

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT**

BETWEEN

**THE QUEEN
On the Application of
DS**

Claimant

- and -

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Defendant

APPROVED ORDER

BEFORE THE HONOURABLE MR. JUSTICE KERR sitting at Bristol Civil Justice Centre

UPON HEARING counsel for the Claimant Ms. Luh and counsel for the Defendant Mr. Irwin on 11 October 2019

AND UPON CONSIDERING the written submissions and evidence filed by the parties

AND UPON JUDGMENT being handed down on 15 November 2019

AND UPON the Defendant confirming that she will publish a note relating to this judgment and will circulate the same amongst case workers at the Single Competent Authority. The note will include the following:

- (i) Acknowledgement of the judgment of the court in this claim;
- (ii) An indication that the Defendant will continue to encourage individuals to submit requests for reconsideration through the First Responder and Support Provider organisations that have already been involved in their case; but also

- (iii) A direction that the Single Competent Authority will not reject any request for reconsideration on the basis of who has submitted it; and,
- (iv) A direction providing that relevant First Responders and Support Providers gain Single Competent Authority approval in rejecting any request for reconsideration which is made to them, and that any First Responder or Support Provider will share the reasons for that rejection with the individual who has made the request to them.

IT IS HEREBY DECLARED THAT:-

1. The Defendant's policy on reconsideration of negative trafficking decisions, as formulated in both Versions 3.0 and 8.0 of the *Victims of Modern Slavery: Competent Authority Guidance*, ('Competent Authority Guidance') is unlawful for the reasons set out in the judgment of the Court.

IT IS ORDERED THAT:-

2. The Claimant's claim for judicial review is allowed.
3. The Defendant shall pay the Claimant's reasonable costs of and incidental to this claim for judicial review to be assessed if not agreed.
4. The Claimant's legally aided costs shall be subject to detailed assessment.

Dated this 15th day of November 2019

Observations:

I agree with the defendant that I should not make an order for payment on account of costs without knowing how much I am ordering to be paid on account. An amount corresponding to 50 per cent of the eventual bill of costs could be reasonable, unreasonable or somewhere in between. I have no idea without seeing the bill of costs or at least being provided with a figure.