

# Memorandum of Understanding (MoU) between the Independent Anti-Slavery Commissioner (IASC) and the Home Office

## Introduction

A Memorandum of Understanding (MoU) is a form of framework document which defines at a high level the roles and responsibilities and governance arrangements between the IASC and the Home Office.

This MoU has been agreed between the IASC and the Home Office. However, it is not intended to, and will not have effect so as to create legal relations. Nothing in this MoU supersedes the provisions in the Modern Slavery Act 2015.

The MoU must be reviewed at least every three years jointly by the IASC and the Home Office and, where appropriate, revised by agreement between the IASC and the Home Office. Minor changes of a routine nature can be managed on a year-to-year basis by correspondence.

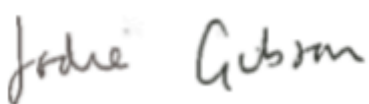
This MoU and any future revised versions will be published on Gov.uk and the Commissioner's website.

Date of agreement: 24 September 2024

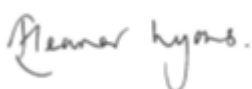
## Signatories:

Two handwritten signatures in black ink. The first signature is 'J. West' and the second is 'Becky Wyse'.

Joanna West and Becky Wyse, Joint Directors for Tackling Exploitation and Abuse Directorate, Home Office

A handwritten signature in black ink that reads 'Jodie Gibson'.

Jodie Gibson, Head of Home Office Sponsorship Unit, Strategy Directorate

A handwritten signature in black ink that reads 'Eleanor Lyons'.

Eleanor Lyons, Independent Anti-Slavery Commissioner

## **1. Background**

The IASC is a public appointee and operates independently of the Home Office. [Part 4 of the Modern Slavery Act 2015](#) ('MSA') established the role of IASC. The responsibilities of the Secretary of State in relation to the IASC are also set out under that Act.

The IASC's role is to encourage good practice in the prevention, detection, investigation, and prosecution of slavery and human trafficking offences and the identification of victims of those offences which includes offences under section 41(2)(c) and (e) of the Modern Slavery Act 2015, the Human Trafficking and Exploitation (Scotland) Act 2015, and the updated section 41(2) Scotland Act Order with the new offences under the Human Trafficking Act.

In fulfilling these duties, the IASC may make reports and recommendations to government in accordance with Section 41 of the Modern Slavery Act and make recommendations to any public authorities, undertake research, provide education and training, and cooperate or work jointly with public and non-public bodies. The IASC is independent and the recommendations and decisions they make will be reached independently.

The IASC's focus will primarily be on efforts to tackle modern slavery in the UK, including the Devolved Administrations. Where the IASC engages internationally, they are doing so in their independent capacity rather than representing HMG.

The Home Office provides sponsorship to the IASC and IASC Secretariat in line with [Cabinet Office sponsorship guidelines](#).

## **2. Responsibilities of the Home Office**

### **(i) The Home Office Director/s for Tackling Exploitation and Abuse Directorate.**

The Home Office Director/s for Tackling Exploitation and Abuse will be the Senior Sponsor for the IASC. The Senior Sponsor will:

- Act as the official level contact between the IASC and the Home Office at senior management level and conduct annual appraisal of the IASC.

The Deputy Director/s of the HO Modern Slavery Unit (MSU) will lead on policy engagement with the IASC. MSU will:

- Ensure the IASC is sighted on relevant policy developments, associated communications on modern slavery policy announcements and statistical releases, and, as appropriate, is consulted or invited to contribute to relevant policy developments.
- Be IASC's point of contact for responses to reports and will liaise with IASC to input to IASC reports where the IASC requests they do so. MSU will lead on providing a public Government response to all reports published by the IASC as soon as reasonably practicable and will engage with the Devolved Administrations as appropriate.

- Coordinate and take all available steps to support the IASC in securing the prompt ministerial approval of Strategic Plans submitted to the Home Secretary with the ambition this can be achieved within one month of receipt (noting that publication timelines will rely on ministerial decision making and a date to lay in parliament).
- Coordinate and arrange for prompt ministerial consideration of Annual Reports, to ensure the Secretary of State lays these before Parliament as soon as reasonably practicable after receiving them.

