



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# EQUAL OPPORTUNITIES COMMITTEE

Tuesday 14 September 2010

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**Tuesday 14 September 2010**

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**EQUAL OPPORTUNITIES COMMITTEE**

**14<sup>th</sup> Meeting 2010, Session 3**

**CONVENER**

\*Margaret Mitchell (Central Scotland) (Con)

**DEPUTY CONVENER**

\*Marlyn Glen (North East Scotland) (Lab)

**COMMITTEE MEMBERS**

\*Malcolm Chisholm (Edinburgh North and Leith) (Lab)

\*Bill Kidd (Glasgow) (SNP)

Christina McKelvie (Central Scotland) (SNP)

\*Stuart McMillan (West of Scotland) (SNP)

\*Hugh O'Donnell (Central Scotland) (LD)

Elaine Smith (Coatbridge and Chryston) (Lab)

**COMMITTEE SUBSTITUTES**

Rhoda Grant (Highlands and Islands) (Lab)

Mary Scanlon (Highlands and Islands) (Con)

Margaret Smith (Edinburgh West) (LD)

\*Bill Wilson (West of Scotland) (SNP)

\*attended

**THE FOLLOWING GAVE EVIDENCE:**

Detective Sergeant Sandra Jamieson (Scottish Crime and Drug Enforcement Agency)

Liam Vernon (United Kingdom Human Trafficking Centre)

**CLERK TO THE COMMITTEE**

David McLaren

**LOCATION**

Committee Room 2



## Scottish Parliament

### Equal Opportunities Committee

*Tuesday 14 September 2010*

[The Convener *opened the meeting at 10:02*]

### Decision on Taking Business in Private

**The Convener (Margaret Mitchell):** Good morning, everyone, and welcome to the 14<sup>th</sup> meeting in 2010 of the Equal Opportunities Committee, which is our first meeting after the summer recess. I remind all those present, including members, that mobile phones and BlackBerrys should be switched off completely, as they interfere with the sound system even if they are switched to silent. We have received apologies from Christina McKelvie and Elaine Smith. I am pleased to welcome Bill Wilson, who is standing in for Christina McKelvie this morning.

The first item on the agenda is a decision whether to take item 5 in private. Item 5 is consideration of an approach paper from the committee's budget adviser on the independent budget review. Are members agreed?

**Members** *indicated agreement.*

## Migration and Trafficking Inquiry

10:03

**The Convener:** The second item on the agenda is the seventh evidence session in our inquiry into migration and trafficking. This session will focus on trafficking and the committee will hear from two witnesses. Without further ado, it is my pleasure to welcome Detective Sergeant Sandra Jamieson of the human trafficking co-ordination unit, which is part of the Scottish intelligence co-ordination unit of the Scottish Crime and Drug Enforcement Agency, and Liam Vernon, the chief executive of the United Kingdom Human Trafficking Centre.

I will start with a general question about the specific roles and remits of your respective organisations in relation to the prevention, investigation and prosecution of human trafficking in Scotland and the relationship between the two organisations and other bodies such as—I will name three big players—the Scottish Government, the UK Border Agency and the Gangmasters Licensing Authority.

**Liam Vernon (United Kingdom Human Trafficking Centre):** I will put the role of the UK human trafficking centre in context. The centre sat as an entity under South Yorkshire Police until 1 April 2010, when it was transferred into the Serious Organised Crime Agency, of which I am a member. I am currently the acting head of the centre, but that position will change later in the year. My involvement with the UKHTC began at the end of April this year, but I feel that I have a good knowledge and understanding of what preceded it.

The UKHTC was established in 2006 as a multi-agency centre to provide a central point for the development of expertise and co-operation in relation to trafficking throughout the UK. We work together with a number of stakeholders from UK law enforcement bodies, the Government and intergovernmental sectors within the UK and, crucially, non-governmental organisations and charities in the area.

One of the UKHTC's responsibilities is to hold the competent authority status for the UK, which relates to the identification and referral of potential victims to the national referral mechanism—NRM—that has been in place for close to 18 months. It was established on 1 April last year after the Council of Europe Convention on Action against Trafficking in Human Beings was ratified in December 2008. In addition to holding the competent authority status and granting reasonable ground or conclusive ground decisions to European Union or European economic area nationals, we work closely with the UKBA, which is

also a competent authority and which has responsibility for reasonable ground or conclusive ground inquiries and decisions for non-EEA nationals.

We provide police forces throughout the UK with a 24/7 tactical advice and support capability: we have expert tactical advisers available each and every day. We regularly take calls from police forces throughout the UK, including forces in Scotland, and we provide there and then the investigative support that they need and the support that they need to deal with victims. We also provide on-going support as required.

We play a key role in co-ordinating work between various stakeholders. I am pleased to say that quite a lot of people in different organisations are involved in tackling trafficking. We do that principally by co-ordinating and managing four work streams. They all stem from the UK action plan, which the UKHTC very much focuses on, and are on: victim care; operations and intelligence, which focuses on the police service; prevention campaigns and awareness; and learning and development, on which we engage with organisations such as the National Policing Improvement Agency, but also with academia.

I alluded to the fact that the UKHTC has been named as having responsibility for a number of actions in the UK action plan. The plan has been in place for close to three years. It was updated in October 2009 and the actions were signed off by the Home Office and the Scottish Government. In essence, what we seek to achieve is not just to provide support but to raise awareness. There is a huge awareness-raising programme throughout the UK and we seek to support that. It raises awareness of trafficking and all the forms of exploitation, but also of the NRM and how people can refer potential victims.

I believe that, since 1 April, when we entered SOCA, we have been able to take the work up to another level in collaboration with key partners throughout the UK and internationally. I believe—and I am seeing—that that will develop the UKHTC as its capabilities are developed through the significant enforcement, intelligence and intervention capabilities throughout the UK and with overseas partners that SOCA brings to the table.

**The Convener:** Thank you very much for that comprehensive response. Did you mention the Gangmasters Licensing Authority?

