish Ministers for the purposes of including Marine Scotland</p>	<p>Fishing is one of a number of industries where trafficking victims have been recovered in Scotland, across the UK and beyond.</p> <p>The Scottish Government recognises that many operators in the fishing industry, or any other industries where trafficking has been identified, do their business legally and legitimately.</p> <p>However it must be acknowledged that exploitation does occur and therefore capturing data about victim profiles, location of exploitation and other factors is important in order to support victims to safety and recovery, identify perpetrators and disrupt their activity and address the conditions that foster trafficking.</p> <p>The Scottish Government believes some Marine Scotland staff such as compliance officers will be in a position to spot signs of trafficking and exploitation given their direct interaction with fisherman and trawler activity.</p>
<p>Scottish Ministers for the purposes of including Scottish Prison Service</p>	<p>The Scottish Government is aware that some victims of human trafficking have not been identified during the criminal justice process and are only identified once they are within the prison estate either on remand or serving a sentence.</p> <p>It is possible that a victim has been remanded or serving a sentence for criminal behaviour carried out as a result of exploitation and the signs/indicators of trafficking have been missed by Police, Solicitors and the Courts.</p> <p>It is also possible that an individual may be remanded or convicted and serving a sentence for a crime unrelated to being trafficked but once in the prison estate they disclose having been trafficked or display indicators that suggest historical trafficking.</p> <p>NHS staff and social workers based in prisons will be in an ideal position to spot the signs of trafficking in addition to the prison staff responsible for the welfare of individuals in custody.</p>
<p>Scottish Environment Protection Agency (SEPA)</p>	<p>SEPA may have a role to play in combatting human trafficking due to its regulatory and enforcement activity around protection of the environment in respect of water and waste.</p> <p>The Scottish Government understands from our stakeholders that these are two areas of activity where either victims are recovered or where perpetrators may be active.</p>

Question 1:

Do you agree that these bodies should be named in Regulations under section 38(1) of the Act?

Who	Yes	No	If no, please give your reasons for this here.
All 32 Scottish Local Authorities			
All 14 Scottish Geographical NHS Boards			
NHS 24			
Scottish Ambulance Service			
Scottish Fire and Rescue Service			
Scottish Ministers for the purposes of including Marine Scotland			
Scottish Ministers for the purposes of including Scottish Prison Service			
Scottish Environment Protection Agency (SEPA)			

In addition to the NHS Boards mentioned above the Scottish Government recognises there are other access points to NHS services that potential victims of trafficking may use, such as Dental Practice, Community Pharmacists and General Practice. However they cannot be named in Regulations because they do not fall within the legal definition of 'Scottish public authority'.

The Scottish Government is of the view, subject to this consultation exercise, that for the reasons described below voluntary notifications should be encouraged by these groups of professionals and their staff.

Dental Practice Staff	Dental Practice staff may provide a service that victims may seek to access in order to receive treatment for injuries they may have sustained, or to seek treatment for poor dental hygiene.
Community Pharmacists	Community pharmacists may be an access point to NHS services if a victim is not registered with a GP or if they do not wish to attend at A&E or other mainstream NHS services.
General Practice Staff	<p>General Practice staff may come into contact with victims during the course of their duties and this is another access point for victims to receive treatment. The Scottish Government is aware that females are more likely to attend GP services in the very late stages of pregnancy without having received any previous antenatal care or males may attend GP services as a result of injuries sustained following labour exploitation.</p> <p>It is important to remember that not all victims will be from outside the UK. It is possible that Scottish citizens may potentially be vulnerable to exploitation and require medical treatment. In such incidences potential victims could be registered with a GP and seek treatment there.</p>

Question 2:

Do you agree that those listed below should be encouraged to submit voluntary notifications?

Who	Yes	No	If no, please give your reasons for this here.
Dental Practice Staff			
Community Pharmacists			
General Practice Staff			

Question 3:

Are there any other Scottish public authorities that you think should be subject to the Duty to Notify? Yes/No

If you answered yes to Question 3 please name the body and reason for each body here.	
Body	Reason

In terms of content of the Regulations it will be the Scottish public authority that is named and subject to the legal duty and not an individual person or role within that public authority. The Scottish Government recognises that a one size fits all approach will not be feasible in terms of implementation of the duty and is of the view, subject to this consultation exercise, that it will be for each public authority to determine how this duty will work in practice.

