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26 March 2021

To Whom It May Concern:

COMPLAINT ABOUT CONTENTS OF PRESS RELEASE

We, the undersigned, hereby raise a complaint about the 20 March 2021 press release **headed ‘Alarming rise of abuse within modern slavery system’**, published on the UK government website at <https://www.gov.uk/government/news/alarming-rise-of-abuse-within-modern-slavery-system>. The document is identified as emanating from ‘Home Office’ and ‘The Rt Hon Priti Patel MP’, which are hyperlinked to <https://www.gov.uk/government/organisations/home-office> and <https://www.gov.uk/government/people/priti-patel> respectively.

Publication of the press release on a UK government website and its emanation from a government department and the minister with responsibility for that department suggest that it is not published as an expression of personal opinion in a private capacity or as campaigning material in a political campaign but is information purportedly being conveyed in the public interest. Its appearance on a UK government website indicates that it was produced and published by civil servants subject to the Civil Service Code.

Our complaint is that, as described below, the press release breached the Civil Service Code by contravening its core values. It follows that anyone involved in drafting, publishing and/or promoting it, whose employment by the Civil Service makes them subject to that code, was or is violating the Civil Service Code.

WHAT IS WRONG WITH THE PRESS RELEASE?

1. The heading and sub-heading

The heading ‘Alarming rise of abuse within modern slavery system’ reads as though a rise in abuses of the system has been discovered and is being announced. Nothing within the article provides any foundation in fact for an announcement of such a kind. Any suggestion that the heading simply

identifies a fear or suspicion about what may occur in the future would be disingenuous at best, because it is not qualified in such a manner. The sub-heading ‘Major increases in child rapists, people who threaten national security and failed asylum seekers clogging up modern slavery system’ merely compounds the false impression and indicates that it is being conveyed deliberately.

2. Use of the formulation ‘child rapists, people who pose a threat to our national security, serious criminals and failed asylum seekers’

The list ‘child rapists, people who pose a threat to our national security, serious criminals and failed asylum seekers’ (which a Google search reveals has recently been repeated in a number of different places) suggests a false equivalence between, on the one hand, ‘child rapists, people who pose a threat to our national security and serious criminals’ and, on the other ‘failed asylum seekers’. While the former three categories all contain people who have demonstrably posed a serious danger to the public in some way, the final category, ‘failed asylum seekers’, does not. Asylum claims may fail for all sorts of reasons other than just credibility: insufficient evidence, a change in risk since the claim was made but before it was decided, or disagreement about the nature and extent of the risk. It is by no means unusual for people who have failed in an initial claim for asylum to succeed in a subsequent attempt after the production of further evidence or a change in the country situation that bears out the claimant’s fears.

Again, any suggestion that the list is not implying an equivalence between failed asylum seekers and the other categories would be disingenuous.

3. The suggestion that the change in policy ‘follows an alarming rise in people abusing our modern slavery system by posing as victims in order to prevent their removal and enable them [to] stay in the country.’

This proposition is not supported by any evidence set out in the article. While the next paragraph does point to a doubling of claims in the period 2017-2020, it does not present any evidence to suggest that there has been a rise in failed or false claims. The only relevant measure presented in the press release is the proportion of claims in 2019 that were found to contain reasonable grounds for suspecting that trafficking had taken place. That figure, 89%, does not support the proposition that there has been an alarming rise in people abusing the system. It is not clear whether that proportion is more, less, or about the same as in previous years, but, whichever is the case, it suggests that the overwhelming majority of claims legitimately warranted further investigation.

The actual motive for the announcement would appear to be the assertion in the fifth paragraph that ‘Upcoming reforms to the asylum system **are expected to lead to** more serious criminals seeking to falsely take advantage of the National Referral Mechanism in order to frustrate their removal,

making it harder for genuine victims to receive timely support.’ This in itself is problematic, because the impersonal construction ‘reforms... are expected to lead to...’ suggests an accepted, authoritative conclusion. In fact it is nothing of the sort. There is no such consensus. This particular misdirection could have been avoided by identifying the source of the ‘expectation’.

4. The first two paragraphs of the quotation from the Home Secretary

While it is part of the role of a Civil Service press office to convey the reasons for policy decisions and, in doing so, it is of course permissible to quote statements of reasons given by government ministers for those decisions, it is not part of its role to present those reasons as fact unless they are uncontroversial. While there is no reason to doubt that the Home Secretary did say those words, their quotation in the context of the same views being presented as established facts in the second paragraph of the press release lends them an appearance of factual authority which they do not merit. These are opinions not facts and they are opinions which have nowhere been shown to be accurate.

