

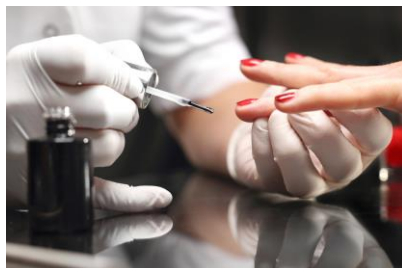


Gangmasters &
Labour Abuse Authority

Code of practice

on compliance, enforcement, labour market
and modern slavery investigations

October 2018



Working in partnership to protect vulnerable and exploited workers

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Foreword – the purpose of the Code of Practice

The Gangmasters and Labour Abuse Authority (GLAA), previously known as the Gangmasters Licensing Authority (GLA), continues to be responsible for:

- preventing worker exploitation
- protecting vulnerable people
- tackling unlicensed/criminal activity and ensuring those licensed operate within the law.

It retains its focus on labour providers who supply workers to the agriculture, horticulture and shellfish gathering and associated processing and packaging industries, to ensure that:

- unlicensed activity is appropriately prevented, investigated and sanctioned
- those who hold a licence are compliant with the GLAA's licensing standards (available from GLAA officers or the GLAA website).

Under the Gangmasters (Licensing) Act 2004 (G(L)A) the GLAA has the power to ensure the law is followed and that conditions are fair to workers and legitimate businesses. However, since May 2017 it has also been given a wider responsibility to tackle labour market offences in England and Wales utilising additional powers in the Police and Criminal Evidence Act (PACE) 1984, by specially trained authorised investigators. That responsibility enables it to additionally investigate offences contrary to:

- Employment Agencies Act 1973
- National Minimum Wage Act 1998
- Modern Slavery Act 2015

A complete list of those offences classed as labour market offences can be found in section 3(3) of the Immigration Act 2016, with the GLAA's new powers introduced through section 12 of that Act, amending PACE¹.

In its compliance and enforcement activities, supporting the licensing regime, it may also consider how a labour provider operates in other industries and whether those operations indicate that:

- a labour provider is not 'fit and proper' to hold a licence, or,
- where it has operated without a licence, whether its treatment of workers and the manner that it has operated, demonstrates aggravating factors increasing the severity of the offences committed.

Where information indicates that there may be multiple labour market offences in England and Wales it will exercise its wider police style powers to ensure all offences are properly investigated. In Scotland and Northern Ireland it continues to exercise only those powers and responsibilities in the G(L)A.

¹ <https://www.legislation.gov.uk/ukpga/1984/60/section/114B>

This Code of Practice is issued to persons who are the subject of GLAA compliance and enforcement enquiries, and wider labour market investigations using its additional police powers.

The Code is designed to explain:

- the legislative powers of GLAA officers and their extent
- how GLAA officers should conduct themselves
- the rights of those from whom the GLAA may seek information
- what a licence holder, or those who may be the subject of a request for information, may be required to do
- the additional powers in an enforcement enquiry
- the wider powers in labour market investigations and
- how to complain if you are dissatisfied with the way GLAA activity has been conducted.

This Code and the GLAA's powers as explained in the Code, applies in England, Wales, Scotland and Northern Ireland, subject to the limitation in respect of the GLAA's wider labour market role, which only applies in England and Wales.

Please note this Code of Practice gives general guidance only and should not be regarded as a complete and authoritative statement of the law. If you do not understand any of the contents of the Code you may contact the GLAA for clarification or alternatively seek independent advice.

1 Conduct of GLAA officers

1.1 GLAA officers have different powers to conduct compliance inspections or criminal investigations. Some officers ('Authorised Investigators') have additional powers, and can investigate other labour market offences. Whatever role a GLAA officer has, and whatever enquiries a GLAA officer makes, the GLAA expects the same high standards of conduct from all of its officers, operating within the legal powers they are authorised to use.