Question 4:

Do you agree that bodies named in Regulations should establish their own processes for complying with the duty? Yes/No

If you answered No to Question 4 please give your reason why

Section 38(2) of the Act

A notification under subsection (1) relating to an adult must not include information that

- (a) identifies the adult, or
- (b) enables the adult to be identified (either by itself or in combination with other information) unless the adult **consents** to the inclusion of that information.

The Scottish Government is of the view, subject to this consultation exercise, that the **anonymised** information listed below should be included in a notification if an adult **does not consent** to providing information that may identify them.

The purpose of collecting each specific piece of information is listed below and can be broken down into 3 main categories. Ultimately the collation and processing of data contained in notifications will help to achieve the original policy intention behind section 38 of the Act:

- To provide a more accurate picture of the scale and extent of trafficking in Scotland, to enable more effective targeting of enforcement activity and provision of support services.

However as time has moved on since the Human Trafficking and Exploitation (Scotland) Bill 2014 passed through Parliament, section 38 of the Act will now also feed into and meet the key outcomes of the Trafficking and Exploitation Strategy:

- Identify and support victims to safety and recovery,
- Identify perpetrators and disrupt their activity, and
- Address the conditions that foster trafficking

Further, Part 4 of the Act introduced Trafficking and Exploitation Prevention Orders (TEPO) and Trafficking and Exploitation Risk Orders (TEROs). These are orders that can be imposed on convicted, and suspected, traffickers in Scotland prohibiting or requiring them to do certain things.

Police Scotland are able to apply to the Courts for a TERO if there is a suspicion that an adult may commit a trafficking offence and there is a need to protect a particular person, or persons generally, from the physical or psychological harm which would be likely to occur if the adult was to commit a trafficking offence.

The collation of the information below may assist Police Scotland in **applying for TEROs that will safeguard victims** whilst further investigations are ongoing into any alleged criminal activity and subsequent prosecutions.

Information	Purpose
Gender	The gender of the victim may be required to identify specific sexual crimes in Scotland. There are specific crimes in Scotland that require the gender of the victim to be known in order to proceed.

Nationality	<p>Action Area 3 (AA3) of the Trafficking and Exploitation Strategy focusses on addressing the conditions that foster trafficking both locally and globally. Information about the nationality of victims will feed into international work being taken forward in respect of AA3.</p>
Country of Origin	<p>Allows Police Scotland to carry out further checks/safeguarding in country of origin.</p> <p>Allows Police Scotland to work with law enforcement in country of origin to put measures in place to prevent victims being trafficked and re-trafficked to Scotland.</p> <p>Action Area 3 (AA3) of the Trafficking and Exploitation Strategy focusses on addressing the conditions that foster trafficking both locally and globally. Information about the country of origin of victims will feed into international work being taken forward in respect of AA3.</p>
Location victim was recovered	<p>This can be the starting point for a criminal investigation to take place, and would allow for enquires to be conducted at this location to try and obtain information/intelligence that could assist a specific enquiry.</p> <p>Action Area 2 (AA2) of the Trafficking and Exploitation Strategy focusses on identifying perpetrators and disrupting their activity. If wider information is known about the location where victims are recovered this can feed into work to break down criminal activity and perpetrator behaviour.</p> <p>Wider information about the location where victims are recovered may assist local authorities, NHS and other support agencies to tailor their services accordingly.</p>
Location reported activity took place	<p>Must be known in order for a crime to be investigated in Scotland and is an essential element to start an investigation.</p> <p>Action Area 2 (AA2) of the Trafficking and Exploitation Strategy focusses on identifying perpetrators and disrupting their activity. If wider information is known about the location where victims are recovered this can feed into work to break down criminal activity and perpetrator behaviour.</p>
Reported to be a victim of a section 1 offence	<p>Must be known in order for a crime to be investigated in Scotland and is an essential element to start an investigation.</p> <p>Information about whether a victim is the victim of an alleged section 1 offence will help inform law enforcement activity.</p>

Reported to be a victim of a section 4 offence	<p>Must be known in order for a crime to be investigated in Scotland and is an essential element to start an investigation</p> <p>Information about whether a victim is the victim of an alleged section 4 offence will help inform law enforcement activity.</p>
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Question 5:

Do you agree that the anonymised information below should be included in a notification (if it is available) from a specified Scottish public authority to the Police if the adult does not consent to provide information that may identify them?