## (ii) HO Sponsorship Unit

The Home Office Sponsorship Unit (HOSU) will hold responsibility for governance of the relationship with the IASC, as well as corporate and non-policy issues.

The Sponsorship Unit assists the Commissioner by:

- Supporting and assisting with the procurement, commercial and HR needs of the IASC.
- Setting and maintaining oversight of IASC's budget with the support of the Finance Business Partner and ensuring that the IASC Secretariat pursues any necessary corrective steps to avoid overspending against their delegated budget.
- Ensuring all support services that are available to Home Office civil servants are made available to members of the IASC Secretariat. This includes, but is not limited to, HR, IT, business, mental health, and financial support services.
- Holding quarterly meetings with the IASC to discuss the IASC's published Strategic Plan.

## **3. Responsibilities of the IASC**

The IASC functions are set out in Part 4, Section 41 of Modern Slavery Act 2015, which include some of the following responsibilities.

The IASC must:

- *'Encourage good practice in the prevention, detection, investigation and prosecution of slavery and human trafficking offences and the identification of victims of those offences.'*
- Produce an Annual Report (see below) on IASC's delivery and activities during the applicable financial year.
- Produce a Strategic Plan (see below) setting out how the IASC proposes to exercise the IASC's functions in the period to which the plan relates, which must be not less than one year and not more than three years.

In pursuance of these responsibilities, the IASC may:

- Submit reports to the Secretary of State, the Scottish Ministers, and the Department of Justice in Northern Ireland.
- Provide advice and make recommendations to Ministers and other public bodies on best practice relating to modern slavery.

- Support research into modern slavery.
- Cooperate or work jointly with public authorities, voluntary organisations, and other bodies to address modern slavery.
- Request a specified public authority to co-operate with them in any way that they consider necessary for the purposes of their functions.

## IASC Annual Reports

**Modern Slavery Act 2015, Part 4**, paragraph 42 sets out the Commissioner's role and duties and the Secretary of State's role relating to the approval of Annual Reports. The most relevant excerpts are:

*(8) As soon as reasonably practicable after the end of each financial year, the Commissioner must submit to the Secretary of State, the Scottish Ministers and the Department of Justice in Northern Ireland an annual report on the exercise of the Commissioner's functions during the year.*

*(9) An annual report must include—*

*(a) an assessment of the extent to which the Commissioner's objectives and priorities have been met in that year;*

*(b) a statement of the matters on which the Commissioner has reported under section 41(3)(a) during the year;*

*(c) a statement of the other activities the Commissioner has undertaken during the year in the exercise of the Commissioner's functions.*

*(10) The Secretary of State must lay before Parliament any annual report the Secretary of State receives... and must do so as soon as reasonably practicable after receiving the report.*

*(14) The Secretary of State may remove from an annual report any material whose publication the Secretary of State thinks—*

*(a) would be against the interests of national security,*

*(b) might jeopardise the safety of any person in England and Wales, or*

*(c) might prejudice the investigation or prosecution of an offence under the law of England and Wales.*

The Home Office will inform the Commissioner as soon as reasonably practicable if any redactions are required.

## Strategic Plans

**Modern Slavery Act 2015, Part 4**, paragraph 42 sets out the Commissioner's role and duties and the Secretary of State's role relating to the approval of Strategic Plans. The most relevant excerpts are:

*(1) "The Commissioner must, as soon as reasonably practicable after the Commissioner's appointment, prepare a strategic plan and submit it to the Secretary of State for approval.*

*(2) The Commissioner must, before the end of the period to which a strategic plan relates ("the current period"), prepare a strategic plan for a period immediately following the current period and submit it to the Secretary of State for approval.*

*(3) The Commissioner may at any time prepare a revised strategic plan and submit it to the Secretary of State for approval.*

