



House of Commons

NOTICES OF AMENDMENTS

given on

Thursday 4 September 2014

For other Amendment(s) see the following page(s):
Modern Slavery Bill Committee 69-100

PUBLIC BILL COMMITTEE

MODERN SLAVERY BILL

Sarah Champion
Diana Johnson

Clause 43, page 28, line 40, leave out “with functions under relevant arrangements” **101**

Sarah Champion
Diana Johnson

Clause 43, page 29, line 5, leave out subparagraph (3). **102**

Sarah Champion
Diana Johnson

Clause 43, page 28, line 41, after “trafficking”, insert “or slavery” **103**

Sarah Champion
Diana Johnson

Clause 43, page 29, line 1, after (2) insert “Unless and” **104**

Sarah Champion
Diana Johnson

Clause 43, page 29, line 2, after “determined”, insert “and no challenges to that determination are pending” **105**

Modern Slavery Bill, *continued*

Sarah Champion
Diana Johnson

Clause 43, page 29, line 2, leave out from “for” to “that” in line 3.

106

Mark Durkan

Clause 36, page 26, line 12, at end insert—

“(8) An annual report can also include observations and recommendations as to the adequacy, efficacy and co-ordination of measures, policies and performance of relevant services including public authorities as specified in Clause 37 section 5 or under relevant devolved powers.”

107

Mark Durkan

Clause 37, page 26, line 38, at end insert—

“(6) Specified public authority can also include a public authority which has been specified under relevant procedures of devolved institutions.”.

108

Mr David Hanson
Diana Johnson
Phil Wilson

Clause 29, page 22, line 14, leave out “not exceeding £5,000”.

109

Mr David Hanson
Diana Johnson
Phil Wilson

Page 28, line 1, leave out Clause 41.

110

Mr David Hanson
Diana Johnson
Phil Wilson

To move the following Clause—

NC26

“Independent legal guardian for trafficked children

- (1) An independent legal guardian shall be appointed to represent the best interests of each child who is a separated child and/or may be a trafficked, enslaved or exploited person pursuant to this Bill if the person who has parental responsibility for the child fulfils any of the conditions set out in section 17(4).
- (2) The Secretary of State shall establish an independent body to be known as “the Child Guardianship Service” which shall—
 - (a) by order set out the arrangements for the recruitment, vetting and appointment of a suitably qualified independent child guardian with the requisite professional qualifications immediately after a child is identified as a separated child and/or a potential victim of trafficking, enslaving or exploitation;
 - (b) by order set out requirements for the training courses to be completed before a person may discharge duties as an independent child guardian;
 - (c) by order set out the arrangements for the supervision of persons discharging duties as an independent child guardian;

Modern Slavery Bill, *continued*

- (d) monitor the activities of the independent child guardians and by order provide an accessible individual complaint mechanism for all children under the Child Guardianship Service;
 - (e) by order set out the arrangements for the provision of support services for persons discharging duties as an independent child guardian; and
 - (f) by order designate organisations as a “recognised charitable organisation” for the purpose of this section.
- (3) Under the supervision of the Child Guardianship Service, the appointed independent legal child guardian shall be responsible at a minimum for—
- (a) ensuring that all decisions relating to the child are made in the child’s best interests and, where reasonably practicable, are consistent with the child’s welfare after ascertaining the child’s wishes and feelings in relation to those decisions;
 - (b) advocating for the child, if a potential trafficked, enslaved or exploited person, to receive identification as such, appropriate care, safe accommodation, medical treatment, including psychological assistance, education, translation and interpretation services;
 - (c) assisting the child to access legal and other representation where necessary, including, where appropriate, appointing and instructing the solicitor representing the child on all matters relevant to the interests of the child;
 - (d) consulting, advising and informing the child victim of the child’s legal rights;
 - (e) keeping the child informed of all relevant legal and administrative proceedings;
 - (f) contributing to the identification of a plan to safeguard and promote the long-term welfare of the child based on an individual assessment of that child’s best interests;
 - (g) providing a link between the child and various organisations who may provide services to the child;
 - (h) assisting in establishing contact with the child’s family, where the child so wishes and it is in the child’s best interests;
 - (i) where appropriate, liaising with an immigration officer handling the child’s case in conjunction with the child’s legal representative;
 - (j) accompanying the child to all relevant interviews, including those relating to police, welfare, immigration and compensation; and
 - (k) accompanying the child whenever the child moves to new accommodation.
- (4) Section 17(1) shall apply if the person who has parental responsibility for the child—
- (a) is suspected of taking part in the trafficking of human beings;
 - (b) has another conflict of interest with the child;
 - (c) is not in contact with the child;
 - (d) is a local authority; or
 - (e) is in a country outside the United Kingdom.
- (5) In section 17(1), an independent child guardian may be an employee of—
- (a) an independent statutory body; or
 - (b) a recognised charitable organisation.
- (6) A person discharging duties as an independent child guardian shall not discharge any other statutory duties in relation to a child for whom they are providing assistance under this section.

