

GLA34/8.2 Red Tape Challenge Workplan

11 July 2012

BOARD PAPER REFERENCE – GLA34/8.2 – Red Tape Challenge Workplan

Issue

To note

1. Following publication of the Written Ministerial Statement (WMS) in response to the Red Tape Challenge (RTC) announcement the GLA is currently engaged in the identification of all processes and procedures that may require introduction or change. This forms the Post RTC plan.
2. The plan also incorporates other issues, where appropriate, arising from the recent Farming and Forestry Task Force reports.
3. Aspects of the plan will require consultation and legislative amendment, whereas others may be implemented without that necessity. The detailed working level plan identifies those issues that will require consultation, and which will therefore be presented to the Board at future meetings. Future Board meetings will also receive updates on progress against the plan.
4. The attached document provides the high level activities only.
5. Whilst work on the precise timings for the various activities is to be completed it is envisaged that all activities should be completed within an 18 month window, which allows for any consultation and legislative change before implementation may occur.

Structure

6. The structure of the plan reflects the RTC WMS, and is divided into 7 strands, where there may be overlap, and cross-cutting issues, such as HR and training issues
7. The strands of the plan are:
 - Targeting suspected serious and organised crime through closer working
 - Use of evidence of worker exploitation to assist investigation/prosecution and victim identification
 - Reducing burdens on compliant LPs
 - Streamlining the licensing process/Inspection requirements and extending licence periods
 - Remove low risk sectors from the scope of licensing
 - Remove shellfish cultivation
 - Introduce administrative fines and penalties for LPs for low level technical offending, with similar approaches for LUs

High level detail

8. The following paragraphs identify the main areas of activity
9. Targeting suspected serious and organised crime through closer working
 - Review data access, availability, and operating procedures for joint operations, intelligence sharing, and analysis
 - Improve intelligence analytical capability
 - Review investigative powers regarding forced labour investigations
 - Raise awareness within police forces of forced labour/GLA role, and identify specialist force single point of contact (spoc)
10. Use of evidence of worker exploitation to assist investigation/prosecution and victim identification
 - Revise operating procedures, ensuring all staff understand and complete the national referral mechanism (NRM) procedures to submit information to the UK Human Trafficking Centre, for assessment of victim status
 - Ensure licensing approach, and decision making, is proportionate, and avoids unintended consequences for workers, where revocation is necessary, supported by community impact assessment and liaison with local services
11. Reducing burdens on compliant LPs
 - Focus the tasking process on the cases of highest risk, against priorities determined by risk assessment, and emerging threats (control strategy)
 - Improved guidance on the use of active check information, and how the GLA determines LU visits
 - Revised guidance on where, how, and how many, workers to interview
 - Media awareness – communicate key prevention and deterrence messages
 - Enhance knowledge of LUs visited to avoid potential for repeat visits
12. Streamlining the licensing process/Inspection requirements and extending licence periods
 - Consult on the removal of automatic AI process for new applicants
 - AI to be determined based on risk analysis from information received
 - Introduce extended licence periods for LPs with a specified period of compliance history
 - Identify additional OGD checks on application

- Consider whether a self assessment checklist enhances the process, and the criteria / rules for "earned recognition" leading to extended licences
- Determine rules for potential discount on fees
- Review requirements for LPs that change legal entity
- Enhance advice and guidance to applicants, and on the web ("grey areas")
- Review compliance/enforcement codes of practice and inspection leaflet to ensure they correctly reflect new procedures and clarifications

13. Remove low risk sectors from the scope of licensing* (* Defra lead)

- Implement interim procedures to maintain compliance in period prior to exclusion
- Communicate situations that do not require a licence post legislative change

14. Remove shellfish cultivation*

- Implement interim procedures to maintain compliance
- Communicate situations that do not require a licence post legislative change

15. Introduce administrative fines and penalties for LPs for low level technical offending, with similar approaches for LUs

- Determine sanctions (financial, repayment order, compliance) notice for use as alternatives to prosecution and revocation for LPs and LUs
- Undertake public consultation
- Review enforcement and sanctions policies to specify the situations in which specific sanctions may be applied (in line with guidance requirements for sanctions obtained under the Regulatory Enforcement and Sanctions Act)