Information	Yes	No	If no, please give your reasons for this here
Gender			
Nationality			
Country of Origin			
Location victim was recovered			
Location reported exploitation took place			
Has a referral been made to the Police			
Reported to be a victim of a section 1 offence			
<p>If a victim of human trafficking, did the trafficking involve</p> <ul style="list-style-type: none"> • Labour exploitation • Sexual exploitation • Domestic servitude • Commission of an offence • Removal of organs or tissue • Unknown • Other 			
Reported to be a victim of a section 4 offence			

The Scottish Government is of the view, subject to this consultation exercise, that the **additional** information below should also be included in a notification (if available) if an adult **consents** to the inclusion of identifiable information. The purpose for collecting each piece of specific information is stated below.

Information	Purpose
Consent for additional information	Required so that Police can engage with victim(s) to assess threat risk and harm to them and others.
Is the victim willing to be contacted by the Police	Required so that Police can engage with victim(s) to assess threat risk and harm to them and others.
First name	Required so that Police can engage with victim(s) to assess threat risk and harm to them and others.
Family name	Required so that Police can engage with victim(s) to

	assess threat risk and harm to them and others.
Alias name(s)	Required so that Police can engage with victim(s) to assess threat risk and harm to them and others.
Date of Birth	Required so that Police can engage with victim(s) to assess threat risk and harm to them and others.
Alias Date(s) of Birth	Required so that Police can engage with victim(s) to assess threat risk and harm to them and others.
Is the victim a parent or carer	May be relevant to safeguard children or vulnerable people either in Scotland, the UK or abroad.
Other victims whereabouts	Required to safeguard other victims either in Scotland, the UK or abroad.
Safe Phone Number	In order for Police to contact victim in respect of investigations and safeguarding other victim(s)
Safe Address	In order for Police to contact victim in respect of investigations and safeguarding other victim(s)
Safe Post Code	In order for Police to contact victim in respect of investigations and safeguarding other victim(s)
Does the victim have any additional needs	So that any additional needs the victim has can be met by Police and other support agencies where applicable.
Details of persons responsible/perpetrators	This will allow Police to assess the situation and potentially identify further victims of trafficking and take any necessary measures to protect those individuals.

Question 6:

Do you agree that the additional information listed below should be included in a notification from a specified Scottish public authority to the Police if the adult consents to the inclusion of that additional identifiable information?

Information	Yes	No	If no, please give your reasons for this here.
Consent for additional information			
Is the victim willing to be contacted by the Police			
First name			
Family name			
Alias name(s)			
Date of Birth			
Alias Date(s) of Birth			
Is the victim a parent or carer			
Other victims whereabouts			
Safe Phone Number			
Safe Address			
Safe Post Code			
Does the victim have any additional needs			

Details of persons responsible/perpetrators			
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Question 7:

Is there any other information that you think should be included in a notification under section 38(1) of the Act? Yes/No

If you answered yes to Question 7 please list the information and reason for each piece of information here	
Information	Reason

Section 38(4) of the Act

After receiving a notification under subsection (1), the chief constable of the Police Service of Scotland must notify a person who may be specified by regulations made by the Scottish Ministers about the person who is, or appears to be, a victim of an offence of human trafficking or an offence under section 4.

Once Police Scotland has received notifications from specified Scottish public authorities analysts will collate, gather and present this information in a high level overview document that will be shared with different bodies.

This report will detail emerging trends and patterns in respect of information such as, whether individuals were the victims of a section 1 or section 4 offence, location(s) where victims were recovered, location(s) where alleged exploitation took place and the profile of victims.

The Scottish Government is of the view that the bodies who receive this report will be able to share the data internally and cascade as they see fit to specific areas of their organisations. This will allow for more effective targeting of law enforcement activity and provision of support services across Scotland as a whole.

Police Scotland will also use the information contained in notifications to help build the intelligence picture around human trafficking and exploitation in Scotland which will contribute to law enforcement activity more generally. The welfare of individuals will be at the forefront of any action Police Scotland take and as a result this will also feed into the provision of support services.

The Scottish Government is of the view, subject to this consultation exercise, that Police Scotland should pass the information it receives to the bodies listed below.

The list below covers Scottish, UK, and European bodies. This is to ensure that an accurate picture of the scale of trafficking in Scotland is taken into account across the UK and beyond, for enforcement activity purposes, and for the provision of support services.

Question 8:

Do you agree that the bodies listed below should receive a report from Police Scotland about individuals who are or appear to be victims of a section 1 or section 4 offence?