Modern Slavery Bill, *continued*

- (7) Where an independent child guardian is appointed under section 17(1), the authority of the independent child guardian in relation to the child shall be recognised by any relevant body.
- (8) In section 17(7), a “relevant body” means a person or organisation—
 - (a) which provides services to the child;
 - (b) to which a child makes an application for services; or
 - (c) to which the child needs access in relation to being a potential victim of trafficking, enslaving or exploitation.”.

Diana Johnson
Mr David Hanson
Phil Wilson

NC27

To move the following Clause—

“General duty to identify, assist, support and promote the welfare of victims

- (1) Public authorities have a general duty—
 - (a) to take all reasonable steps to identify persons who are, may be, or may have been, trafficked, enslaved or exploited persons;
 - (b) to take all reasonable steps to provide assistance and support (including to refer persons to other agencies for assistance and support) on a consensual and informed basis, and to promote the welfare of persons who are, may be, or may have been, trafficked, enslaved or exploited persons, including, as a minimum the provision of—
 - (i) standards of living capable of ensuring their subsistence, through such measures as the provision of appropriate and secure accommodation, psychological and material assistance;
 - (ii) access to necessary medical treatment;
 - (iii) translation and interpretation services;
 - (iv) counselling and information, in particular regarding their legal rights and the services available to them, in a language that they can understand;
 - (v) assistance to enable their rights and interests to be presented and considered at appropriate stages of criminal proceedings against offenders; and
 - (vi) access to education for children;
 - (c) to make arrangements for ensuring that any services provided by another person for the purpose of discharging the public authority’s function are provided in accordance with the general duty in section 16(1) above; and
 - (d) to have due regard to the fact that an individual is, or may have been a trafficked, enslaved or exploited person when making decisions affecting that individual.”

Diana Johnson
Mr David Hanson
Phil Wilson

NC28

To move the following Clause—

“Establishment and function of the National Referral Mechanism (“NRM”)

- (1) The Secretary of State must establish an NRM to—

Modern Slavery Bill, continued

- (a) identify trafficked, enslaved or exploited persons within the United Kingdom;
 - (b) provide assistance and support to a person who may have been trafficked, enslaved or exploited from the time at which that person is first referred into the NRM until such time as a final and conclusive determination is made that they are not such a person; and
 - (c) ensure that the rights of such persons are protected and promoted in a manner which discharges the Government's obligations under the Trafficking Convention and the Trafficking Directive regarding the identification and protection of victims, including measures for assistance and support including, at a minimum, the measures referred to in section 16(1).
- (2) The Secretary of State must, in regulations, specify the procedures to be followed to implement the NRM and the procedures to be applied by the NRM including to give effect to the right to a renewable residence permit provided for in sections 16(11) and (12) below.
- (3) The regulations must provide for a right of appeal by an individual in respect of a decision in the NRM process that they are not a trafficked, enslaved or exploited person.
- (4) A person (including a child) must give their free and informed consent to being referred into the NRM before a referral is made on their behalf.