**Liam Vernon:** I apologise; I did not. We work closely with key agencies. For example, the GLA is an important member of our operations working group and also sits on the strategic operations group, so our relationship is close. It is fair to say that when there is a crossover on operational

work, there is good harmony and when the opportunity exists to develop operational activity or policy, it is taken forward fairly robustly.

As far as the UKBA is concerned, it is the second competent authority. It owns the policy lead for the national referral mechanism and it chairs the national referral mechanism strategic monitoring group, which has representation from Scotland as well as other countries in the UK, principally through the TARA—trafficking awareness raising alliance—project and a representative from the Scottish Government. In addition to that, we sit with both organisations in addressing the response to the UK threat assessment. Our engagement with the UK is fairly significant, as one would hope with this type of crime.

**The Convener:** Thank you for that.

**Detective Sergeant Sandra Jamieson (Scottish Crime and Drug Enforcement Agency):** Mine is a new role with the Scottish Crime and Drug Enforcement Agency. The SCDEA did a review of how it dealt with serious and organised crime. Recommendations were made to the Scottish Government and new funding was given to the SCDEA to set up the Scottish intelligence co-ordination unit. The SICU is a new part of the SCDEA that has a human trafficking co-ordination unit, which I head. Prior to that, there was nothing in Scotland with that sort of remit. I am a Lothian and Borders Police officer who, from about 2006 until I went to the SCDEA, examined in my own force human trafficking. In addition, I was seconded to the UKHTC for about 18 months to two years as a tactical adviser, and I still assist the UKHTC in that role.

The role of the SICU is to work closely with every police force in Scotland and their partner agencies. I work closely with the UKBA, the GLA and non-governmental organisations in Scotland to co-ordinate victim care activity, as well as any operational activity by police forces on human trafficking. I offer tactical advice to senior investigating officers, and I assist the TARA project and Migrant Helpline, which are the main NGOs in Scotland that provide victim care, with the provision of such care. In addition, we work closely with the UKHTC to provide some of the support that it offers. I am also involved in the training that is provided for officers at the Scottish Police College—I provide training for a variety of courses at the college to raise trainees' awareness of the UKHTC and the SICU.

Earlier this year, we had a workshop at the SCDEA, to which we invited all our partner agencies and NGOs; people from the Gangmasters Licensing Authority, the Scottish Government and the UKBA were there. We discussed how we could make progress in raising

awareness and in finding out about the scale and nature of human trafficking in Scotland. We intend to invite all those agencies to another workshop at the turn of 2011 to see where we can go with that.

Liam Vernon mentioned awareness raising. We also do a lot of that. We have a planned programme, which we hope to put in place, along with the UKHTC and the SCDEA, over the next six months to a year.

The agency has a number of key indicators at the moment, one of which involves looking at the scale and nature of human trafficking in Scotland, and we hope to produce an analytical product in March of next year.

The other thing that we are doing is raising awareness with every police officer in Scotland, and out to the front line, of what human trafficking is. We intend to have produced by the end of this year an e-learning programme, which will go to every police officer in Scotland. It is hoped that that can be rolled out to other agencies to raise awareness there, but it is just at the early stages.

That is about it for our role at the moment. It is evolving, and other things will come on board as time goes on. We are a small unit but, as I say, we cover the whole of Scotland.

10:15

**The Convener:** Thank you. You talked about the e-learning programme, and about trying to explain what trafficking is all about. When we took oral evidence, a couple of witnesses raised concerns about the definition of trafficking in the Palermo protocol, which is tortuous to say the least. Do you have a view on that? Does the fact that the definition is so complicated interfere with your job of getting over what trafficking is about and with raising awareness of trafficking?

**Detective Sergeant Jamieson:** It is a complicated definition, but if you break it down into three elements it explains it a bit better, and helps people to understand it. That is what I do when I go to colleges and so on. Rather than giving people the Palermo definition and saying, "That is what trafficking is", I break it down so that they can see where it sits.

**Liam Vernon:** There are two aspects. First, the Palermo protocol is the first international instrument that clearly defines trafficking and is recognised across the piece internationally. That is really useful because, by its very nature, trafficking is an international problem.

The second aspect is that that theme is followed in the Council of Europe's convention on trafficking in the EU. I agree with Sandra Jamieson's thought process—breaking down the definition into the act, the means and the purpose is very useful. I stand

to be corrected, but I am unaware of situations in which the Palermo protocol, and the definition itself, have caused problems around awareness of trafficking.

**The Convener:** Thank you. That was a good setting into context of the two organisations.

**Stuart McMillan (West of Scotland) (SNP):** Thank you and good morning. In the evidence that we have received so far, there appears to be a mixed message about the scale and nature of the trafficking problem. Scottish Government research identified a total of 79 victims of trafficking in Scotland in 2007-08. Furthermore, a recent mapping exercise conducted by the SCDEA highlighted a minimum of 367 serious organised crime groups in Scotland, of which 10 were thought to be actively involved in human trafficking. There has also been evidence from the Scottish Refugee Council and the Association of Chief Police Officers in Scotland. There is not really a clear picture of the scale of the problem in Scotland.

Can you provide the committee with accurate information about the number of people it is estimated have been trafficked, where they come from and what areas of Scotland are particularly affected by the problem? How many people in Scotland have been through the national referral mechanism? Do you think that the scale of the trafficking problem in Scotland is increasing?

**Detective Sergeant Jamieson:** The figures that go around are very confusing, which is why the SCDEA does not give out any figures. The only thing that we can really do is to look to the national referral mechanism, which is where you will get more accurate figures, although you have to take into account the possibility that not every victim goes through the mechanism.

I can give you the NRM breakdown from 1 April 2009 to 31 August 2010. I can also give you a bit of a breakdown of some of the work that we have done. In that period, there were 74 referrals from Scotland, 66 of whom were female and 8 of whom were male. Of those 74 referrals, 18 were children. By nationality, 18 of the victims were Nigerian and 12 were Chinese. A host of other nationalities were represented by one, two or three people—if you want a breakdown of those figures, we can give you them.