*(4) A strategic plan is a plan setting out how the Commissioner proposes to exercise the Commissioner's functions in the period to which the plan relates, which must be not less than one year and not more than three years.*

*(5) A Strategic Plan must in particular—*

*(a) state the Commissioner's objectives and priorities for the period to which the plan relates;*

*(b) state any matters on which the Commissioner proposes to report under section 41(3)(a) during that period;*

*(c) state any other activities the Commissioner proposes to undertake during that period in the exercise of the Commissioner's functions.*

*(6) The Secretary of State may approve a strategic plan either*

*without modifications OR*

*with modifications agreed with the Commissioner.*

*(7) The Secretary of State must—*

*(a) before approving a strategic plan, consult the Scottish Ministers and the Department of Justice in Northern Ireland, and*

*(b) after approving a strategic plan, send a copy of the plan to the Scottish Ministers and the Department of Justice in Northern Ireland.*

*(10) The Secretary of State must lay before Parliament any strategic plan the Secretary of State approves...and must do so as soon as reasonably practicable after approving the plan.*

To the extent that new issues may arise, during the period of the Strategic Plan, the IASC will not be limited by the Strategic Plan and may report within the remit of the IASC responsibilities.

#### **4. Governance, oversight, and reporting**

##### **IASC Secretariat**

The IASC is supported by a team, identified as the IASC Secretariat, with additional support provided by corporate services from the Home Office. Home Office HR Business Partners can be contacted directly on [HRBPArmLengthBodies@homeoffice.gov.uk](mailto:HRBPArmLengthBodies@homeoffice.gov.uk) to provide advice as required.

Whilst members of the IASC Secretariat are civil servants governed by the civil service rules and regulations, members are under the day-to-day direction and control of the IASC in support of their work.

The office of the IASC is responsible for performance appraisals and performance management of the members of the IASC team including making sure appraisals are recorded on the HO appraisal system (METIS).

Members of the Secretariat must comply with relevant HO policies, processes and procedures including those for finance, procurement, and HR. However, to ensure the independence of the IASC, staff are operationally independent, and their work is led by the IASC.

#### **5. IASC Boards or Panels**

The IASC may establish a non-statutory Advisory Panel/s (or any other forum in support of their objectives). Such a Panel/s may consist of members drawn from a wide background of experts in modern slavery, at IASC's sole discretion. The IASC will determine whether members of such a panel should be paid, or unpaid and reimbursed only for reasonable expenses. For example, it may be appropriate to pay survivors of modern slavery and human trafficking for their input to IASC-supported activity. Members may be drawn from the UK jurisdictions and may include (but are not limited to) representatives from:

- Academia
- Business
- Devolved Administrations
- Law enforcement
- Non-Governmental Organisations (NGO)

The IASC will determine the most appropriate Chair for any such panel, with consideration given to ensuring adequate independence from Government. The IASC Secretariat will support any such Panel/s to facilitate meetings, including taking minutes of meetings.

Such Panel/s will have no statutory powers and as such their role would only be advisory. The IASC may choose to follow a different course of action to that proposed by the Panel, in carrying out their role.

## **6. Corporate reporting**

### *6.1 Corporate governance*

The IASC, supported by senior leaders in their team will comply with relevant Home Office and Cabinet Office guidance on controls listed in **Annex A**.

### *6.2 Risks and issues*

The IASC will alert the HO to risks *to the delivery of its role* at the earliest opportunity and escalate any such risks to HO as necessary via both the Senior Sponsor and HOSU. HOSU will own risks relating to the appointment or re-appointment of the IASC. Risks relating to wider policy issues will be held and owned by the respective Home Office policy unit. There may be shared risks or issues, identified by either the HO or the IASC, where engagement of all parties to support risk mitigation may be needed.

### *6.3 Responsibilities of public appointees*

The IASC is a public appointee. HO (Public Appointment Team HOSU) in consultation with the Devolved Administrations will ensure that appointment processes comply with the Government's Code of Practice on Public Appointments.

