Consultation
Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

1. Aberdeenshire Criminal Justice Social Work Service did not take part in the consultation exercise preceding the Bill.

If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?

2. Not applicable

Did you have sufficient time to contribute to the consultation exercise?

3. Yes, although the consultation window was still relatively short.

Costs
If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

4. Aberdeenshire Council Criminal Justice Social Work Service would not be directly involved in the following areas considered in the consultation:
   - Creation of and definition of offences
   - Confiscation of property
   - Trafficking and exploitation prevention and risk orders

There would be potential for comparatively lesser involvement in relation to:
   - Part 2 - protection of victims, in terms of support to which adult victims of human trafficking and exploitation are entitled
   - Part 5 - strategy and reporting

However, these are new areas and it is difficult to comment on the overall accuracy of the projected costs. It is noted that the Human Trafficking and Exploitation (Scotland) Bill and Explanatory Notes (Scottish Government, 2014) and other accompanying documents S 41. states ‘Section 8 places a duty on the Scottish Ministers to secure the provision of support and assistance for adult victims of human trafficking, on an assessment of needs, during a defined period. It also sets out a discretionary power for the Scottish Ministers to arrange the provision of support and assistance out with the mandatory period.’
There could be an initial query regarding the extent to which local authority services would be required to support affected individuals. The Memorandum does explain at s13 (p 26 overall) that ‘the Scottish Government currently allocates direct grant funding to non-government organisations to provide and facilitate immediate support and assistance to the adult victims of human trafficking. This support can include immediate safe accommodation, psychological support, assistance in accessing medical treatment, material assistance, interpretation and translation and assistance either with repatriation or securing longer-term access to mainstream services and support, such as welfare benefits and housing.’

In 2013-14, total grant funding of £723,000 to TARA and Migrant Help. Direct assistance to the known number of adult victims is being addressed. In the longer term, the Memorandum assumes that the needs of affected individuals will be subsumed within mainstream services.

This response has been completed by Aberdeenshire Criminal Justice Social Work Service and does not cover services required by children. It is noted that ‘Information about current expenditure on child victims of trafficking is not recorded separately from information about wider expenditure on child protection services’. (s15, p26)

In terms of Part 5– strategy and reporting- it is stated that ‘There will be costs on local authorities associated with engaging in the preparation and review of the trafficking and exploitation strategy and in awareness raising and training of front-line staff. The additional costs should be marginal on top of the existing guidance and activity already in place with reference to the identification and support of potential child victims of trafficking. The aim will be to minimise costs for other front-line local authority staff by adapting the general awareness raising and training materials described above.’ (Part 5, s59 p36).

There is reference to existing training materials produced by Police Scotland and NHS Health Scotland (s19, p27) and it would be assumed these will be made available to local authorities.

With regards to the s34 reporting duty, s 137 (p 20) of the same document states: ‘Section 34 places a duty on specified Scottish public authorities to notify the chief constable of the Police Service of Scotland about a person who is, or appears to be, a victim of an offence under section 1 or section 4 (this notification would be anonymised as required by subsection 2 of s34). This duty would not affect any other general right to report information relating to crime.’

S 57 (p 35) anticipates a marginal cost will be accrued by the relevant public authorities when undertaking the above. Taken as a whole, the above is reasonably persuasive that additional costs arising for local authorities would be limited, with those affected by human trafficking and exploitation accessing services as mainstream service users.

However, it is of note that the Equality and Human Rights Commission Inquiry into Human Trafficking in Scotland (2011) stated that victims are often already vulnerable
in their communities of origin (p35). Individuals may have complex needs as well as ongoing interpretation requirements and an acknowledgement of the above is required.

As outlined in the Explanatory Notes, support services to victims will be provided by specialist third sector providers with existing services. Knowledge of these services and the wider issues concerning human trafficking and exploitation are vital if relevant local authority staff are to fulfil their role effectively and ensure a smooth transition for individuals into mainstream services.

Although training materials are referenced at p27 of the Explanatory Notes, it is of interest, as described in the 2013 Equality and Human Rights Commission Follow Up Report that the Home Office had announced training via five grant funded charities which would be integrated into professional development modules and delivered in England and Wales (p22 of the 2013 report). This model of centrally funded, accredited training would be valuable in a Scottish context as well.

In summary, obvious financial implications would relate to:

- Interpretation services for victims of and those involved in human trafficking, e.g. the preparation of Criminal Justice Social Work Court Reports.
- Access to accredited training - this is also likely to involve travel and accommodation for staff from rural and island authorities.

The cost of contributing to the Scottish Government Strategy requirement and reporting relevant data (s33) is assumed to be marginal, but it is difficult to be precise regarding this until the required actions are underway.

**Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?**

5. This is a difficult area to comment on given the covert nature of the crime. Section 36 (p31) of the Explanatory Notes outline the Scottish Government projection:

‘The Scottish Government anticipates that improved awareness raising and training of front-line staff will result in an increase in the number of victims identified over time. It is not possible to know how quickly this improvement will be achieved.

However, between 2012 and 2013 the number of potential identified victims across the UK identified through the NCA strategic assessment and NRM increased by 22% and 41% respectively. Given the need for awareness raising and training to impact, the Scottish Government does not anticipate a similar scale of increase in the immediate term, but the Government considers it reasonable to anticipate a possible increase of between 10% and 20% per annum in the overall number of requests for assistance and support each year over the next four years’.

The above is reasonable. In terms of accuracy, as the Equality and Human Rights Commission Inquiry into Human Trafficking in Scotland (2011), noted ‘estimates of
identified potential victims do not reflect what is likely to be a much greater number of unidentified victims.'

If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?

6. As discussed at Q4, the Explanatory Notes indicate that local authorities would have a minimal role in front line delivery of the areas covered by the Bill.

However, it is likely that victims will need to access mainstream services during their recovery and may have complex needs. Given the covert nature of this issue, there is potential that individuals’ experiences may not be disclosed until after they are engaged with mainstream services.

Individuals involved in the commission of these offences will also require criminal justice social work services.

It is worth noting, as highlighted by the Equality and Human Rights Commission reports that trafficked individuals, for example in relation to cannabis cultivation, may be criminalised and involved in services for offenders.

In terms of practicalities, ongoing and intensive interpretation services are an immediate issue. Where this is a relatively isolated instance, there would be potential to absorb within existing funding. However, if there were a situation where a large number of individuals were affected as victims or perpetrators, there would be a need for access to additional funds to meet the additional cost of working within the context of human trafficking and exploitation.

The need to access appropriately financed and accredited training has been discussed at Q4.

The potential cost of engaging with strategic requirements and data reporting is also unknown.

Given that the anticipated statutory duty (ratification of Article 12 of the Council of Europe Convention on Action against Trafficking in Human Beings, as reflected by s8 of the Human Trafficking and Exploitation (Scotland) Bill) rests with the Scottish Government, it is reasonable to anticipate additional funding would be provided by the Scottish Government.

Does the FM accurately reflect the margins of uncertainty associated with the Bill’s estimated costs and with the timescales over which they would be expected to arise?

7. The Financial Memorandum does acknowledge the uncertainty around an area where activity is hidden and has the potential to change significantly in relatively short timeframes given the impact of globalisation and world events.
The Explanatory notes acknowledge the current difficulties in prosecution of the offence, with six successful prosecutions for a specific trafficking offence to date in Scotland.

**Wider Issues**

*Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?*

8. In an area inevitably reflecting uncertainty regarding exact figures, the Financial Memorandum appears a reasonable reflection of potential costs.

*Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?*

9. This is not an area which Aberdeenshire Criminal Justice Social Work Service has expertise to comment on.