1.2 GLAA officers are expected to:

- be professional at all times in the manner in which they interact with members of the public, as licence holders, witnesses, or those suspected of offences, being courteous, but firm where they are utilising their investigative powers
- be respectful of individuals, and not discriminate against any individual that they meet in the course of their official duties
- carry out their official duties, at all times, with the utmost integrity, honesty and trust, ensuring their actions are beyond reproach of allegations of irregular or corrupt action
- ensure that their actions are not reckless or negligent, and do not place individuals, colleagues, or the GLAA at risk
- undertake inspections and investigations in accordance with standard operating procedures, and the direction of their senior managers, ensuring such enquiries are completed in a thorough and timely manner
- treat all information they receive as part of their enquiries as confidential and subject to the controls expected in accordance with the Data Protection Act (DPA) 2018 (including the General Data Protection Regulations)
- be fit to carry out their duties so that they do not cause a risk to individuals, their colleagues or themselves
- ensure any inappropriate behaviour by their colleagues is properly reported within the GLAA
- maintain their professional knowledge on the use of their powers to ensure they operate at all times within the limits of their legal authority.

1.3 In addition, where GLAA officers operate under a warrant to search a premises, and use force to enter those premises, they will:

- only use force to the extent that it is necessary, proportionate and reasonable in all the circumstances
- not use force, where notifying the occupier of the premises to be searched under a warrant results in the occupier providing access
- ensure that any premises entered with force are left in a safe and secure condition to prevent trespass by unauthorised individuals
- leave a notice for the occupier if the occupier was not present when the premises was searched, to advise who to contact regarding the search and any property seized.

- 1.4 GLAA officers using powers of entry under a court warrant where force may be necessary are either:
- Enforcement officers investigating offences in the G(L)A, using the power in section 17 of the G(L)A, or
 - Authorised Investigators investigating offences in the G(L)A and/or other labour market offences, in England and Wales, under a court warrant issued in accordance with PACE.
- 1.5 Where GLAA officers are invited onto any premises they will not have entered under the powers explained in the sections below. However, they will be expected to conduct themselves to the standards of behaviour set out in paragraph 1.2. If they are asked to leave they will do so. But if necessary they may return to seek entry and act under the powers relevant to the enquiry they are continuing to conduct.
- 1.6 Where GLAA officers enter a premises in support of the National Crime Agency, police officers, or other enforcement bodies, under a warrant issued to those other organisations, they will not be acting under their own powers as set out in this Code. However, in line with paragraph 1.5, they will still be expected to adhere to the standards of behaviour set out in paragraph 1.2 but would not normally issue this Code as part of such supporting activity.

2 Powers of GLAA officers

- 2.1 GLAA officers are appointed under Section 15 of the G(L)A. They are cross-designated as both compliance and enforcement officers. Additionally, certain officers are authorised ('Authorised Investigators') to conduct wider investigations into other labour market offences. Where GLAA officers require information from you they will explain what powers they are applying.
- 2.2 GLAA officers will issue this Code of Practice on request to people:
- from whom they require information under Section 16 (see paragraph 3.1-3.19)
 - whose premises have been entered under the provisions of Section 17 of the G(L)A (see paragraph 4.4 - 4.13)
 - who have been detained under the provisions of Section 14 of the G(L)A (see paragraph 4.14)
 - whose premises are subject to a search warrant, or who have been arrested under PACE (see paragraph 5.1 – 5.8).
- 2.3 They will ensure that recipients of this code understand which parts of it are relevant to the enquiries conducted by the GLAA, and the powers under which those enquiries are undertaken. It is also publicly available by contacting the GLAA or downloading it from the GLAA website.
- 2.4 GLAA officers should:
- produce evidence of their identity as GLAA officers (Authorised Investigators conducting criminal investigations under PACE carry identity which explains their additional authority and powers)
 - explain what information is required so that you understand what has been requested, why, and can comply fully with legal requirements.
- 2.5 Officers of the GLAA should also ensure that you understand what is occurring during the discharge of their compliance or enforcement functions.
- 2.6 If you consider that the GLAA officer is proposing a course of action which you think is unreasonable please refer to the complaints procedure (see paragraphs 7.2 – 7.13).