## **7. Data sharing**

In taking forward the work of the IASC, the IASC can seek data from the Home Office as set out in the HO/IASC data sharing protocol (**see Annex B**). The IASC and the IASC Secretariat should treat any data obtained from the Home Office with the sensitivity and handling stipulations by the Home Office and in accordance with applicable legislative requirements. Where the IASC wishes to make publicly available any data or information obtained from the Department (that is not publicly available), they must consult and secure agreement from the Home Office before doing so.

## **8. Financial management**

As an independent office holder, the IASC is given a budget allocation and has financial accountability for the funding provided to support the role. However, delegation for the budget is retained and owned by the designated member of the IASC Secretariat, as the IASC is not a separate legal entity. Day to day management of the IASC budget, in conformity with relevant HO rules and processes for managing public money, rests with the Chief of Staff, under the direction of the IASC.

In agreeing the annual budget for the IASC, HOSU will ask the IASC to submit expected spend for the financial year ahead against priorities set out in their IASC Strategic Plan, or otherwise planned.

The Home Office will ensure that before the start of each financial year the IASC is notified of their budget allocation for the year in a letter from the budget holder by 1st April of each year. Where this is not possible, for example if budget allocations have not been confirmed HOSU will write to the IASC by 1st April of each year, to advise them of their *likely* allocation, subject to later confirmation, to enable them to manage their budget effectively in the interim, before they receive their formal allocation.

The overall allocation provided to the IASC will be published on the IASC website, for transparency.

The IASC should actively aim to accommodate all spend within their budget. This will be monitored at monthly finance meetings between HO and the IASC's team through review of actual, forecast and variance in spending against budget.

The IASC team will write to both the Senior Sponsor and Head of HOSU if they have concerns that they may overspend against their budget, seeking their permission to overspend. The HO will aim to give its decision within four weeks of the request being made. IASC may not overspend whilst it awaits the Home Office decision, unless Home Office approval is given in writing.

## **9. Recruitment**

Prior to recruiting staff, IASC senior leaders should apprise the Head of the Sponsorship Unit of their planned recruitment, and how this fits within their budget. They must obtain permission to recruit from the Strategy Director, in line with current Home Office recruitment controls.

If the IASC office wishes to advertise outside of the Civil Service, it must also seek permission from the budget holder, to ensure alignment with Government recruitment principles. The Strategy Director will consider the specific circumstances and requirements in each case before making a decision on whether external recruitment is justified and appropriate.

## **10. Access to Legal Advice**

### **Day to day legal advice**

If a legal matter arises that the IASC believes is connected to the business of the Home Office, or relates to staffing issues, advice should be sought from MSU and/or HOSU as appropriate. MSU/HOSU would, in turn, determine whether to seek advice for itself from the department's legal advisers and would respond to the IASC setting out the HO position on the matter.

If a legal matter arises which is not connected to the business of the Home Office, or in instances where the matter is connected to the business of the Home Office and the IASC strongly disagrees with the legal advice received for the HO, the IASC may obtain its own legal advice from external counsel. Any associated costs will be managed through regular forecasting conversations and, if necessary, through the usual process for requests to overspend (see section 8).

### **Legal proceedings**

For the avoidance of doubt, nothing in this section supersedes the position in the IASC's



terms of appointment regarding civil litigation related to the execution of the IASC's responsibilities.

### **11. Handling correspondence and Freedom of Information (FOI) requests**

The IASC office is responsible for answering correspondence and complying with the [Freedom of Information Act 2000](#) in responding to Freedom of Information requests directed to its office.

On occasions the department may request information from the IASC office in order to respond to correspondence and FOI requests directed to the department.

### **12. Complaints Handling**

Any complaints (expression of dissatisfaction) by the Public made about the service provided by the IASC and /or its staff will be handled by the IASC following the process set out in the IASC Complaint Handling Procedure. The IASC will treat all complaints in confidence and will endeavour to handle complaints quickly, effectively and in a fair and honest way.

