

POLICY NOTE

THE HUMAN TRAFFICKING AND EXPLOITATION (SCOTLAND) ACT 2015 (SUPPORT FOR VICTIMS) REGULATIONS 2018

SSI 2018/90

1. The above instrument is made in exercise of the powers conferred by sections 9(2)(b)(i) and 10(1) of the Human Trafficking and Exploitation (Scotland) Act 2015 (“the Act”). It is subject to affirmative parliamentary procedure.

Policy Objectives

Relevant period

2. Section 9(2)(b)(i) empowers the Scottish Ministers to specify the period during which the Scottish Ministers must secure for the adult the provision of such support and assistance as they consider necessary given the adult’s needs, where there are reasonable grounds to believe that an adult is a victim of an offence of human trafficking and exploitation, an offence under section 1 of the Act.

3. These Regulations specify the period to be 90 days.

4. As part of the consultation on the Trafficking and Exploitation Strategy at the end of 2016 the Scottish Government commissioned two events with adult victims of human trafficking. These highlighted that survivors value: safety, security, recovery of self-respect and a prospect of a better future life as outcomes of support. Many stakeholders were of the view that the current 45 days of support provided were insufficient to begin to deliver this, proposing 90 days instead.

5. In June 2017 the Cabinet Secretary for Justice announced that, having considered all the factors, that Regulations should be brought forward setting out a relevant period of 90 days.

Support and assistance: victims of an offence under section 4 of the Act

6. Section 10(1) of the Act empowers the Scottish Ministers to make provision about providing support and assistance to an adult who is, or appears to be, a victim of an offence under section 4 of the Act (slavery, servitude and forced or compulsory labour). In terms of section 10(2), these Regulations may contain provision about the method of determining whether an adult is, or appears to be, a victim of an offence under section 4, the period during which support and assistance must be provided, the period during which support and assistance may be provided, the types of support and assistance to be provided, and the manner in which the support and assistance is to be provided.

7. The Trafficking and Exploitation Strategy contains a commitment that the Scottish Government will consider how victims of an offence under section 4 should be identified and supported. The policy intention is that the process of determining whether an adult is a victim of an offence under section 4; the support and assistance provided; and the period for which it

is provided should be identical to that for a victim of an offence of human trafficking and exploitation.

Consultation

8. The consultation on the relevant period under section 9(2)(b)(i) ran from 3 November to 23 December 2016. 31 written responses were received.

9. The consultation on support and assistance for victims of a section 4 offence ran from 15 September to 30 October 2017. 28 written responses were received.

10. Both issues were also discussed at the 10 consultation events that were held around Scotland although the primary focus of the consultation events was the Trafficking and Exploitation Strategy.

Commencement date

11. These Regulations are subject to the affirmative procedure. The proposed commencement date is 1 April 2018.

Impact Assessments

12. An Equality Impact Assessment was carried out for the Human Trafficking and Exploitation (Scotland) Act 2015 and for the Trafficking and Exploitation Strategy in May 2017.

Criminal Justice Division
Scottish Government
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