



Home Office

Home Secretary

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Rt Hon Yvette Cooper MP  
Chair, Home Affairs Select Committee  
House of Commons  
London  
SW1A 4AA

Dear Yvette,

27 June 2019

Many thanks for your interest in the statutory guidance as required under section 49 of the Modern Slavery Act 2015, which I have a duty to provide. I agree with you over its importance; we need comprehensive guidance which sets out a joined-up approach across government, public services and the wider sector to safeguard victims and support them to reflect and recover from their experiences.

I share your concerns that this guidance, which is key to ensuring the UK continues to lead the world in combatting Modern Slavery, is not currently available. You will be aware that work began on the guidance with stakeholders shortly after the Act was commenced in 2015. This was paused to accommodate the reforms to the National Referral Mechanism, which announced significant improvements to how we identify victims, and the support that they are entitled to receive before, during and after their time in the National Referral Mechanism. At the time the rationale for pausing this work appeared to be understood and accepted by stakeholders. I want to assure you that the earlier work that stakeholders contributed has been incorporated and developed further in the current draft.

In the ruling in the case *K and AM v Secretary of State for the Home Department [2018]*, the judge emphasised the urgent need to publish guidance. After careful consideration, and having listened to concerns raised from NGO stakeholders around proposals to publish interim guidance, we decided to expedite the process to develop full guidance which meets the requirements set out in the Act.

Developing statutory guidance is a significant undertaking. Many of the most complex issues in Modern Slavery require a joined-up approach across government and the breadth of policies and responsibilities set out in the guidance go far beyond the remit of the Home Office alone. Therefore, a key focus has been on working collaboratively across departments. We have used the governance structures that support the Prime Ministers Taskforce to drive this work forward, to identify leads and secure commitment and resource to working up a clear cross-government offer of victim support. We have done this despite significant competing political priorities.

With both the interim guidance and the full draft of guidance we have provided the opportunity for a range of expert stakeholders to feed in across the wider public sector. Whilst we reviewed our proposals to publish interim guidance in light of the feedback and concerns raised by the sector, it is unfortunate that some NGO stakeholders felt they were unable to engage any further in the drafting process. During this time we continued to work with other stakeholders towards producing a full draft of guidance.

The current draft has incorporated input from the Police, NCA, GLAA, NHS, UKVI, Immigration Enforcement, Border Force, Local Authorities, academics as well as the NGO sector. The Government values the expertise of civil society and is always keen to engage with partners in tackling the issues facing victims. The main routes for engagement on the guidance have been through the Victim Support subgroup of the Modern Slavery Implementation Group (who then subsequently shared it with a wider group of NGO stakeholders as agreed) and the NRM Reform Programme Board.

I appreciate that we are working to an ambitious timeframe, but as the letter to the NGO sector dated 18th March 2019 from Minister Atkins made clear, the guidance that we are working towards will set out how the current system works. It will describe the processes and existing support available to victims, which does not necessitate a white paper. NGO stakeholders identified three areas of new policy in the draft that we shared, two of which reflect the position set out in current, published guidance. The third area, public order grounds for revoking a conclusive grounds decision, is already provided for under existing international law but has been removed from the draft in its current form to allow further work with stakeholders on its interpretation.

We recognise that the landscape for support is constantly evolving as we continue to deliver parts of the reform programme. As a result, we will need to update the guidance periodically, for example, once the next Victim Care Contract is rolled out, and when regulations are laid under section 50 of the Modern Slavery Act 2015. I intend the guidance to be a living document, and officials have begun discussions with the chair and secretariat of the MSSIG Victim Support Group about appointing an oversight committee to regularly update the guidance and ensure it continues to reflect the complexities of the system. Creating a multi-agency oversight committee will allow us to incorporate ongoing feedback, respond to developments across government and provide further clarity as required, ensuring the UK remains a world-leader in combatting modern slavery.

The draft that was shared with sector was very much a working draft, as was made clear at the time. It was agreed that we would share this draft to allow NGO stakeholders as much time as possible to feed back. We are currently undertaking significant redrafting to reflect feedback to date from all stakeholders, and as such, it would not be helpful to share the draft at this time. I propose to share the document with stakeholders once this redrafting has been undertaken for further review and feedback, which I anticipate being able to do this later this month, and at this point I will set out a timetable for publication. We will, of course, be happy to share a final draft of the guidance with the committee in due course.

I want to reiterate our will to engage with stakeholders on this matter – it is the only way that we will be able to publish detailed guidance at pace.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Javid', enclosed within a thin black rectangular border.

**Rt Hon Sajid Javid MP**