Additional protections - renewable residence permits

- (5) A person who is determined in the NRM process to be a trafficked, enslaved or exploited person shall be entitled to a one year renewable residence permit permitting them to remain in the United Kingdom where one or other, or both, of the following situations apply—
- (a) a competent authority in the NRM considers that their stay is necessary owing to their personal situation; or
 - (b) a competent authority in the NRM considers that their stay is necessary for the purpose of the person's co-operation with the authorities in connection with their investigations or criminal proceedings.
- (6) A residence permit for child victims shall be issued where it is in accordance with the best interests of the child and, where appropriate, renewed under the same conditions.

Duties in relation to children

- (7) The protection, assistance and support provided to trafficked, enslaved or exploited children (including those to whom the presumption of age applies) in accordance with the provisions in this Bill shall be at least equivalent to the protection, assistance and support provided to adults, save that where other legislation provides for greater protection for children that legislation shall, to the extent of any inconsistency with this Bill, prevail."

Diana Johnson
Mr David Hanson
Phil Wilson

111

Clause 35, page 25, line 1, at end insert—

“(c) the promotion and protection of the rights of victims of human trafficking and slavery.

- (1A) The Commissioner must monitor the implementation in the UK of the Trafficking Convention, Anti-Trafficking Directive and other international obligations.”.

Modern Slavery Bill, continued
Member's explanatory statement

The amendment extends the functions of the Commissioner beyond law enforcement and identification of victims and gives the Commissioner responsibility for monitoring the implementation of international obligations on modern slavery.

Diana Johnson
Mr David Hanson
Phil Wilson

112

Clause 34, page 24, line 20, at end insert—

“(2A) Before making this appointment the Secretary of State’s preferred candidate must go through a pre-appointment hearing with the Home Affairs Select Committee.”.

Diana Johnson
Mr David Hanson
Phil Wilson

113

Clause 35, page 25, line 1, at end insert—

“(1A) When preparing the strategic plan the Commissioner must give consideration to any proposal submitted to the Commissioner from any Parliamentary Select Committee. If the Commissioner does not accept the Committee’s proposal the Commissioner must write to the relevant Committee explain the decision.”

Diana Johnson
Mr David Hanson
Phil Wilson

114

Clause 36, page 26, line 4, leave out “Secretary of State” and insert “Parliament”.

Diana Johnson
Mr David Hanson
Phil Wilson

115

Clause 36, page 26, line 13, leave out subsection (9).

Diana Johnson
Mr David Hanson
Phil Wilson

116

Clause 36, page 26, line 18, leave out “Secretary of State may” and insert “Commissioner must consult with the Secretary of State and”

Diana Johnson
Mr David Hanson
Phil Wilson

117

Clause 34, page 24, line 19, leave out “a person as the” and insert “an independent”

Member's explanatory statement

This amendment asserts the independence of the Anti-Slavery Commissioner.

 Modern Slavery Bill, *continued*

Diana Johnson
Mr David Hanson
Phil Wilson

118

- Clause 34, page 24, line 23, leave out “may” to end of line 30 and insert—
“shall pay remuneration and allowances to the Commissioner and—
 (a) *shall before the beginning of each financial year specify a maximum sum which the Commissioner may spend on functions for that year*
 (b) *may permit that to be exceeded for a specified purpose, and*
 (c) *shall defray the Commissioner’s expenditure for each financial year subject to paragraphs (a) and (b).*
 (4) *The Commissioner may appoint staff.”*

Fiona Bruce
Mr David Burrowes

119

- Clause 35, page 25, line 9, at end insert—
 “() Undertaking investigations and studies to monitor and identify trends in human trafficking and slavery;
 () Requesting inspections to be carried out by statutory inspectors;”
Member’s explanatory statement
The amendment extends the permitted activities of the Commissioner in carrying out the general functions.

Fiona Bruce
Mr David Burrowes

120

- Clause 35, page 25, line 12, at end insert “, including relevant civil society organisations”
Member’s explanatory statement
The amendment adds that the Commissioner may work with relevant civil society organisations.