From 1 April 2009 to 31 March 2010, the SCDEA looked at the 49 referrals from Scotland to the national referral mechanism out of a total of 706 referrals from the whole of the UK. When we looked at those 49 referrals in detail, we found that only 13 of those people had been victims of trafficking within Scotland; the other referrals were people who had been trafficked in other areas in the UK. There does not appear to be any

particular area—for example, Edinburgh, Glasgow or Aberdeen—with more victims than any other. We see, from the Scottish Refugee Council's figures, that there are more referrals from Glasgow, but that is for no reason that we know of other than the fact that people go there.

That is the breakdown of the NRM. Come March, we might be able to give you a better idea. You must understand, however, that, because of the nature and scale of trafficking, the figures will probably not be accurate.

**Stuart McMillan:** Is the problem increasing or have the numbers been steady over a number of years? Is it too early to say?

**Detective Sergeant Jamieson:** The more that people understand what human trafficking is—what the indicators are—the more the numbers will increase. That is my personal view. We are probably still in the early days, when the indicators are not being recognised. I do not know whether Liam Vernon agrees.

**Liam Vernon:** Yes, I agree with those sentiments. The national referral mechanism probably gives us our most accurate and reliable empirical data. In the first 12 months, in Scotland there were 49 referrals from 20 countries. Within the UK as a whole, there were 706 referrals in the first year; so, approximately 7 per cent of the referrals across the UK were from Scotland. Of the countries that were represented, the key ones were Nigeria, China and eastern European countries, which is reflective of the pattern right across the UK. At close of play last night, the number of referrals to the national referral mechanism stood at 992. We appear to be there or thereabouts.

How reflective is the NRM of the actual picture? Certain considerations must be taken into account. It has only been up and running for just under 18 months. A comprehensive review of the NRM is being undertaken, from which lessons will be learned, and the system will be developed further—of that I am assured. Also, the NRM does not count the victims of trafficking who are not found—we are dealing very much with a hidden crime. The victims may not want, or be able, to make themselves known to the law enforcement or support services; in fact, we come across cases in which those whom we would recognise as victims are not recognised as such even after engagement with the police or voluntary services.

The whole nature of trafficking needs to be taken into consideration. The NRM can be looked on as giving accurate and empirical data, but its limitations also need to be recognised. That brings us to the work in which Sandra Jamieson and I are engaged. I refer to the awareness raising that the UKHTC and the strategic monitoring group of the

national referral mechanism are doing in the UK. The UKHTC is about to embark on a pilot to raise awareness of the issue among the health services and, longer term, to see a move to first-responder status for health services. Sandra Jamieson described what is going on in Scotland in terms of awareness raising. The UKHTC is doing something similar with the seminars that we should be rolling out in late autumn for police services and front-line professionals, such as those in local authorities and health services. Quite a lot of work is going on not only in our organisations but right across the piece, including NGOs.

Given our management of the 24/7 call-out facility, we also have anecdotal information on potential victims who police services come across but who do not enter the NRM because they do not want to—for adult victims, the NRM is a voluntary system—or because they disappear or are disappeared back to their country. We know of instances in which trafficked victims have come into the UK via an airport, realised that they have been trafficked before they have been exploited and simply gone back to their own country. Romania is a recent case in point.

There are lots of different rationales and reasons why it is difficult to give an accurate picture, but I feel fairly confident in saying that the NRM is developing. It is now nearly 18 months old. As it develops, it gives us the capability to make an assessment and analysis of the data that it contains. For the UKHTC, the NRM also allows us to engage with partners overseas around prevention and awareness raising. For example, if we know that the top country is Nigeria and the second is China, we can make appropriate approaches. People may not see the work that is going on to prevent victims from coming to the UK. The work is challenging and difficult and can be tackled only in collaboration with many bodies in Scotland, the UK and internationally.

**Stuart McMillan:** Thank you for that comprehensive answer, which also answered the question that I was going to ask on data collection. I will ask a question about international working, which you touched on at the end of your answer. Trafficking is an international issue and problem. I do not seek exact details of the work that is going on, but I would like to gain an understanding of the work that both your organisations undertake with international partners to prevent trafficking and a better understanding why trafficking originates in certain countries. In Scotland and the UK, we have to deal with the effects of trafficking, but the lives of the individuals who are involved are destroyed.



10:30

**Liam Vernon:** Absolutely. I am happy to give what I hope is a quick résumé from a UKHTC perspective.

A good example of the international work that we are engaged in is work that we are doing with the Council of Baltic Sea States. We sit on a working group that focuses on the Baltic Sea states as source and transit countries. Although the UK is not one of those countries, the UKHTC has been invited on to the board and panel because of our expertise in the area, which is recognised within Europe, and because in the UK we have a large number of victims who come from or through the countries that are represented on the council.

With funding from the EU that my counterpart in Lithuania is in charge of, that link allows us to share tactical and operational information. The council is a forum for sharing best practice across that part of the EU, and it also allows quick-time bilateral arrangements. That is not intended to be a route outside Europol or Interpol; it is quite the opposite. In cases of trafficking, information is needed quickly—lives are at stake and victims are there to be rescued as soon as possible—and our work with the council provides that capability. I can give a working example of that. I cannot go into the case for operational reasons, but I can say that we are working in the UK with the police service and using the international mechanism to develop a sex trafficking case that is being investigated. That is a good example.

We sit closely with a panel looking at integration with the French authorities, with which we have close ties because we share boundaries and borders. We also share information with Europol, and we sit on an Interpol working group. I personally have engagement with a number of senior members of human trafficking and smuggling groups both throughout the EU and in the United States and Canada, which I am really quite excited about. Those links are gaining traction, which can only be good for this arena of work.

Particular countries were mentioned. SOCA and the UKBA, which are key partners, have liaison officers in certain countries of the world. When there is an issue, we task those agencies with developing contacts at a local level to assist in prevention and awareness. We also work closely with the International Organization for Migration, which has great NGO coverage around the world. That is a developing relationship.