Should the complainant be unhappy with how their complaint has been dealt with, routes of escalation are as follows:

1. If the complainant is still not satisfied, they can request that the handling of their complaint be referred to one of the IASC's senior leaders or the Commissioner.
2. If the complainant remains unhappy with the IASC's response, or the complaint is about the conduct of the Commissioner or IASC senior team, it can be escalated to the Home Office for appropriate consideration.

## **ANNEX A: LIST OF GUIDANCE AND POLICIES APPLICABLE TO IASC**

1. [Governance Code on Public Appointments](#)
2. [Managing Public Money](#) (MPM)

## **ANNEX B: DATA SHARING MEMORANDUM OF UNDERSTANDING**

### **Data Sharing Protocol between HO and the Independent Anti-Slavery Commissioner**

#### **Purpose**

1. The purpose of this protocol is to set out the principles for secure information sharing between the Independent Anti-Slavery Commissioner (IASC) and the Home Office (HO) (together, 'the parties'). This covers situations where, in the course of the working relationship between the parties, data-sharing is required (both routinely and on an ad hoc basis). It does not cover day-to-day, routine correspondence between the IASC and HO.

#### **Background and Approach**

2. Part 4 of the Modern Slavery Act 2015 (the Act) established the role of the IASC to spearhead the UK's response to modern slavery. This document is intended to set out principles governing data sharing between the IASC and HO to ensure that information can be disclosed efficiently, when necessary, to enable both parties to carry out their functions as effectively and as transparently as possible.
3. The Memorandum of Understanding (MOU) between the HO and the IASC envisages that the HO and the IASC would have a data sharing protocol in place. This document therefore intends to underpin that MOU by setting out the parameters within which information will be shared between the parties. The document first deals with sharing of information more generally, then goes on to deal with sharing of personal data, which must be done in compliance with the data protection legislation.
4. Section 43 of the Act sets out the duty of specified public authorities to co-operate with the IASC in any way the IASC considers necessary for the purpose of the IASC's functions. Schedule 3 of the Act lists the specific public authorities that fall under this duty. The Home Office, as an organisation, is not included in this list. However, in order to effectively exercise her functions as set out in section 41(1) of the Act, the IASC considers it will be necessary to have sight of information held by the Home Office on occasions. The Home Office will as far as reasonably practicable, comply with requests made to it, via the process described in this document and in the spirit of Section 43 of the Act. This is in line with the Government's response to the Independent Review of the Modern Slavery Act, whereby the Government accepted the Independent Review's recommendation that the IASC should have sufficient access to Government data to carry out scrutiny of the response to modern slavery.

#### **Disclosure of information by Home Office**

5. When the IASC considers it is necessary to have sight of information held by the Home Office, in order to effectively exercise her functions as set out in s41(1) of the Act, the IASC should make a request from the HO for the information in question.
6. Requests may be made on a one-off basis, or for the regular provision of specified information. When making a request on a one-off basis, or on the first occasion when regular provision is requested, the IASC will set out as clearly as possible:

- a) Why she considers that the information is necessary for the exercise of her functions as set out in the section 41(1) of the Act;
  - b) What information is being requested;
  - c) The purpose for which it will be used;
  - d) Whether she intends to publish the information;
  - e) Who will have access to the information;
  - f) How the information will be stored and for how long, and
  - g) How the information will be disposed of.
7. When considering sharing the information sought the HO must satisfy themselves:
- a) That the information and its proposed use is necessary for the exercise of the functions of the IASC as set out in the section 41(1) of the Act;
  - b) Whether it is content to agree to any proposed publication of the information in question (and if necessary, the HO and IASC will work together to agree what can be published);
  - c) That the proposals for access to the information and for its storage and disposal are appropriate;
  - d) That the information can lawfully be shared; and
  - e) That the information is labelled with appropriate security classifications in line with the Government Security Classifications guidance.