Who	Yes	No	If no, please give your reasons for this here
Scottish Government			
All 32 Scottish Local Authorities			
All 14 Scottish Geographical NHS Boards			

Marine Scotland			
NHS 24			
Scottish Fire and Rescue Service			
Scottish Ambulance Service			
Scottish Prison Service			
Scottish Environment Protection Agency (SEPA)			
Trafficking Awareness Raising Alliance (TARA)			
Migrant Help			
Gangmasters and Labour Abuse Authority (GLAA)			
British Transport Police (BTP)			
National Crime Agency (NCA)			
Home Office			
Independent Anti-Slavery Commissioner			
Interpol			
Europol			

Question 9:

Are there any other bodies that you think Police Scotland should notify under section 38(4) of the Act? Yes/No

If you answered yes to Question 9 please list the bodies and the reason for each separate body here.	
Body	Reason

Section 38(5) of the Act

A notification under subsection (4) relating to an adult must not include information that

(a) identifies the adult, or (b) enables the adult to be identified (either by itself or in combination with other information), unless the adult **consents** to the inclusion of that information.

The Scottish Government is of the view, subject to this consultation exercise, that the **anonymised** information listed below should be contained in a notification from Police Scotland to others if an adult does not consent to providing information that may identify them.

The Scottish Government is of the view that additional information that may identify the victim should not be contained in a notification from Police Scotland to another body.

Question 10:

Do you agree that the anonymised information below should be included in a notification from Police Scotland to a third party if the adult does not consent to provide information that may identify them?

Information	Yes	No	If no, please give your reasons for this here.
Gender			
Nationality			
Country of Origin			
Location victim was recovered			
Location reported activity took place			
Reported to be a victim of a section 1 offence			
If a victim of human trafficking, did the trafficking involve <ul style="list-style-type: none">• Labour exploitation• Sexual exploitation• Domestic servitude• Commission of an offence• Removal of organs or tissue• Unknown• Other			
Reported to be a victim of a section 4 offence			

Question 11:

Is there any other information that you think should be included in a notification under section 38(5) of the Act? Yes/No

If you answered yes to Question 11 please list the information and reason for each piece of information here.

Information	Reason

Question 12:

How frequently do you think the Police should pass information to a third party? Please select only one option or state one other time period.

Frequency	(x)
Monthly	
Quarterly (calendar year)	
Quarterly (financial year)	
Bi-annually	
Annually	
Another time period (please state only one)	

Do you have any other comments about the frequency?

Other Relevant Bodies

The Scottish Government is of the view, subject to this consultation exercise, that it would like to work with the following bodies, who cannot be named in Regulations, because they do not fall within the definition of 'Scottish public authority', and encourage them to voluntarily notify the Police about a person who is, or appears to be, a victim of human trafficking or of slavery, servitude and forced or compulsory labour.

The Gangmasters and Labour Abuse Authority, British Transport Police and Border Force all have very distinct roles and may come into contact with victims of human trafficking and exploitation at various stages of a victims journey. For example on entry into Scotland via air, rail, road or sea and once in Scotland using transport hubs to travel to different locations and then possible work in the agriculture, shellfish, processing and packaging industries.

In Scotland the Trafficking Awareness Raising Alliance (TARA) and Migrant Help support adult victims of human trafficking and of slavery, servitude and forced or compulsory labour. As these bodies cannot be named in Regulations terms and conditions will be inserted into any future Grants offered so that they will comply with the duty in the same way as any other statutory body.

Question 13:

Do you agree that the Scottish Government should work with these bodies to establish a system whereby information can be shared with the police in a similar way to the statutory duty under section 38 of the Act?

Who	Yes	No	If no, please give your reasons for this here
Border Force			
Gangmasters and Labour Abuse Authority			
British Transport Police			
TARA			
Migrant Help			

Question 14:

Do you think that there are any other bodies that operate in Scotland that the Scottish Government should encourage to notify the police about a person who is or appears to be a victim of a section 1 or section 4 offence? Yes/No

If you answered yes to Question 14 please list the body and reason for each body here.	
Body	Reason



Consultation on section 38 of the Human Trafficking and Exploitation (Scotland) Act 2015; duty to notify and provide information about victims

RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:
<https://beta.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- ☐ Individual
☐ Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

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

- ☐ Publish response with name
☐ Publish response only (without name)
☐ Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

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



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