I feel that an awful lot is going on, but I do not rest on my laurels. There is a lot more to do, and the UKHTC fully intends to take it that further step forward.

**Bill Wilson (West of Scotland) (SNP):** I want to go back to the data collection, to ensure that I have understood you correctly. The NRM holds the data on people referred to it but not the data on people not referred to it. Is that information held by individual police forces rather than centrally?

**Liam Vernon:** The correct answer to that is that we hold data that we are given. We are one of the two competent authorities to which any police service, a number of NGOs and the UKBA refer people when they identify them as potential victims of trafficking. If those organisations do not identify someone as a victim or they do not know about the national referral mechanism, or if indeed the person is not picked up by anybody as a potential victim, that person will simply not end up on the referral database.

**Bill Wilson:** I can understand that the people whom we do not know about are obviously not on the referral database. However, I was wondering about what would happen if people from a particular race, culture or region of the world generally declined to go to national referral for some reason that we did not know. If there was a pattern in the refusals, would anybody pick it up, or would it not be picked up because nobody holds the information centrally?

**Liam Vernon:** I think that it is fair to say that we pick up only what is referred to us. In my personal view, much more needs to be done on collating the sort of information that you have identified. We rely on many bodies—the NGOs and police services—providing details to the central body so that we can collate the information. It may well be that not all those who are referred are victims of trafficking or require the support of the Council of Europe convention, but co-ordination has to be an invaluable part of understanding the scale and nature of trafficking in Scotland and across the UK.

**Bill Wilson:** Thank you. You have understood exactly the point that I was getting at.

**The Convener:** Does Sandra Jamieson want to add anything?

**Detective Sergeant Jamieson:** Going back to Stuart McMillan's question, I should mention that the SCDEA does a lot of work with the UKHTC. The SCDEA also has an officer based in Europol, who—again, for operational reasons, I cannot go into details—assisted in arranging a meeting with the authorities in different countries during a recent incident. Within the SICU, the SOCA officers who work alongside us have access to officers in other countries.

We have also set up a Scottish human trafficking working group, which has had one meeting so far and has another meeting scheduled in a couple of weeks. Until we work out

our terms of reference, the working group includes every police force in Scotland, including British Transport Police. The working group will form the basis of the work that will happen in Scotland and will look at prevention work in other countries, if we find anything like that. That is already up and running, although it is in its early days.

**Hugh O'Donnell (Central Scotland) (LD):** Most of the general public's engagement with the issue of trafficking is through the more salacious and lurid headlines that one often finds in our newspapers. In general terms, or in specific terms if details are available, are those who are trafficked brought into the country primarily for the purposes of sexual exploitation? Is that the main activity, or is there a different pattern? Are we just being subjected to salacious headlines by people who want to sell newspapers?

**Detective Sergeant Jamieson:** Such headlines definitely sell newspapers, which is what the newspapers are looking for. However, as we said earlier, we do not know the scale and nature of the problem. As our understanding evolves, we might find that trafficking relates not so much to sexual exploitation as to labour exploitation, but at this time we do not know. In the NRM stats, sexual exploitation certainly accounts for the largest number of referrals, but referrals for domestic servitude and labour exploitation are starting to come through. However, I think that we have not even lifted the lid on what other types of exploitation take place in this country.

**Liam Vernon:** After 15 months, the national referral mechanism could provide us—these are not for Scotland only, unfortunately—with some UK stats: 45 per cent, or some 380 referrals, were for sexual exploitation; 27 per cent, or 227 referrals, were for labour exploitation; and 17 per cent, or 147 referrals, were for domestic servitude. For 11 per cent, the exploitation type was not recorded. That indicates that the main type of exploitation is indeed sexual exploitation. The question that I would ask is whether that is because operational activity and media reporting mean that there is a lot of awareness about it in the public domain and among police and professionals. Perhaps labour exploitation and domestic servitude are less well known about. Certainly, the GLA was keen to point out to me in a recent conversation that labour exploitation might be more of a hidden arena than sexual exploitation.

**Hugh O'Donnell:** I have another question about the wider forms of illegality, but I will visit that in a minute.

You were clear about the UK statistics. I remember from one oral evidence session and certainly from written evidence that we were challenged for extrapolating figures and perhaps

thereby giving rise to headlines. Is a plan in place to be a little more accurate about regional or national differences?

I am interested in another couple of points. Was the Crown Office and Procurator Fiscal Service involved in the sessions that you have run at Tulliallan to raise awareness? Have you had any referrals from the Gangmasters Licensing Authority when it has identified people who have been trafficked?

That is quite a bundle of things—take your pick.

**Liam Vernon:** I can answer your last question, because I remember it most. Gangmasters are not first responders in the national referral mechanism. They might identify potential victims, but those victims' route into the NRM would be through the police service or the UKBA. That is not to say that gangmasters have not identified victims, but the current data might not capture that in the detail that you seek.

Will you remind me of your first question?

**Hugh O'Donnell:** It was about extrapolating figures.

**Liam Vernon:** It is easy to say that figures are the be-all and end-all, but they are not—they provide enlightenment and add to the debate, but veracity and quality are needed behind them and effective analysis is required. That must be compared with what is happening on the ground across the piece with a wide range of organisations.

As the NRM has developed, it has given us data that we did not have before, which we can look at and begin to talk about. I always advocate that we bear in mind the constraints and restrictions that I talked about, because it is clear that we do not have the full picture. Much work has to be done to develop that picture, as Mr Wilson identified.

That view might be conflicting. Figures are not the be-all and end-all, but they are important—they add weight to the debate. As time goes on, we can derive greater analysis from them. As for whether we want to extrapolate them down to regions and countries in the UK, I would say yes, absolutely. That would provide the committee with the opportunity to understand more fully what is happening in Scotland and would inform policy and operational activity. We are doing something similar with the Welsh Assembly Government, which is keen to develop in that way.