Fiona Bruce
Mr David Burrowes

121

- Clause 41, page 28, line 4, at end insert—
 “or slavery if the person who has parental responsibility for the child fulfils any of the conditions in subsection (5).
 ‘(2) The child trafficking advocate will act in the best interests of the child and be appointed as soon as any public authority or relevant body has a reasonable suspicion to believe the child is such a victim.
 (3) The child trafficking advocate will have powers to appoint and instruct legal representatives on behalf of the child in all matters relevant to the interest of the child.
 (4) The child trafficking advocate shall at minimum have responsibilities to—
 (a) advocate that all decisions relating to the child are made in the child’s best interest;
 (b) ascertain the child’s wishes and feeling in relation to those decisions;
 (c) advocate for the child to receive appropriate care, safe accommodation, medical treatment, including psychological assistance, education, translation and interpretation services as required;
 (d) assist the child to access legal and other representation where necessary;
 (e) consult with, advise and keep the child informed of legal rights;

Modern Slavery Bill, *continued*

- (f) keep the child informed of all relevant immigration, criminal, compensation, community care, public law or other processings;
 - (g) contribute to identification of a plan to safeguard and promote a durable solution for the child based on an individual assessment of that child's best interests;
 - (h) provide a link between the child and various statutory and other bodies who may provide services to the child, accompanying the child to any relevant meetings;
 - (i) assist in establishing contact with the child's family, where the child so wishes and it is in the child's best interests;
 - (j) liaise with all professionals handling the child's case including immigration, police, social welfare, health, education and support services; and
 - (k) accompany the child wherever it is deemed appropriate to do so.
- (5) Subsection (1) shall apply if the person who has parental responsibility for the child—
- (a) is suspected of taking part in the trafficking of human beings;
 - (b) has another conflict of interest with the child;
 - (c) is not in contact with the child;
 - (d) cannot be identified;
 - (e) is in a country outside the United Kingdom; or
 - (f) is a local authority.
- (6) A child trafficking advocate must have completed the training required in subsection (10) and may be—
- (a) an employee of a statutory body except for an employee of a local authority;
 - (b) an employee of a recognised charitable organisation; or
 - (c) a volunteer for a recognised charitable organisation.
- (7) A person discharging duties as a child trafficking advocate shall not discharge any other statutory duties in relation to a child for whom they are providing assistance under this section.
- (8) The child trafficking advocate may request a public authority or relevant body to cooperate with them in any way that the advocate considers necessary and that is in the best interest of the child. A public authority or relevant body must so far as reasonably practicable comply with a request made to it under this section.
- (9) In subsection (8), a "relevant body" means a person or organisation—
- (a) which provides services to the child; or
 - (b) to which a child makes an application for services; or
 - (c) to which the child needs access in relation to being a victim of human trafficking; or
 - (d) any court or tribunal that a child engages with.
- (10) The Secretary of State shall by order—
- (a) set out the arrangements for the appointment of a child trafficking advocate immediately after a child is identified as a potential victim of trafficking in human beings;
 - (b) set out requirements for the training courses to be completed before a person may exercise functions as a child trafficking advocate;
 - (c) set out the arrangement for the supervision of persons discharging duties as a child trafficking advocate;
 - (d) set out the arrangements for the provision of support services for persons discharging duties as a child trafficking advocate; and

Modern Slavery Bill, continued

- (e) designate organisations as a “recognised charitable organisation” for the purpose of this section.
- (11) A person’s appointment as a child trafficking advocate for a particular child under this section shall come to an end if—
 - (a) the child reaches the age of 21; or
 - (b) durable solution for the child has been found based on an individual assessment of the best interests of the child.”

Member’s explanatory statement

The amendment provides for child trafficking advocates to be appointed for children who are believed to be victims of human trafficking and slavery so that their best interests are represented. This amendment sets out the minimum responsibilities of the advocates ensuring the advocates will have strong and recognised statutory authority. The amendment includes the power for advocates to appoint and instruct the child’s legal representatives where appropriate.