HOW DO THE WORDS COMPLAINED OF CONTRAVENE THE CIVIL SERVICE CODE?

According to <https://www.gov.uk/government/publications/civil-service-code/the-civil-service-code>

- *‘integrity’ is putting the obligations of public service above your own personal interests*
- *‘honesty’ is being truthful and open*
- *‘objectivity’ is basing your advice and decisions on rigorous analysis of the evidence*
- *‘impartiality’ is acting solely according to the merits of the case and serving equally well governments of different political persuasions*

These core values support good government and ensure the achievement of the highest possible standards in all that the Civil Service does. This in turn helps the Civil Service to gain and retain the respect of ministers, Parliament, the public and its customers.

The press release contravened all of these core values.

1. The passages that form the subject of the complaint indicated failures of those involved in the production of this press release to observe the Civil Service Code core duty of duty of acting with INTEGRITY, as follows:

- (a) By failing to take care to distinguish between unevidenced political opinions and facts grounded in evidence, they have not fulfilled their duties and obligations responsibly.
- (b) By presenting unevidenced political opinions in a way which creates the impression that they are established fact, they have not fulfilled their duty to act in a way that is professional

and that deserves the confidence of all those with whom they have dealings, or observed their fiduciary obligations to make sure that public money and other resources are used properly and efficiently;

- (c) By creating or perpetuating a risk of misleading the public, they have failed in their duty to deal with the public and their affairs fairly and sensitively.

2. The passages that form the subject of the complaint indicated failures of those involved in the production of this press release to observe the Civil Service Code core duty of duty of acting with HONESTY, as follows:

- (a) By failing to identify any evidential basis for the opinions being presented as fact and by failing to indicate that they are not supported by any authoritative consensus, they failed in their duty to set out the facts and relevant issues truthfully;
- (b) By permitting the ministry press office to become the mouthpiece for a political campaign, they failed to use resources only for the authorised public purposes for which they are provided; and
- (c) By presenting opinions as fact, they failed in their duty not to deceive or knowingly mislead the public.

3. The passages that form the subject of the complaint indicated failures of those involved in the production of this press release to observe the Civil Service Code core duty of duty of acting with OBJECTIVITY, as follows:

- (a) By failing to identify any evidential basis for the opinions being presented as fact and by failing to indicate that the opinions are not supported by any consensus of expertise, they failed in their duty to provide information on the basis of the evidence, and to present the facts accurately;
- (b) By failing to take any account of the full range of expert opinion on the issues, they failed in their duty not to ignore inconvenient facts or relevant considerations when making the decision to draft and publish the press release. Obvious examples are the lack of any evidence of an alarming rise in abuse of the National Referral Mechanism for identifying victims of modern slavery and the fact that failed asylum seekers are demonstrably not, as a class, in a category comparable with ‘child rapists, people who pose a threat to our national security and serious criminals’.

4. The passages that form the subject of the complaint indicated failures of those involved in the production of this press release to observe the Civil Service Code core duty of duty of acting with IMPARTIALITY, as follows:

- (a) For the reasons set out above, the press release did not fairly represent the merits of the case for ‘strengthen[ing] the threshold for deciding whether someone is a potential victim of modern slavery during the initial assessment.’
- (b) By presenting the opinions driving the policy as facts, they failed in their duty to ensure that they were acting with political impartiality. Nothing in the press release acknowledges that opposition parties may take a fundamentally different view of the evidence.

We look forward to a prompt reply to our complaint, and, in any event, within the published service standard deadline of 20 working days.

Please address your reply to Rudolph Spurling at rsp@onepumpcourt.co.uk

Yours faithfully,

One Pump Court Chambers

Garden Court Chambers

Garden Court North Chambers Immigration Team

36 Immigration, the 36 Group

Goldsmith Immigration and Public Law Team, Goldsmith Chambers

Matrix Immigration Team, Matrix Chambers

10 King’s Bench Walk Immigration Team, 10 King’s Bench Walk Chambers

Immigration Group, No 5 Chambers

No 8 Chambers Immigration Team

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Andrew Campbell-Tiech QC, Joint Head of Drystone Chambers

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