

## **CPS Response to HMCPSI Joint Thematic Inspection of The CPS response to the Modern Slavery Act 2015**

14/12/2017

HMCPSI has today [14 December 2017] published a report outlining the response of CPS to the implementation of the Modern Slavery Act 2015.



The Inspectorate recognises the breadth of work being undertaken by CPS with investigative, prosecutorial and government partners to improve the domestic and international response to modern slavery in support of the Prime Minister's Modern Slavery Taskforce. The report commends the national policy lead for her engagement at a national and international level and for the assurance regime provided by CPS in slavery cases which involve sexual exploitation or domestic abuse. It also highlights the positive work undertaken by CPS staff overseas in working with other countries to disrupt slavery and trafficking and strengthen the rule of law. Inspectors found that effective joint working with the police and the allocation of cases to prosecutors of the right level of experience ensures that individual prosecutions are well-handled, particularly in complex cases.

CPS accepts that it needs to build on this strong foundation by ensuring that the leadership and governance framework is resilient and that knowledge and best practice is shared across all parts of the Service and all staff, not simply those dealing with complex cases of modern slavery.

### **Inspectorate's Issues to Address for CPS**

1. The CPS should:
  - consider where modern slavery and human trafficking sits strategically;
  - ensure there is a framework for leadership, assurance and oversight;
  - appoint a lead to deal with legal enquiries; and
  - ensure there is succession planning and resilience for the current policy portfolio.

**CPS Response:** We accept this recommendation in part. We are content that Modern Slavery and Human Trafficking sits strategically with the Prosecution Policy and Inclusion Unit (PPIU) and International Justice and Organised Crime Division (IJOCD). We will appoint a CCP who will raise the profile of this area of work with Areas and ensure that key messages are shared. A legal policy advisor has been appointed to provide resilience for the current policy lead.

2. There should be success measures developed to enable evaluation against the aims of the overseas deployment of CPS criminal justice advisors abroad and to measure whether they deliver value for money.

**CPS Response:** This recommendation is accepted. The International Justice team within IJOCD is refreshing its existing governance and reporting arrangements to include mechanisms for assuring the quality and delivery of international casework, engagement and criminal justice assistance.

3. The CPS should maximise the usefulness of the casework hub by incorporating case studies of live and finalised cases, good practice and lessons learned and ensure there is a mechanism to share learning nationally that is coherent and consistent.

**CPS Response:** This recommendation is accepted. We will include a summary of cases that contain novel points of law, or interesting factual issues and also best practice on the Casework Hub and publicise this across the Service.

4. The CPS should:

- introduce a quality assurance mechanism for all modern slavery and human trafficking casework.
- collate and maintain performance data locally and nationally rather than under current ad hoc arrangements; and
- introduce a mechanism for effective third sector engagement and scrutiny.

**CPS Response to Recommendations 4 and 7:** We accept this recommendation in part in relation to local performance data. Area Performance Managers will provide monthly data and analysis for review and scrutiny by CCPs which will, in turn, be discussed as part of quarterly Area Performance Review meetings. CPS has a number of existing measures in place for quality assuring this casework, namely Individual Quality Assessments (IQA), Local or Director's Case Management Panels, Disclosure Gateway Reviews, and dip sampling. Performance data for modern slavery on a national and local basis is produced on a bi-monthly basis for Cabinet Office and Prime Ministerial Task Force briefings and is rigorously analysed for trends in performance. We do not believe that modern slavery cases would benefit from local third sector scrutiny. There are relatively few specialist local organisations in many parts of the country, and there are too few cases to justify convening a dedicated group.

5. The CPS needs to

- mandate the e-learning for all prosecutors;
- provide awareness training available to all staff;
- ensure more developed training is delivered to all relevant staff handling any cases involving a modern slavery and human trafficking element; and ensure learning in relation to JITs is disseminated and supported by practical examples on the casework hub.

**CPS Response:** We accept this recommendation in part. We do not accept the need to mandate e-learning for all prosecutors as not all will manage this type of case. However, we will provide awareness training for all prosecutors and paralegal staff in relation to cases of this nature, for example, awareness of alleged offenders who might themselves be the victims of trafficking or slavery and the action that should be taken. Mandatory training will be provided for all prosecutors who do manage, or are more likely to manage, slavery and trafficking cases, for example Complex Casework Unit (CCU) lawyers.

6. The CPS needs to:

- ensure Area leads are appointed who are sighted on all strands of modern slavery and human trafficking work, and are able to make the links across all crime types and lead on knowledge management and sharing, as well as assurance and performance; and
- provide clarity where cases are dealt with and how they are allocated in the Areas.

**CPS Response:** We accept this recommendation in part. Most modern slavery casework is allocated to the CCU with the CCU Head acting as the Area lead. We will provide further guidance to Unit Heads and ensure that they cascade information to all relevant staff in their Areas. The existing casework referral criteria ensure that cases are allocated according to their complexity. Areas will be asked to provide assurance that the criteria are being complied with.

7. The CPS needs to introduce a mechanism, with partners, to collate and analyse joint performance data across all strands of modern slavery and human trafficking crime types.

**CPS Response:** See response to Recommendation 4.

8. The CPS Areas needs to:
  - work with police forces to ensure opportunities for early investigative advice are maximised; and
  - ensure there is an effective mechanism for feedback and sharing lessons learned between the Areas and CPS Direct.

**CPS Response:** We accept this recommendation. CPS has given an undertaking to provide Early Investigative Advice (EIA) to the police in cases alleging modern slavery. We will work with the police to ensure that opportunities for EIA are identified and that advice is timely and detailed when provided. Area Leads will be tasked with ensuring that learning and good practice is shared between their Area and others, including CPSD.