The UKHTC has a crucial reporting and supporting role in allowing regions to do such work. That approach was certainly taken in the Association of Chief Police Officers and Home Office assessment of sex exploitation in England and Wales—project Acumen. That focused on off-street, migrant and female trafficking for sex

exploitation, so it did not take account of the wide picture. It showed that 2,600 people were believed to be trafficked victims in that arena. They were predominantly from south-east Asia, but some were from eastern Europe. When that information is added to what the national referral mechanism tells us and to other anecdotal information, that begins to give policy makers and those who are involved in operations some basis.

I hope that that helps.

**Hugh O'Donnell:** It does. I put to Sandra Jamieson my question about the involvement of the Crown Office and Procurator Fiscal Service.

**Detective Sergeant Jamieson:** I ran a senior investigating officers course at the Scottish Police College last year, to which senior officers in every police force were invited. The Crown Office sat with us for the whole week of the course and it was available to all the police officers to answer questions. I was also recently involved in training for procurators fiscal—a pilot course to raise awareness among them about trafficking. We work closely together.

10:45

**Hugh O'Donnell:** I will not go into that because one of my colleagues has some more questions on it. I am interested in hearing whether either of you has evidence that trafficking supports or is supported by other forms of illegality beyond the clearly defined agenda. Do you find the same types of groups and the same criminal organisations in other areas of criminal activity? Can you give us an indication, without breaching any confidences, of any ways in which they cross-fertilise and support one another?

**Detective Sergeant Jamieson:** The basic answer to your question is yes. In the small numbers of cases that we have at the moment in Scotland, we have certainly seen that those who traffic people traffic drugs as well.

**Liam Vernon:** That reflects the picture throughout the UK. There are clear links to money laundering and drug trafficking. There is also an emerging picture on trafficking for benefit fraud—fiscal fraud. There is a much wider picture and some of those issues are probably more visible to the public than some of the stand-alone trafficking issues.

**Hugh O'Donnell:** Are the fairly draconian measures that are being taken on benefit claims—the Atos Healthcare assessments and various other measures—likely to weed out more people who are perhaps being used for benefit fraud purposes? Do you have any evidence that they are beginning to identify people who have been trafficked for the purposes of benefit fraud?

**Liam Vernon:** I am by no means an expert on that, nor do I work closely with the departments that have responsibility for it, so it would be wrong of me to go blind and shoot from the hip with an answer to that question. However, it is clearly a topical and important matter, particularly in the current climate. The UKHTC is working closely with partners on the issue as it develops.

**Hugh O'Donnell:** Thank you very much for that.

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** I will move on to the enforcement and prosecution of human trafficking offences. It is a matter of concern to us that there have been no convictions in Scotland. The legislation is all in place, so there is no problem in that direction, but it is striking that there has been a large number of convictions in England and none in Scotland. We raised that with previous witnesses. Do you have any comments on the matter and on the apparent difficulties of securing convictions in Scotland?

**Detective Sergeant Jamieson:** I understand that people have concerns about that, but you must consider the nature of trafficking and understand that there could be a variety of reasons why we have never had a conviction. Reports have been submitted to the Crown Office and Procurator Fiscal Service for trafficking offences—some have been submitted lately—but you would have to ask the COPFS why they did not reach the next stage.

We could discuss the topic all day. There could be a variety of reasons for the lack of convictions. There have been many convictions in England and Wales, but I do not know why there has been none in Scotland.

**Malcolm Chisholm:** Does Liam Vernon have any comments on that?

**Liam Vernon:** I can put a UK perspective on it. We have supported a number of operational investigations within SOCA and undertaken our own in which prosecutions have been successful. The point that we advocate with the support that we give in our tactical advice is that the police service decides on the investigative method in each case, whereas the correct judicial authorities decide on the method of prosecution and the appropriate charges to lay.

In England and Wales, we work quite closely with the Crown Prosecution Service. It is still asking itself the question that you are asking about how prosecution levels can be raised and what the barriers and inhibitors to prosecution are. It would identify some factors that may or may not be of relevance to Scotland. For example, some offences are charged as overall conspiracy offences and may not be captured in the trawl of data. Also, there is a reliance on witnesses giving evidence, going to court and providing the support

to police to prosecute. Another element relates to the bilateral relationships that I talked about a few minutes ago. An interesting pattern that is emerging is that, when there is a case involving another country with which we have a good relationship, the prosecution will be undertaken by whichever country is best placed to prosecute. I offer that not as an answer for Scotland per se but more as a general comment about what is happening across the UK.

**Malcolm Chisholm:** One specific example that was given was to do with the powers of the Gangmasters Licensing Authority. I do not know, in the light of what has been said, whether it is particularly significant, but I suppose that it is right to ask the question. Apparently, under the Gangmasters (Licensing) Act 2004, there is a power of arrest for the offence of acting as an unlicensed gangmaster, but that applies to England and not to Scotland. Is that at all significant? I do not know how often that power is used and whether it is an important weapon in England or minor in the scale of things, but there seems to be a difference in the legislation for Scotland and England.

**Liam Vernon:** I recognise what you are saying. We work closely with the GLA; in fact, I had a briefing from it last week on some of its powers. That was certainly not raised by the GLA as an issue and as an inhibitor to prosecution for trafficking.

**Marlyn Glen (North East Scotland) (Lab):** I will take that a little bit further. I, too, was concerned by the information that we got about the lack of convictions. I am trying to understand whether that is to do with the different parts of what these people are doing. They might be convicted on charges of trading in prostitution or for offences under the Identity Cards Act 2006 instead of human trafficking. We talked about how difficult the definition is in itself. Does that have something to do with it? Is it about the approach by prosecutors rather than anything else?

DS Jamieson said that a training course is being piloted for procurators fiscal, which is interesting. Have you looked at the differences between the guidance that is given to prosecutors and the guidance that is given to the police? I understand that there is a possibility of the guidance being updated.

