

CONSULTATION DOCUMENT ON SECTION 38 OF THE HUMAN TRAFFICKING AND EXPLOITATION (SCOTLAND) ACT 2015

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 134% 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.

Year	Female		Male		Total
	Adult	Minor	Adult	Minor	
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 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 are active in. Local authorities could also use</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.

	<p>the information to raise awareness amongst their services and the local community.</p>
<p>All 14 Scottish Geographical NHS Boards</p>	<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>
<p>NHS 24</p>	<p>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.</p>
<p>Scottish Ambulance Service</p>	<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>
<p>Scottish Fire and Rescue Service</p>	<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	
All 32 Scottish Local Authorities			<p><i>We do not have a view on whether the bodies listed should be named in Regulations, however it may be helpful to note the following points.</i></p> <p>The GMC's overarching statutory objective is to protect patients and the public. This objective is underpinned by three further objectives, including the promotion and maintenance of professional standards and conduct for members of the profession.</p> <p>As part of our role, we publish guidance for doctors setting out the principles of good practice and the standards expected of them in the course of their work. The guidance provides doctors with a framework within which doctor's must exercise their own professional judgment. Doctors should be prepared to justify their decisions and actions. All doctors must be aware of and follow the guidance and we have powers to take action if those standards are not met.</p> <p>While our guidance is not directed at NHS Boards, as we understand it a duty on a board may require the involvement of frontline staff. It is important therefore to consider the interaction between any board-level duty to notify and doctors' existing duties. The GMC will continue to monitor the development of this proposal in this regard.</p> <p>Our guidance on Confidentiality: Good Practice in Handling Patient Information sets out the circumstances in which all patient information (this includes demographic data) can be disclosed. At paragraph 9 we state that although confidentiality is an important ethical and legal duty it is not absolute and personal information can be disclosed where the following circumstances apply:</p>
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)			

		<p>a. The patient consents, whether implicitly or explicitly, for the sake of their own care or for local clinical audit (see paragraphs 13–15).</p> <p>b. The patient has given their explicit consent to disclosure for other purposes (see paragraphs 13–15).</p> <p>c. The disclosure is of overall benefit to a patient who lacks the capacity to consent (see paragraphs 41–49).</p> <p>d. The disclosure is required by law (see paragraphs 17–19), or the disclosure is permitted or has been approved under a statutory process that sets aside the common law duty of confidentiality (see paragraphs 20–21).</p> <p>e. The disclosure can be justified in the public interest (see paragraphs 22–23, 63-70).</p> <p>Paragraph 10 says that when disclosing information about a patient you must:</p> <p>a. use anonymised information if it is practicable to do so and if it will serve the purpose</p> <p>b. be satisfied the patient: i. has ready access to information explaining how their personal information will be used for their own care or local clinical audit, and that they have the right to object; ii. has not objected</p> <p>c. get the patient's explicit consent if identifiable information is to be disclosed for purposes other than their own care or local clinical audit, unless the disclosure is required by law or can be justified in the public interest</p> <p>d. keep disclosures to the minimum necessary for the purpose</p>
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		<p>e. follow all relevant legal requirements, including the common law and data protection law.</p> <p>We would advocate that any requirement to notify is consistent with these longstanding ethical and legal principles. This would mean doctors can use their judgement to make an anonymous disclosure if they felt it most appropriate. The alternative, whereby the duty to notify could require asking for consent for a full disclosure and would use the anonymous route only if consent was not given, may be insufficiently flexible. While we anticipate the latter route is not what the Scottish Government intends we would appreciate further clarity on this.</p> <p>Consideration should also be given to any implications from paragraph 67 of our guidance, and with it GDPR compliance. Paragraph 67 states “you should not ask for consent if you have already decided to disclose information in the public interest”. We would suggest seeking further legal clarification on GDPR compliance.</p> <p>Finally, we are clear in our guidance that doctors must disclose information when the circumstances merit their disclosure. However, we do caution that there may exist a risk in placing this mandatory reporting duty on boards that vulnerable people are discouraged or forbidden by those exerting control over them from engaging with healthcare services.</p>
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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	
Dental Practice Staff			<p><i>We do not have a view on whether those listed should be encouraged to submit voluntary notifications, however it may be helpful to note the following points.</i></p> <p>Again, as part of our role, we publish guidance for doctors setting out the principles of good practice and the standards expected of them in the course of their work. All doctors, including GPs, must be aware of and follow the guidance and we have powers to take action if those standards are not met. It is important therefore to consider the interaction between any new system and doctors' existing duties. The GMC will continue to monitor the development of this proposal in this regard.</p> <p>In addition to what we outlined in response to question 1 it might be useful to outline a little more detail on some relevance aspects of our guidance.</p>
Community Pharmacists			
General Practice Staff			

