



Home Office

Home Secretary

2 Marsham Street,  
London SW1P 4DF  
[www.gov.uk/home-office](http://www.gov.uk/home-office)

Rt Hon Keith Vaz MP  
Chair of the Home Affairs Committee  
House of Commons  
London  
SW1A 0AA

24 July 2015

Dear Keith,

At my appearance in front of the Committee on 21 July, I undertook to write to you on a number of issues.

### **Modern Slavery Act 2015 - Implementation**

During the session, David Burrowes asked me about the implementation of the Modern Slavery Act 2015, and in particular when sections 1 and 2 will come into force.

The Modern Slavery Act 2015 received Royal Assent on 26 March. A substantial package of Modern Slavery Act provisions will come into effect on 31 July 2015, including sections 1 and 2. These provisions will include the consolidation and improvement of slavery and human trafficking offences and the new maximum life sentences; Slavery and Trafficking Reparation Orders; Slavery and Trafficking Prevention and Risk Orders; the statutory defence for victims; access to civil legal aid for slavery victims; enhanced access to special measures in court for victims; and placing the Independent Anti-Slavery Commissioner on a statutory footing.

Full details of the provisions which are due to come into force on 31 July can be found here: <https://www.gov.uk/government/publications/circular-0242015-modern-slavery-act-2015>. I will make a further announcement about other provisions in the Act in due course.

## **Statutory Inquiry into Undercover Policing**

Sir Keir Starmer asked whether the terms of reference of the undercover policing inquiry cover the safety of previous convictions where evidence arises that an undercover police officer was involved.

The terms of reference for the statutory inquiry into undercover policing, which I published on 16 July, state:

“The inquiry’s investigations will include a review of the extent of the duty to make, during a criminal prosecution, disclosure of an undercover police operation and the scope for miscarriage of justice in the absence of proper disclosure.

The inquiry will refer to a panel, consisting of senior members of the Crown Prosecution Service and the police, the facts of any case in respect of which it concludes that a miscarriage of justice may have occurred as a result of an undercover police operation or its non disclosure. The panel will consider whether further action is required including, but not limited to, referral of the case to the Criminal Cases Review Commission.”

If the inquiry comes across any cases where they believe a miscarriage of justice may have occurred, this will be sent to the review panel for investigation.

## **Independent Inquiry into Child Sexual Abuse - File Destruction Policy**

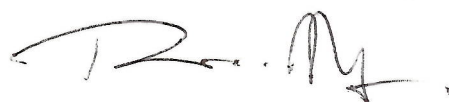
I also undertook to write to you to clarify the points that Tim Loughton raised about Departments protecting material that is relevant to the Independent Inquiry into Child Sexual Abuse. On 3 December, following publication of the report of the Review by Peter Wanless and Richard Whittam QC on 11 November, I wrote to the Cabinet Secretary to seek his agreement to the adoption of the recommendations made by the Review which were relevant not only for the Home Office, but for other Departments across Whitehall.

In particular, I highlighted the fact that my Department had put immediate measures in place to implement Wanless and Whittam’s second recommendation, whilst more formal processes were being established. This recommendation stated that:

“If an allegation of child abuse is made it must be recorded and the file marked as significant. That significance should then inform the Home Office as to how to handle that file, its retention and the need to document when [if at all] it is destroyed. This approach is relevant, not only to the Home Office, but could usefully be adopted across Government as well.”

I recommended to the Cabinet Secretary that other Departments do the same and satisfy themselves that they have the relevant systems and processes in place to achieve this task.

It is only right, and proper, that I raise these important matters with the Cabinet Secretary when seeking to suggest the implementation of policies that go wider than my own Department.

*Yours sincerely*  


**The Rt Hon Theresa May MP**

**Annex B: Transcript of your 21 July evidence session – relevant extracts**

**Modern Slavery Act 2015 – Implementation**

**Mr Burrowes:** With the work on the Modern Slavery Act, obviously the aim is to secure more convictions. When will the implementation take place in relation to primary clause 1 and 2, in particular, to then see the fruit of all our labours?

**Mrs May:** We are looking to bring in some aspects of this in October—I am just checking which those will be—and some others might be subsequent to that. I think the best thing is if I can write to the Committee with when we are expecting to be able to introduce the various aspects.

**Statutory Inquiry into Undercover Policing**

**Keir Starmer:** Thank you, Chairman. Home Secretary, can I ask you about the statutory inquiry into undercover policing, which I welcome? When I was DPP my own investigations identified undisclosed undercover officers in a number of places, which had an impact on the safety of the convictions and those cases had to go back to the Court of Appeal. Given the breadth of the inquiry that has been set up, there is every possibility that similar cases may come to light. Is that within the terms of reference of the inquiry and, if so, is there a plan as to how those cases will be dealt with?

**Mrs May:** One of the aspects, of course, is if you recall Mark Ellison originally looked at this issue and identified areas where he had concern and then did some further work, which has identified again increasing concern about the extent to which there may be some problems here. That is why we set up Lord Justice Pitchford's inquiry. I apologise because I do not have the terms of reference absolutely in my head at the moment, but I think it is certainly the case that it may be that such circumstances are found. One of the things that we asked Mark Ellison to look at was the need to refer any cases to the appropriate body for looking at these. Of course, he has not been able to do that. I think he has found that it is a more complicated picture than we had at first hoped it might be or thought it would be.

**Independent Inquiry into Child Sexual Abuse - File Destruction Policy**

**Tim Loughton:** Contemporary with Wanless and Whittam, though, did you write to every other Secretary of State suggesting they might like to take similar protective measures against potentially relevant material?

**OFFICIAL SENSITIVE**

**Mrs May:** I believe at the time when Wanless and Whittam first reported, I wrote to the Cabinet Secretary.

**Tim Loughton:** Not to other—

**Mrs May:** I am very happy, Mr Winnick, to put a letter to the Committee setting this out.