3 Use of Section 16 (Gangmasters (Licensing) Act 2004) powers

3.1 Section 16 of the G(L)A allows the GLAA to require information from a 'relevant person' for the purposes of that Act. A 'relevant person' means any person a GLAA officer has reasonable cause to believe to be:

- a person acting as a gangmaster
- a person supplied with workers or services by a person acting as a gangmaster (this would include persons often referred to as 'labour users')
- an employee or agent of either of the above.

In this Code we refer to gangmasters as labour providers.

3.2 The GLAA officer conducting the enquiry has the power to:

- require the production of any records that should be kept by the G(L)A e.g. personal data relating to workers – including details of workers' names and addresses – this includes a power to require records which are kept by means of a computer to be produced in a form in which they can be read and taken away
- inspect and examine those records – this includes a power to require access to, and check the operation of, any computer
- copy or remove those records from the premises where they are kept
- require an explanation of any such records
- require additional information which might reasonably be needed to establish whether any provision of the G(L)A or condition of a licence is being complied with.

3.3 In requiring additional information or any explanation of records the GLAA officer will decide whether it is appropriate for this to be done in the presence of another person.

3.4 A GLAA enforcement officer conducting a criminal investigation, or a GLAA authorised investigator, cannot use the section 16 powers as part of a criminal investigation.

In writing

3.5 A requirement made in writing will be appropriate where the GLAA considers it to be the most efficient method of obtaining the information and documents it needs. The notice of information and documents required (which may be a letter or email) sent to you will provide you with sufficient details to enable you to fully comply.

3.6 You will be given a reasonable period of time to comply, which will have regard to the length of time it may take to collate the information requested.

3.7 The notice will state the deadline by which the information and documents are required.

3.8 If you have any difficulty complying with the deadline you should contact the officer to explain. The GLAA will then decide whether it is appropriate to make alternative

arrangements. See also paragraph 3.20 – 3.25 on ‘Failure to comply with requests, obstruction and false information’.

By visit

- 3.9 An inspection visit will usually be notified in advance in writing, identifying the purpose of the visit. However, there may be occasions where the GLAA considers it appropriate to make an unannounced visit as the most effective method of confirming compliance or otherwise, or because it was not possible to contact you in advance.
- 3.10 Entry to premises will be sought under Section 16 where it is necessary to verify whether the conditions of a GLAA licence are being complied with. GLAA officers may inspect the premises and question anyone they find there. The number of GLAA officers who visit will reflect the circumstances of an enquiry including the volume and nature of information and documentation that may be sought and the number of worker interviews required.
- 3.11 Whilst Section 16 provides a power to enter, it does not allow GLAA officers to force entry nor detain people. If they are refused entry, or after being granted entry are asked to leave before completing their inspection, they will do so. However, they will:
- require an explanation of why entry was refused or why they were asked to leave after entry (since a failure to comply without reasonable cause is a criminal offence under Section 18 of the G(L)A)
 - advise the owner, occupier, licence holder, labour user, or their representatives that any request to leave, which prevents completion of inspection, may be considered as obstruction
 - where appropriate, report the circumstances, which may be taken into account in any licence decision, on whether a licence holder is ‘fit and proper’
 - advise that the GLAA may consider criminal proceedings for obstruction under Section 18 of the G(L)A.
- 3.12 GLAA officers may seek entry to premises:
- where a person acting as a labour provider carries on a business or keeps records (including any part of domestic premises used for that purpose)
 - where a labour user carries on a business (this may include in sectors outside those regulated by the GLAA where a licence applicant and labour user consent to such inspection to assist an application)
 - used in connection with business (e.g. provision of accommodation and/or transport for workers).
- 3.13 Entry will be sought at reasonable times wherever possible (whether arranged in advance or unannounced), bearing in mind the individual circumstances of each case. For example, a reasonable time in relation to a business which regularly commences trading at 6.00 am will differ from one which commences at 9.00 am, or one engaged in outdoor work or office work. If a private dwelling is also used as a business premise the timing of any visit will be determined to avoid domestic

disruption where practicable. Unless it is an unannounced visit the GLAA will aim to agree a suitable time for a visit to a premises forming part of a private dwelling.