**Detective Sergeant Jamieson:** Obviously, you would have to ask the Procurator Fiscal Service a lot of those questions, but I know that guidance is being drafted, if it is not already at the stage of being given out to fiscals. I do not know what is in it, as I have not seen it. From speaking to procurators fiscal, I know that they have not dealt with this type of legislation before, so they, too, are

learning. I could not say whether that is why they are not taking trafficking prosecutions ahead.

**Marlyn Glen:** You said that the training that you were doing was a pilot. Will it be rolled out?

**Detective Sergeant Jamieson:** It is being evaluated now. I would like it to be rolled out in the future, not only for procurators fiscal but for all agencies.

**The Convener:** Just to clarify, if someone was charged with laundering, the prosecutors would look behind the crime and see whether there was a trafficking element, an element of paedophilia or whatever.

**Detective Sergeant Jamieson:** Yes, I think that that is what they are trying to do. I certainly know that they have been looking at other cases. If we make procurators fiscal aware, they should be able to find indicators of something else taking place, so I hope that that is the case.

**Bill Kidd (Glasgow) (SNP):** The committee has been told that there is a lack of support for victims of trafficking. It was suggested to us that people are victimised twice: first they are trafficked and then, when they are found, they can be treated as semi-criminals rather than the victims of crime. John Watson of Amnesty International Scotland told us that TARA does not have enough resources to enable it to cover the whole of Scotland—indeed, it struggles to cover Glasgow. In some instances, victims have to go to England for support, because in Scotland we do not have the support structures that people require. Will the witnesses comment on that?

**Detective Sergeant Jamieson:** In Scotland, we use two main agencies or NGOs: the TARA project, which is based in Glasgow; and Migrant Helpline, which has funding from the Scottish Government. I have used both agencies on numerous occasions. I understand your point about the TARA project, which is limited in numbers, but I can fall back on the Migrant Helpline, which is also good. I work with that organisation almost daily.

Sometimes when a victim has been trafficked into Scotland the best approach is to move them to somewhere else in the country for support, so that they are away from the traffickers and cannot be found. There are excellent organisations down south that can assist with that. It is not a matter of people having to go to England to get support; an operational decision could be taken to move a person, on the basis of what is best for them. That is a victim-centred approach.

**Bill Kidd:** That makes sense. We have all come across situations in which people have been transferred to another part of the UK so that they

can get away from a centre where crime is taking place.

Is there enough separation between the application of immigration law to people who have been trafficked and the human rights approach to supporting such people? Is there a wide-enough gulf between the two aspects of a case? We have been told that a single person in the UKBA might make the decision on both aspects. That person must not just decide whether a person has been trafficked but consider how they will be dealt with and whether they will be given support or deported.

**Detective Sergeant Jamieson:** You will have to speak to the UKBA about how it comes to decisions in the national referral mechanism.

It is about raising awareness among front-line officers, not just in the police but in all areas. I agree that some people probably think “illegal immigrant” before they think “victim of trafficking”, but we are getting the message out there. When I run training sessions, I tell police officers and others that they must not think about someone’s immigration status if they think that the person is a victim of trafficking, because the trafficking issue takes precedence over anything to do with the person’s immigration status. It is true that the UKBA has to be involved, because that is one of the agency’s duties, but the message that we are putting out is that people must be regarded as victims of trafficking.

**Bill Kidd:** Is the national referral mechanism the right approach? We have been told that it is overcentralised. When it comes to dealing with children, would it be better to co-operate more with social work departments and other people who have expertise in dealing with children in such situations?

**Liam Vernon:** It is certainly the case that children are initially assessed by the local authority and referred as the authority sees fit.

I fully understand the issues to do with the NRM that a number of bodies have raised. Those issues have been taken forward under the guise of the NRM review, which the UKBA and the Home Office lead on, with the UKHTC. Representatives from TARA and the Scottish Government are sitting on the review group. Work is still in progress, and recommendations on any changes that should be made will emerge in due course.

11:00

**Bill Kidd:** Do you think that another look must be taken in order to address the range of vulnerable people who might find themselves in a trafficking situation, such as children and people with learning disabilities?

**Liam Vernon:** The types of victims would naturally form part of the whole review process. I would advocate that, in its first year, there have been successes in the NRM, which I hope that I have evidenced today. The NRM is compliant with the Council of Europe convention—the view of the NRM strategic group is clear on that. The Scottish Government, the Home Office and the Ministry of Justice put quite a lot of money, time and effort into the NRM, and, as we develop awareness and understanding in this arena, the level of support will continue to be high. All of that sits in the review period at the moment, and the views of others, including NGOs and those who provide services to victims, are clearly welcome. They will fit in with the review process, which has not yet finalised its outcome or recommendations.

**Bill Kidd:** Thank you. There is one final element to this. Quite a worrying report came from Amnesty International, which, as you have said, is concerned about a number of aspects of the whole trafficking situation and the NRM. It states:

“During the first nine months in which the national referral mechanism was in place, 527 cases were referred.”

It goes on to state that there is a wide disparity between the outcomes for UK citizens and the outcomes for non-UK citizens:

“Of the people who were UK citizens or had leave to remain in the UK, 76 per cent were positively identified as victims of trafficking”

after investigation, yet of

“those who were European Union nationals, only 29 per cent were accepted as being victims of trafficking”.

Furthermore, only 12 per cent of non-EU nationals were identified as victims of trafficking. That is worrying because it suggests that the further someone’s point of origin is from the UK, the less sympathy people have for the potential for their having been trafficked.

**Liam Vernon:** I am well aware of the report to which you refer and have read it in detail. That report, along with the organisations that were responsible for writing it, form part of the current NRM review. Is there a disparity? The NRM was nine months old at that time, but it is now closer to 18 months old, and that question will form part of the process. The UKBA is working closely with NGOs and the strategic monitoring group to raise awareness within its own organisation and to provide more robust training to the competent authorities. I guess that the UKBA would be in a stronger position that I am to discuss the processes that it has put in place.

**Bill Kidd:** Sure. The review is looking to train those who make the decisions and give them a wider knowledge of the issues surrounding those whom they are dealing with.