		<p>There can be a public interest in disclosing information if the benefits to an individual or society outweigh both the public and the patient's interest in keeping the information confidential, e.g. to protect individuals or society from risks of serious harm (see paragraphs 22-3 and 63-70 of our confidentiality guidance). When the risk is largely to the patient themselves this is clearly a much more difficult decision. As a rule, we would expect the doctor to make decisions about how best to support and protect their patient in partnership with them (paragraph 52). They should however, usually, abide by the patient's refusal to consent to disclosure, even if their decision leaves them (but no one else) at risk of death or serious harm. We would expect the doctor to do their best to give the patient the information and support they need to make decisions in their own interests. Adults who initially refuse offers of assistance may change their decision over time (paragraph 59).</p> <p>In all cases when a disclosure is made, care must be taken to ensure that only information that is relevant to the purpose is shared. A record should also be kept of any disclosure that is made, and the patient should be informed about the disclosure as long as it is safe to do so.</p> <p>In our guidance on Protecting Children and Young People we are clear that risks to the safety and welfare of children and young people can often become apparent only when a number of people, including those from different agencies, share what otherwise appear to be minor concerns. We go on to say if you consider that their condition or behaviour leads you to consider abuse or neglect as a possible explanation but you don't think they are at risk of significant harm, doctors should discuss their concerns with their named or designated professional or lead clinician or an experienced colleague (see paragraph 43). Later we say that doctors should take all requests for information for the purpose of safeguarding seriously (see paragraph 46), and cooperate with procedures set up to protect the public from violent and sex offenders (see paragraph 47).</p>
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Question 3:

Are there any other Scottish public authorities that you think should be subject to the Duty to Notify?

We do not have a view on this question.

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?

We do not have a view on this question.

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 duty to notify 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 people who have committed, or might commit, a trafficking or exploitation offence prohibiting or requiring them to do certain things.

Although a person must have committed a trafficking or exploitation offence before a TEPO can be made, Police Scotland are able to apply to the Courts for a TERO if there is a risk that an adult may commit a trafficking or exploitation 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 or exploitation 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	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.
Country of Origin	Allows Police Scotland to carry out further checks/safeguarding in country of origin. 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. 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.
Location victim was recovered	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. 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

	<p>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>

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	
Gender			<p><i>We do not have a view on the listed information.</i></p> <p>While we are not best placed to comment on which pieces of information ought to be available in any anonymised notification, we draw your attention to Paragraphs 77-86 (https://www.gmc-uk.org/ethical-guidance/ethical-guidance-for-doctors/confidentiality/using-and-disclosing-patient-information-for-secondary-purposes) of our Confidentiality guidance which deals with anonymising information.</p>
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 			<p>It may be helpful to consider these points and the need to minimise the risk of patients being identified. It may be useful to note that, for the purposes of our guidance to doctors and other means, all patient information is confidential. This includes demographic data like address and date of birth. It would also be helpful to clarify that there is no expectation on staff to gather any of the information listed in this table, only to share anything which is already available to them.</p>
<p>Reported to be a victim of a section 4 offence</p>			

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
<p>Consent for additional information</p>	<p>Required so that Police can engage with victim(s) to assess threat risk and harm to them and others.</p>
<p>Is the victim willing to be contacted by the Police</p>	<p>Required so that Police can engage with victim(s) to assess threat risk and harm to them and others.</p>
<p>First name</p>	<p>Required so that Police can engage with victim(s) to assess threat risk and harm to them and others.</p>
<p>Family name</p>	<p>Required so that Police can engage with victim(s) to assess threat risk and harm to them and others.</p>
<p>Alias name(s)</p>	<p>Required so that Police can engage with victim(s) to assess threat risk and harm to them and others.</p>
<p>Date of Birth</p>	<p>Required so that Police can engage with victim(s) to assess threat risk and harm to them and others.</p>
<p>Alias Date(s) of Birth</p>	<p>Required so that Police can engage with victim(s) to assess threat risk and harm to them and others.</p>

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			<i>We do not have a view on whether the information listed in this question should be included in a notification.</i>
Is the victim willing to be contacted by the Police			
First name			It may be useful to note that, for the purposes of our guidance to doctors (which is consistent with longstanding legal and ethical principles), all patient information is confidential. This includes demographic data like address and date of birth.
Family name			
Alias name(s)			
Date of Birth			
Alias Date(s) of Birth			
Is the victim a parent or carer			
Other victims whereabouts			It would again be helpful to clarify that there is no expectation on staff to gather any of the information listed in this table, only to share anything which is already available to them.
Safe Phone Number			
Safe Address			
Safe Post Code			
Does the victim have any additional needs			
Details of persons responsible/perpetrators			

Question 7:

Is there any other information that you think should be included in a notification under section 38(1) of the Act? *We do not have a view on this question.*

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? *We do not have a view on this question.*

Question 9:

Are there any other bodies that you think Police Scotland should notify under section 38(4) of the Act? *We do not have a view on this question.*

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? *We do not have a view on this question.*

Question 11:

Is there any other information that you think should be included in a notification under section 38(5) of the Act? *We do not have a view on this question.*

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. *We do not have a view on this question.*

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 Gangmaster 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? *We do not have a view on this question.*

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? *We do not have a view on this question.*