- 3.14 GLAA officers do not have the power to seize any documents under Section 16 powers. You will be required to produce original documents or records which they need. Once produced, GLAA officers will decide whether to take a copy or remove the original. The GLAA officer will only retain, and remove, the original documents, if necessary, and issue a receipt for all of the documents. Any documents which have been removed will be returned as soon as possible after the need for their retention has passed.
- 3.15 If the removal of original documentation adversely impacts the continuation of your business you may request copies, which, where possible, will be provided by the GLAA. Any costs of reproduction will be at the expense of the requester, as determined by the GLAA, and provided in advance before a copy may be released.
- 3.16 If you are unable to produce the required documents during the visit (for example they are stored elsewhere) a record will be made of:
- what has been requested, and
 - the time and place for its production.
- 3.17 This will be recorded on a 'production notice'. A copy of the production notice will then be handed to you. You are advised to comply with it within the time allowed.

Site visits

- 3.18 Inspection visits may include site visits to the premises of labour users. Access to workers, and to observe the conditions in which they work, may require an inspection tour of the site. The GLAA officer may request that the labour provider, and/or the labour user's site representative accompany the GLAA officer during that activity. The GLAA officer will explain what assistance may be required on an inspection tour.
- 3.19 Alternatively, if the GLAA officer considers it is inappropriate to be accompanied, because it might frustrate the ability to determine compliance, they will undertake the site visit alone, subject to health and safety procedures.

Failure to comply with requests, obstruction and false information

- 3.20 You are required by law to comply with any request made by a GLAA officer under Section 16 of the G(L)A. Failure to comply without 'reasonable cause' amounts to a criminal offence contrary to section 18 of the G(L)A.
- 3.21 Other elements of that offence include:
- intentionally obstructing a GLAA officer who is acting in accordance with their duties
 - making a statement which is false when providing information.

- 3.22 If you do not comply with a requirement, or explain why you are unable to comply within the time given, the GLAA officer will consider whether any explanation given is reasonable. In particular, the GLAA does not consider the following to constitute 'reasonable cause':
- inconvenience
 - on a site visit, the need to consult lawyers prior to compliance without proper explanation as to why this is necessary (the GLAA expects its licence holders and others using the services of labour providers to understand the GLAA's powers)
 - the absence of a senior member of staff
 - general assertions that information is not required.
- 3.23 Further, an initial refusal to provide information on an inspection visit, including the refusal to allow access to premises and those individuals at those premises, preventing inspection, may be considered as intentional delay or obstruction. An attempt to prevent a GLAA officer removing documents that have been produced to them, see paragraph 3.14 (i.e. are in GLAA possession), may also be considered as obstruction.
- 3.24 You will not breach the requirements of the Data Protection Act (DPA) 2018 (including the General Data Protection Regulations or GDPR) if you provide us with information that we have lawfully requested even if this contains personal data. This is because we have the power under the G(L)A to request this information. Schedule 2, Paragraph 5(2) of the DPA provides you with an exemption to the non-disclosure rules as it is a legal requirement to comply with requests for information by the GLAA. Any continuing refusal to provide information, relying on the DPA for doing so, will be considered to be contrary to section 18 of the G(L)A.
- 3.25 You can find out more information about Data Protection legislation at: <https://ico.org.uk/>.

Inspection results

- 3.26 When a compliance inspection has occurred, you will be notified of the result and any further action that is being taken as soon as possible.
- 3.27 GLAA officers will not give, either verbally or in writing, any indication as to the result of the inspection at the time it is conducted, but will summarise any issues identified during the inspection. However, where there is an immediate and specific threat to the safety of workers, they will report this fact to the GLAA Licensing team who may decide to suspend or revoke the licence 'with immediate effect'. In such situations you cannot continue to operate in the industries regulated by the GLAA (irrespective of any right of appeal). If you continue to operate you will be committing an offence under Section 12 of the G(L)A.
- 3.28 Where a licence is revoked without immediate effect, the licence holder normally has the right of appeal and may continue to work pending the outcome of the appeal. Guidance on the appeals procedures can be found on the GLAA website.