You may not know the answer to my next question. If it is decided that there are no conclusive grounds for believing that someone has been a victim of trafficking, could the refusal to believe them be accompanied, in the same envelope, by a refusal of their application for asylum, telling them that they will be removed from the country? For people who have been trafficked but for whom the evidence of trafficking has been found not to be conclusive, that is potentially a severe double blow.

**Liam Vernon:** I am not in a strong position to give you the right answer. The UKBA will be in a position to do that.

**Marlyn Glen:** DS Jamieson referred to the training with which she is involved, especially of police—the senior police officers who are using the e-learning package that you described. However, it seems to me that we are still at the beginning of the process. I am concerned about that, given the evidence that we received on the urgency of rolling out training. I know that this is not your responsibility, but can you comment on the level of training that is currently available to front-line staff in key organisations across Scotland, not just in Glasgow?

**Detective Sergeant Jamieson:** Not really. I do not know what many of them do. However, in two weeks' time we will conduct a multi-agency table-top exercise in central Scotland involving health, education, the fire service and the police, to name a few agencies, to get them to look at their practices and procedures for identifying victims of trafficking. The City of Edinburgh Council has approached me and would like to conduct a similar exercise. We believe that such training could be rolled out throughout Scotland. The table-top exercise may need to be tweaked once we have conducted it for the first time and have seen how it works, but it will go on a training website, with education, so anyone will be able to access it. That is a start. Following the exercise, we want people to start looking at their organisations, to see what training is needed.

**Marlyn Glen:** Will the exercise take account of victims of different forms of trafficking, such as forced labour?

**Detective Sergeant Jamieson:** Yes. I will not go into the details now, but it is based on a specific operation that happened. The aim is to get people to see whether they can pick out the indicators as the day progresses; there will then be general discussions. Central Scotland Police has put together a protocol with its local authorities on what they will do if they come across a victim of trafficking. The City of Edinburgh Council already has such a protocol, which Central Scotland Police has taken on board. That is the reason for the exercise that we are conducting.

**Marlyn Glen:** Will your responsibilities spread out to the rest of Scotland? I represent North East Scotland, so I know that there is a problem there.

**Detective Sergeant Jamieson:** We want the table-top exercise to be available to anyone, if they want to use it to provide training in their organisations and in multi-organisational situations. It could go anywhere in Scotland.

**Marlyn Glen:** I am concerned about a lack of spread. Perhaps the committee should push for greater spread, to ensure that other agencies are aware of what you are doing and take it up properly.

**Detective Sergeant Jamieson:** We will use the working group on human trafficking that we have set up as a platform for involving other agencies. At the moment, only police officers sit on the group, but we intend to invite partner agencies to it. That will progress initiatives of the type that we are discussing.

**The Convener:** You referred specifically to education, which so far has seemed to be out of the equation. Education is not thought of as one of the first services to identify victims of trafficking, but there is no doubt that further education colleges and universities have people who are here under that banner. Is the issue being considered actively? We automatically think of the health service and voluntary organisations, but not the education service, as agencies that will identify people victims of trafficking.

**Detective Sergeant Jamieson:** Next week the UK human trafficking centre will launch "My Dangerous Loverboy", which is a DVD relating to the grooming of children. A colleague from the interventions unit at SCDEA and I are going to that launch. Along with the UKHTC, we are going to bring the DVD back to Scotland, look at how we can roll it out in Scotland and use it in education. Things are being done.

**The Convener:** That is encouraging. It is a huge area that has not yet been tapped into.

**Marlyn Glen:** I invite the witnesses to comment on whether the hosting of the London 2012 Olympic games and the Commonwealth games in Glasgow in 2014 is likely to result in increased trafficking to Scotland and the UK. What evidence is there for that? We know from the answer to a parliamentary question from Diane Abbott in Westminster that no increase is suggested at the moment and that research does not show any link. Do you agree?

**Detective Sergeant Jamieson:** I can speak about the Commonwealth games. We have no information or indication that trafficking will increase as a result of the games. I have been working closely with the organisation—its name

has just escaped me, although it might be McAlpine—that is doing a lot of the construction for the games. Strathclyde Police is taking the lead on that and has a lot of links with such organisations as well as with the Olympic games.

**Liam Vernon:** We also work closely with the Metropolitan Police and numerous other organisations, including NGOs and community workers in London who are assessing the very issue that Marlyn Glen identified. Structures are in place to assess the situation, including the formation of an intelligence cell in the Metropolitan Police to which we contribute whenever information or intelligence comes across our desks at the UK human trafficking centre. As you identified clearly, the Metropolitan Police takes an evidence-based approach. My latest understanding is that there is not a strong intelligence case at this stage in the Metropolitan Police to say that there will be an increase in trafficking because of the Olympics in 2012. That said, I know that the head of SCD9 in the Metropolitan Police certainly is not resting on his laurels in that respect and that an awful lot of work is going on. The issue is also a standing agenda item for the working groups that the UKHTC chairs. The groups are more representative of the UK and include Scotland because we have to recognise that the games are not just London-centric—there are different places all over the UK where there will be athletes' camps and events. A lot of hard work is going on throughout the UK to understand that.

**Marlyn Glen:** Thanks very much; that is reassuring.

**Hugh O'Donnell:** I have a quick question on the same theme and it is probably directed at Sandra Jamieson. Have you had an opportunity to look at the potential impact of changes in UKBA staffing levels at Scottish ports and whether that will facilitate more trafficking or have no impact? As I understand it, there have been changes. Have you done any analysis of the impact of those changes?

**Detective Sergeant Jamieson:** I am aware that there have been some changes, but at this point, I have not done any analysis of them. I work closely with UKBA and I can monitor the situation, but at this moment, I have no information.

