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October 2019

Dear Deposited Papers Clerks,

During the course of the recent debate on the reports in relation to the Northern Ireland (Executive Formation etc) Act 2019, I committed to sharing the letter that I sent to Lord Morrow in response to his questions around human trafficking. I would be grateful if the attached correspondence could be placed in both libraries of the House.

Yours sincerely,

LORD DUNCAN OF SPRINGBANK
PARLIAMENTARY UNDER-SECRETARY OF STATE FOR NORTHERN IRELAND



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Lord Morrow
House of Lords
London
SW1A 0PW

24 September 2019

Min. Duncan

Subject: Section 3(12) of the Northern Ireland (Executive Formation etc) Act 2019

Thank you for your helpful contribution to the debate in the House on 9 September about the report published under the above legislation in relation to the discretionary power in section 18(9) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. I can confirm that the figures in the report relate to individuals for whom there has been a conclusive determination that the person is a victim of human trafficking.

During the debate, you asked whether the Department of Justice has guidance on the basis on which to determine whether support should be extended.

As I indicated to Lord McColl in my final remarks in the debate, the extension of support under the provision is exercised on a case-by-case basis. As such, discretion is applied to the particular circumstances of the case and, as these relate to short-term, practical arrangements, no guidance for officials has been deemed necessary.

As recorded in the body of the section 3(12) report, the general policy intent underpinning this subsection is to provide ongoing support to accommodate those cases where a short transitional period may be needed to facilitate a smooth transition for individuals exiting Department of Justice-funded support into

mainstream arrangements (for example, through the welfare system, employment, independent accommodation arrangements or repatriation). I can confirm that where extension of support has been requested under section 18(9), it has been extended in all cases until this transition is facilitated.

In keeping with this policy intent, support is not extended under this subsection for those individuals whose transition into mainstream arrangements has already been arranged. It is the case that support providers will work with potential victims from the point of referral into support to ensure that appropriate arrangements are made for when they exit that support. That is why section 18(9) has only been used in respect of a small number of cases.

In terms of future developments, the current Northern Ireland Modern Slavery Strategy 2019 – 2020, includes a commitment by the Department of Justice to explore the potential for support available to adult potential victims of modern slavery under the Department's support contract to be provided for an extended recovery and reflection period, subject to available resources. The Department is also mindful of recent challenges to support provision in England and Wales and your comments about longer-term provision have been noted.

As with Human Trafficking, the issue of the Independent Guardian Service is a devolved matter and the policy sits within the Department of Health (DoH) in Northern Ireland. I understand that there is a very small cohort of cases and independent guardians in Northern Ireland and given the relatively small community that Northern Ireland is, it was concluded that there would be a risk of identifying victims and Independent Guardians even if anonymised information were released.

Once again, thank you for your contribution to the debate.

Kind regards



**LORD DUNCAN OF SPRINGBANK
PARLIAMENTARY UNDER-SECRETARY OF STATE FOR NORTHERN IRELAND**