4 Criminal Investigations under the Gangmasters (Licensing) Act 2004 powers

4.1 Criminal investigations are initiated where:

- unlicensed trading is alleged (an offence contrary to Section 12(1) of the G(L)A)
- false documents are held to suggest a person is licensed (an offence contrary to section 12(2) of the G(L)A)
- use of an unlicensed gangmaster is alleged, including the use of an unlicensed sub-contractor by a licence holder (an offence contrary to Section 13 of the G(L)A)
- GLAA officers are obstructed (an offence contrary to Section 18 of the G(L)A)

4.2 GLAA officers may initially use Section 16 G(L)A powers to gather evidence which may indicate non-compliance, but cannot use those powers against a person suspected of a criminal offence. During an investigation, further allegations may arise that require the use of Section 16 powers before it can be determined whether additional criminal investigations are necessary.

4.3 In addition to the explanation of GLAA specific powers below, a GLAA criminal investigation will be conducted in accordance with the rules governing the conduct of criminal investigations in the relevant jurisdiction of the UK. Authorised Investigators may not use the powers in sections 14, 16 and 17 of the G(L)A and must use additional PACE powers (see section 5).

Entry to Premises using Section 17 Powers

4.4 Section 16 G(L)A powers cannot be used to force entry, search premises, or seize records or other materials.

4.5 In a criminal investigation it may be necessary to enter premises under the authority of a court warrant. The power to enter, search and seize under a warrant is contained in Section 17 of the G(L)A.

4.6 Under Section 17 of the G(L)A a court warrant may be obtained, allowing a GLAA officer to enter a premises (using reasonable force if necessary). The court must be satisfied that:

- admission to the premises has been refused, or that refusal is expected, and in either case that the occupier has been informed of the intention to apply for a warrant
- an application for admission or the giving of such notice would defeat the object of the entry
- the case is one of extreme urgency or
- the premises are unoccupied or the occupier is temporarily absent.

4.7 When entering premises under the power of a warrant, the GLAA officer:

- may take with them any other person considered necessary, (e.g. police officers, officers from other government departments, computer forensics officers etc.)
- use any equipment deemed necessary
- carry out such inspections and examinations considered necessary
- take possession of any book, document, data, record (in whatever form it is held), including electronic storage devices or product on the premises
- conduct the search with consideration for the property and privacy of the occupier, where appropriate
- allow you to have a second independent person witness the search if you are the only person present at the premises, if you request it, and it is practicable to do so
- discontinue a search once the objective of the search has been met, or it is identified that the information and documents sought are not at the premises being searched
- issue a copy of the warrant to the occupier or, if no-one is present, leave a copy of the warrant where it can be found.

4.8 GLAA officers entering premises under the authority of a warrant will only use reasonable force when necessary to affect entry. Where possible they will communicate with the occupant and obtain co-operation to affect entry unless this is impractical or will defeat the object of the entry. When entering under a warrant a similar consideration to that set out in paragraph 3.13 (entry only at reasonable times) does **not** apply.

4.9 When any book, document, data, record or product is removed the GLAA officer will provide a record of the items seized as soon as reasonably practicable.

4.10 When a GLAA officer leaves a premises entered under a warrant, they will ensure the premises are left in a secure manner to prevent unauthorised access by trespassers. Officers will make a full written record of the circumstances of any entry made under the power of a warrant, and the manner in which it was subsequently secured upon leaving. If any complaint of damage arises it should be submitted in accordance with the complaints procedure below.

4.11 Any items which have been removed will be returned as soon as possible after the need for their retention has passed. Original property will not be retained if a copy or image is sufficient for evidential purposes. Reasons why property may be retained include:

- as evidence at a trial for an offence
- to assist the progress of any enquiry or potential criminal proceedings
- for other investigation (e.g. forensic or financial).

4.12 If the removal of original documentation adversely impacts the continuation of your business you may request copies. Where possible these will be provided by the GLAA (see paragraph 3.15 regarding the cost of supplying copies). The GLAA may **not** provide such documents where it is considered they may be used to:

- prejudice the investigation of an offence
- result in further offences.