**Hugh O'Donnell:** Would it be reasonable for me to assume that the changes might leave a loophole?

**Detective Sergeant Jamieson:** Possibly.

**Hugh O'Donnell:** Thank you; that is fine.

**The Convener:** The evidence that we have heard from you has been extremely worth while, and it is obvious that awareness raising is key. Does the UK human trafficking centre offer a

helpline? It seems that all the work that we are hearing about is to do with training agencies and people on the front line who you think might be in contact with the victims. What about going direct to individuals? You could advertise the helpline number for the UK human trafficking centre, so that people could phone anonymously for advice as the first step in beginning to access their rights. Do you envisage doing anything like that?

11:15

**Liam Vernon:** There are some sensible ideas in there that we can review. The common ground is around the capacity and capability of a victim of crime to make themselves known to the authorities to get the support that they need and to be moved away from the horrendous situation that they are in, and the UKHTC has a vital role to play in that regard. However, more often than not, we find that victims are identified and rescued through local means, and it is important not to lose those local contacts.

There are numerous helplines and other opportunities that people can use to provide information—everything from Crimestoppers, 999 and the police service to the National Society for the Prevention of Cruelty to Children's child trafficking advice and information line. We are heavily involved in all of them. For example, Crime Stoppers International supports the UKHTC in our awareness campaign, the blue blindfold campaign, which we use in various places across the UK.

The broad answer is that there is a lot of capacity. Many organisations and people are involved; this work is being done not only by the UKHTC but far and wide so that people can identify themselves as trafficked victims—if they have the capability to do that, speak the language, understand the culture, trust the police and have access to a telephone. There are myriad issues.

It is also important that communities recognise and understand the issues. My personal view is that engagement in the first instance should be with local police services and other services in the community. Those services are probably better placed to provide the immediate response that is needed in cases where victims are, or could be, identified.

**The Convener:** I understand that there is a strength there, but there is also a weakness. Who should people phone? Should they phone Crimestoppers or one of the other organisations that you listed at length? Although having the trafficking unit within the intelligence unit of the Scottish Crime and Drug Enforcement Agency is such an encouraging move forward, it is also a problem to have an organisation within another

organisation. We should keep things as simple as possible.

I understand clearly that the unit has to be in addition to all the local agencies with which you work and which you hope will provide the intelligence. However, the issue is clear cut: if human trafficking is involved, people should phone one number or contact in other ways, including online, one organisation to get advice. That is just a thought.

**Liam Vernon:** Certainly, and I do not dismiss it. However, if that route were taken, the UKHTC would be undertaking an additional responsibility for which we are neither funded nor resourced. There are many alternative opportunities. I have talked about the NSPCC. There is also the child exploitation and online protection centre. There are a lot of helplines out there.

I am open to suggestion—indeed, I am open to anything that raises awareness and provides opportunities for victims to identify themselves. However, the starting point of any debate has to be resourcing and financing.

**The Convener:** Hopefully, earlier intervention saves in the long run.

**Liam Vernon:** Yes.

**The Convener:** That completes our lines of questioning. Do the witnesses have anything to say in closing?

**Liam Vernon:** No.

**Detective Sergeant Jamieson:** No.

**The Convener:** Thank you for attending committee. The session has been very worth while. I hope that it will play a little bit of a part in awareness raising, about which you spoke at length.

11:19

*Meeting suspended.*

11:26

*On resuming—*

## **Mental Health (Care and Treatment) (Scotland) Act 2003 (Post-legislative Scrutiny)**

**The Convener:** The third item on the agenda is the response from the Minister for Public Health and Sport to the committee's fourth report in 2010, "Report on post-legislative scrutiny: the Mental Health (Care and Treatment) (Scotland) Act 2003". Do members have any comments to make on the response? I noticed something that clarified our point about local government monitoring. It seems that the Mental Welfare Commission for Scotland still has some responsibility for that monitoring, which is interesting. Do members want to raise any other issues?

**Marlyn Glen:** Early intervention services are important. It has been recognised that they save money in the long run. It would be good if we again underlined that early intervention should still be concentrated on, as it is obviously the right way to go. I am trying to avoid using the word "cut".

**The Convener:** I hope that our report and the Government's response will be the subject of a debate in the chamber later this month. We are waiting for confirmation of that.

Are members happy to note the minister's response?

**Members** *indicated agreement.*



## Budget Strategy Phase 2011-12

11:27

**The Convener:** The fourth item on the agenda is the Scottish Government's response to the committee's budget strategy phase report. Do members have any comments to make on that response?

**Malcolm Chisholm:** I was quite surprised that the Government did not respond to a large number of points that we made. The first point was quite general, but I do not know whether there was a particular reason for its not responding to others. It seems that many points that we made have not really been addressed.

**The Convener:** One of the points was about clarity on the movement of services in the Scottish Prison Service.

**Marlyn Glen:** The Cabinet Secretary for Finance and Sustainable Growth has certainly underlined his support for equal opportunities in the budget review, but we must remain vigilant.

The Scottish Government responded to paragraph 152 of our report, which asked about

"the timetable ... involved in the transfer of healthcare responsibilities from the SPS to the NHS."

I was particularly interested that the Scottish Government mentioned not just prisoners in prison and following their release, but people in police custody. I would like more details about that. We know that there has been a really successful pilot in Tayside, where NHS nursing staff work in police cells. I am interested in whether the timetable to October 2011 will be the same for people in police custody and people in prison.

The Government has stated:

"There are complex issues which have to be resolved such as legal issues".

We still need a little bit of clarity about the timetable for legislation—if there has to be legislation.

**The Convener:** Okay. We can write to the minister about those issues and seek clarification. As Malcolm Chisholm said, a host of points was made. The Scottish Government has given many details on a particular aspect, in respect of which we thought that the timetable was uncertain. Given everything that has to be done within the timetable, it looks ambitious. There are major issues. We can certainly write to the minister about the custody aspect and the other aspect that Marlyn Glen mentioned.

We will have a thorough look at the whole budget process. Indeed, the next item on the

agenda is consideration of a paper from our adviser. In view of that, are members happy to note the Scottish Government's response?

**Members indicated agreement.**

11:30

*Meeting continued in private until 12:11.*



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