**Disclosure of information by the IASC**

8. In carrying out its functions, the HO may request information that the IASC may hold to help inform its work. Requests may be made on a one-off basis, or for the regular provision of specified information. When making a request on a one-off basis, or on the first occasion when regular provision is requested, the HO will set out as clearly as possible:
- a) Why the HO considers the information necessary to support delivery of the Modern Slavery Unit’s work;
  - b) What information is being requested;
  - c) The purpose for which it will be used;
  - d) Whether the HO intends to publish the information;
  - e) Who will have access to the information;
  - f) How the information will be stored and for how long, and
  - g) How the information will be disposed of.
9. When considering sharing information with the HO, the IASC must satisfy herself that:
- a) The information and its proposed use are necessary to support delivery of the Modern Slavery Unit’s work;

- b) Whether any proposed publication of the information would be acceptable (if necessary, the IASC and HO representatives will work together to agree what can be published);
- c) The proposals for access to the information and for its storage and disposal are appropriate;
- d) sharing the information is lawful; and
- e) sharing the data does not undermine the independence of the IASC role.

## **Classification of Information**

### Official and Official-sensitive

- 10. It is not envisaged that any information classified higher than 'official-sensitive' will need to be shared. Separate arrangements will be made for considering any request for sharing information of a higher classification, should such a request arise. HO officials may have to seek approval from senior officials or Ministers for 'official sensitive' information to be shared with the IASC. That may lead to requests for additional justification from the IASC before a decision is made about sharing the information.
- 11. Requests to the HO for information that falls in scope of this data sharing agreement (i.e. information held by parts of the Home Office not in scope of Section 43 of the Act) will normally be made in the first instance to the representative in Modern Slavery Unit (MSU). If the information is held by teams in the HO other than MSU, arrangements may be made for direct requests to those units on a case by case basis. Each request will be dealt with in line with the principles of this protocol.

### **Timing**

- 12. Both HO and the IASC should endeavour to provide any information requested by the other as soon as possible. Either party should acknowledge the request within three working days, informing the other party that the request is being considered. Where the relevant party has satisfied themselves that the information requested can be shared:
  - Official information – HO and the IASC should aim to provide the information within 10 working days from the date of the request.
  - Official - Sensitive information – HO and the IASC should aim to provide the information within 15 working days from the day of the request.

## **Escalation process**

### Escalation process for the IASC

- 13. Where the IASC has requested information from the HO in accordance with the provisions set out above, and that has not been forthcoming from negotiations at working level, the following escalation process may be used:
  - The IASC will inform the HO Policy lead on Modern Slavery of the request, the reasons for it, any objections raised by the HO and the attempts made to resolve the matter.

- If the HO Policy lead on Modern Slavery is satisfied that the request is reasonable and that the IASC has provided clear justification as set out above, but this still does not resolve the matter, this can then be escalated to the Senior Sponsor of the IASC, Director for Tackling Slavery and Exploitation.
- If that does not resolve the matter it may be escalated to the Director General of the Public Safety Group, HO. If still unresolved the matter may be escalated to Ministers. This should be a last resort in exceptional circumstances. . This should be a last resort in exceptional circumstances.

### **Escalation process for the HO**

14. There is no escalation process for the HO. The IASC's decision on whether to share information with the HO is final. The IASC is independent of the HO and they has ultimate say over what information her office is willing to share.

### **Personal information**

15. It is not considered that there will be a need to share personal information routinely – it is envisaged that any personal data will be anonymised. However, the IASC might request personal information on an ad hoc basis, for example to support specific research projects.
16. In the event that it is considered appropriate to share personal data routinely, the parties will prepare the necessary data sharing arrangements and impact assessments to ensure compliance with the data protection legislation.
17. In the event of an ad hoc request for information which includes the sharing of personal data, the parties will satisfy themselves that there is a legal basis for sharing and that the proposed disclosure complies with the data protection legislation. HO officials will seek approval from senior officials and Ministers for routine or ad hoc sharing of personal data.

### **Other Government Departments (OGDs)**

18. For information held by OGDs, the IASC will make their own requests to these government departments/bodies as they consider appropriate. The MSU and/or Home Office Sponsorship Unit will help the IASC to identify appropriate contacts in OGDs/other bodies to whom to address information requests.