4.13 Where the request is refused the grounds for refusal will be communicated to you.

Power of Arrest

4.14 Section 14 of the G(L)A gives a GLAA officer the power to arrest without a warrant (except in Scotland). This power may be exercised where there are reasonable grounds for suspecting that a person may be guilty of the following offences:

- acting as an unlicensed gangmaster
- being in possession of false documents and/or
- conspiring, attempting, inciting, aiding, abetting, counselling or procuring such an offence.

5 Criminal investigations by authorised investigators using PACE powers

- 5.1 Authorised investigators are empowered to use additional powers in PACE to facilitate their investigations into labour market offences in England and Wales. Such investigations adhere to the PACE Codes of Practice for the conduct of investigations, searches, interviews and rights of suspects.
- 5.2 The specific powers they may use are set out in 'The Police and Criminal Evidence Act 1984 (Application to Labour Abuse Prevention Officers) Regulations 2017'².
- 5.3 They may not use those powers in Scotland or Northern Ireland.
- 5.4 An authorised investigator may investigate labour market offences, but may not use any other powers in the G(L)A, Employment Agencies Act 1973, or National Minimum Wage Act 1998, to do so; they may only use the PACE powers they are authorised to use.
- 5.5 Although GLAA enforcement officers can obtain a section 17 G(L)A warrant (see section 4), authorised investigators can only obtain a warrant under PACE. Like section 17 of the G(L)A, force may be used, where reasonable and necessary, to secure entry. Where possible they will communicate with the occupant and obtain co-operation to affect entry unless this is impractical or will defeat the object of the entry. When entering under a warrant a similar consideration to that set out in paragraph 3.13 (entry at reasonable times) does not apply. However, they may also search anyone they find there, and seize material that may be relevant to their investigation. Their powers under PACE enable them to secure evidence in relation to labour market offences perpetrated in any sector of the economy, not just those sectors that the GLAA licenses.
- 5.6 Authorised investigators will also take the same actions as set out in paragraphs 4.9 – 4.13.
- 5.7 Authorised investigators may seek assistance from the police and other enforcement bodies to conduct their enquiries.
- 5.8 Authorised investigators may arrest persons suspected of labour market offences. The power of arrest in such circumstances comes from section 24 PACE. They will arrange for an arrested person to be conveyed securely to a police station, where they will normally carry out interviews under caution with the arrested person. All investigative action, and interviews will be conducted in accordance with the PACE Codes of Practice. This includes applications to police officers in charge of custody suites, and courts, to extend periods of detention during the investigation.

² <http://www.legislation.gov.uk/ukxi/2017/520/contents/made>

6 At the end of a Criminal Investigation

- 6.1 If you have been investigated for a criminal offence either by a GLAA enforcement officer, or a GLAA authorised investigator exercising wider powers, you will be notified of the outcome as soon as possible.
- 6.2 You will be advised of the outcomes following a criminal investigation which are:
- no further action (i.e. not to prosecute; you will be advised of future conduct expected)
 - to issue an advisory notice, or warning, on future conduct
 - to offer a Labour Market Enforcement Undertaking (LMEU) as an alternative to prosecution, in accordance with the ‘Labour Market Enforcement Undertakings and orders: Code of practice’³ (if the offences cover a number of labour market offences the LMEU may cover all of the offences – this is known as a combined LMEU)
 - to refer your case for prosecution.
- 6.3 If your case is referred for prosecution a decision will be taken by the appropriate prosecution authority for the legal jurisdiction where you are based to determine whether there is sufficient evidence of an offence, and that it is in the public interest to prosecute you. If a prosecution is initiated you will be advised accordingly.
- 6.4 In England and Wales, and Scotland the GLAA may also seek a Labour Market Enforcement Order (LMEO) if you are convicted. If the prosecution covered a range of labour market offences the GLAA may seek a combined LMEO. The GLAA may also investigate any subsequent breach of an Order, which may result in prosecution.
- 6.5 In prosecutions for offences in the Modern Slavery Act 2015, in England and Wales, the GLAA may also seek a Slavery and Trafficking Prevention Order (STPO). They may also apply for a Slavery and Trafficking Risk Order (STRO) where a person has not been convicted but may pose a significant risk of committing a modern slavery offence. The procedures for STPOs and STROs are set out in the Home Office document ‘Guidance on Slavery and Trafficking Prevention Orders and Slavery and Trafficking Risk Orders under Part 2 of the Modern Slavery Act 2015’⁴. The GLAA may also investigate any subsequent breach of an Order, which may result in prosecution.