Fiona Bruce
Mr David Burrowes

122

Clause 41, page 28, line 5, leave out sub-paragraphs (2) to (5).

Member’s explanatory statement

The amendment is consequential on amendment 121.

Fiona Bruce
Mr David Burrowes

123

Page 28, line 23, leave out Clause 42.

Member’s explanatory statement

This amendment is consequential on New Clause 29.

Fiona Bruce
Mr David Burrowes

NC29

To move the following Clause—

“Identifying and supporting victims

- (1) The Secretary of State shall make regulations about the arrangements for determining whether or not a person is to be treated as a victim of slavery or human trafficking and shall in particular make provision—
 - (a) about the process for the referral of potential victims of slavery or human trafficking for such a determination;
 - (b) about the process and tests for determining whether a person should be treated as such a victim; and
 - (c) for an individual to have access to an internal review and appeal of a decision made about them under subsection 1(b).
- (2) The Secretary of State must issue guidance to such public authorities and other persons as the Secretary of State considers appropriate about indicators that a person may be a victim of slavery or human trafficking.
- (3) The Secretary of State may, from time to time, revise the guidance issued under subsection (2).
- (4) The Secretary of State must arrange for any guidance issued or revised under this section to be published in a way the Secretary of State considers appropriate.
- (5) The Secretary of State must ensure that—

Modern Slavery Bill, continued

- (a) a person about whom a referral has been made under subsection (1)(a) is provided with assistance and support in accordance with this section for—
 - (i) if there are no criminal proceedings, ninety days,
 - (ii) if criminal proceedings take place, ninety days after criminal proceedings are completed; or
 - (iii) until there is a conclusive determination under the processes established by subsection (1) that a person is not to be treated as a victim of slavery or human trafficking,
- (b) if the family of a child identified as a victim is resident in the United Kingdom it be entitled to assistance and support under this section,
- (c) assistance and support provided under this section—
 - (i) is not conditional on the willingness of the person to act as a witness;
 - (ii) shall be provided with the person’s agreement;
 - (iii) shall take due account of the victim’s need for safety and protection, including the opportunity to receive assistance from a person of the same gender;
 - (iv) shall be provided to assist victims in their physical, psychological and social recovery; and
 - (v) shall meet minimum standards for such support as shall be set out by the Secretary of State by order.
- (6) For the purpose of this section, “assistance and support” may include but not be restricted to—
 - (a) appropriate and safe accommodation;
 - (b) material assistance, including that required by a person with special needs arising from pregnancy, physical or mental health conditions, disability, or being the victim of serious psychological, physical or sexual violence;
 - (c) medical treatment, including psychological assistance;
 - (d) counselling;
 - (e) information, including on a reflection and recovery period, the possibility of granting international protection and refugee status, a voluntary return, welfare entitlements and accessing employment;
 - (f) translation and interpretation services, as required;
 - (g) access to education for child victims and children of victims;
 - (h) legal counselling, either through legal aid or other means;
 - (i) legal representation, either through legal aid or other means;
 - (j) assistance in applying for compensation; and
 - (k) provision of services (including travelling and other expenses) to assist a victim of trafficking in human beings, and children of victims, to leave the United Kingdom and to settle in a new place of residence.”.

Member’s explanatory statement

This New Clause ensures the arrangements for determining if a person is a victim of slavery or human trafficking are established in regulations and contain a formal process for review and appeal and requires the Secretary of State to set out in guidance the indicators that suggest a person may be trafficked. The New Clause sets out the clear types of assistance which a victim can receive and enables the Secretary of State to establish minimum standards for the provision of that support. The New Clause sets out a ninety day minimum period for which a victim can receive support.

Modern Slavery Bill, *continued*

Mr David Hanson
Diana Johnson
Phil Wilson

124

Clause 24, page 29, line 3, after subsection (6) add—

“(7) The Secretary of State shall publish statutory guidance on the measures that may be included in a slavery and trafficking risk order within one month of this Act receiving Royal Assent.”.

NOTICES WITHDRAWN

The following Notices were withdrawn on Thursday 4 September 2014:
amendment 82