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/572991/Code_of_Practice_Print.pdf

⁴ <https://www.gov.uk/government/publications/slavery-and-trafficking-prevention-and-risk-orders>

7 Complaints

- 7.1 If you consider it is appropriate to make a complaint concerning the behaviour of GLAA officers, and the powers they were operating under, there are different complaint procedures dependant on the type of enquiry being undertaken.

Complaints concerning GLAA officers using powers in the G(L)A

- 7.2 If you feel that a GLAA officer has acted in a way which goes beyond their powers or they have behaved unreasonably when seeking information then you may make a complaint. You should set out in detail why you think that the officer behaved inappropriately and send your letter to:

Director of Strategy
The Gangmasters and Labour Abuse Authority
PO Box 10272
Nottingham, NG2 9PB

- 7.3 Complaints can also be sent to the GLAA by email to: complaints@gla.gov.uk.
- 7.4 You should also be aware that making a complaint to the GLAA does not affect your right to seek assistance from a Member of Parliament or to refer a complaint to an Ombudsman for independent consideration.

Complaints to the Ombudsman

- 7.5 Complaints relating to enquiries made by officers of the GLAA may be made to the independent Parliamentary Commissioner for Administration, commonly known as the 'Ombudsman'. The Ombudsman deals with complaints about maladministration by public bodies. Any complaint must be made via your Member of Parliament.
- 7.6 The Ombudsman seeks to establish whether a public body has acted correctly and fairly in carrying out its interpretation of the law. Cases for investigation may include those where a public authority:
- is alleged to have done something in the wrong way
 - has done something they should not have done or
 - has failed to do something which they should have done.
- 7.7 The Ombudsman can recommend a variety of remedies, including the payment of compensation to complainants and the revision, adherence to, or clarification of administrative procedures.

Further information is available from:

The Parliamentary and Health Service Ombudsman
Millbank Tower
Millbank
London SW1P 4QP
Telephone: 0345 015 4033
Fax: 0300 061 4000
Email: phso.enquiries@ombudsman.org.uk

Complaints concerning authorised investigators using PACE powers

- 7.8 If your complaint concerns the conduct, and use of PACE powers, by an authorised investigator you should address your complaint to the Independent Office for Police Conduct (IOPC). The IOPC has the authority to investigate such complaints (see paragraphs 10-12 of Schedule 3 of the Immigration Act 2016⁵). They will do this in accordance with the 'The Gangmasters and Labour Abuse Authority (Complaints and Misconduct) Regulations 2017'⁶.
- 7.9 Where the authorised investigators conduct falls short of the standards set out in paragraphs 1.2 - 1.3 complaints may arise.
- 7.10 On receipt of a complaint the IOPC will decide whether the complaint requires investigation, or if it should be referred back to the GLAA to investigate. In all circumstances complainants will be kept informed of the decision on how the complaint will be handled.
- 7.11 You can find out more about how to make a complaint to the IOPC at: <https://policeconduct.gov.uk/complaints-and-appeals/make-complaint>.
- 7.12 Further detail on the legislation that provides the IOPC with oversight and investigation of complaints against authorised investigators when undertaking investigations using PACE powers is available on the UK legislation website⁷.
- 7.13 You can contact the IOPC at:

Independent Office for Police Conduct
PO Box 473
Sale
M33 0BW
Telephone: 0300 020 0096 (press 2 at prompt)
Email: enquiries@policeconduct.gov.uk

⁵ <http://www.legislation.gov.uk/ukpga/2016/19/schedule/3/enacted>

⁶ <http://www.legislation.gov.uk/uksi/2017/521/contents/made>

⁷ <http://www.legislation.gov.uk/uksi/2017/520/contents/made>

Gangmasters and Labour Abuse Authority

PO Box 10272 ■ Nottingham ■ NG2 9PB

www.gla.gov.uk

e: enquiries@gla.gov.uk

t: 0345 602 5020