

## CABINET

17 September 2019

<b>Title:</b> Modern Slavery Charter - Progress Report and Modern Slavery Statement	
<b>Report of the Cabinet Member for Social Care and Health Integration</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> All	<b>Key Decision:</b> Yes
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<b>Summary</b> Modern slavery and human trafficking are issues of major concern in a globalised world. They are significant safeguarding issues for vulnerable people in our local community, and they require a Council- and community-wide approach to ensuring that they are identified and tackled.  In 2017, the Council published a Safeguarding Adults Review on the case of a young Romanian woman with learning disability who was suspected of having been brought into the borough for forced work. The conclusions of this report raised significant concern for the practice of adult social care teams and the Police. However, it also raised the need to widen the understanding of modern slavery, both amongst professionals and the local community, and to strengthen the systems and pathways that are in place to respond to it. This work has now been largely completed, albeit with the on-going need to maintain our efforts to increase awareness and understanding.  Whilst the Council, through its safeguarding partnerships, is undertaking considerable work to address these issues within our community, the organisation is also a significant local employer and purchaser of goods and services. The Modern Slavery Act required all commercial organisations (with turnover in excess of £36m per annum) to publish a statement of how they protect their supply chains from involvement of Modern Slavery. Further, the Co-operative Party drew up a Charter Against Modern Slavery which covers many of the areas required by a 'good practice' Modern Slavery statement.  This report responds to the need to present a progress update against the commitments in the Modern Slavery Charter, as well as the priorities for further action. At the same time, this report presents the Council's current – and first – Modern Slavery Statement, which will be updated annually and is available on the Council's website for public view. However, recognising that the Council's responsibilities towards tackling modern slavery go further than procurement and employment duties, it also gives an overview of how the work on modern slavery is overseen within the Council and its partnerships.	

## Recommendation(s)

The Cabinet is recommended to:

- (i) Note the Council's progress against the Modern Slavery Charter, the structures and responsibilities within the Council for tackling Modern Slavery and some of the priorities that are being addressed in the coming months; and
- (ii) Endorse the Modern Slavery Statement as set out in Appendix 1 to the report.

## Reason(s)

Modern Slavery is a significant source of safeguarding risk for local vulnerable populations. As well as formal statutory duties to safeguarding children and vulnerable adults from these kinds of risks, the Council's vision, encapsulated in "One borough; One community; No-one left behind" prompts a positive and strong set of actions to tackle them.

**A new kind of council** – All of the Council's actions should support its policy aims, including technical and "back-office" activities such as procurement and HR management. The agreement of the Statement and the Charter update demonstrate how these important areas of general business activity are conducted with reference to the safeguarding responsibilities around Modern Slavery.

**Empowering People** – As the borough focuses its services on 'up-stream' intervention, rather than responding to crisis, it becomes increasingly important that we are supporting the community to identify concerns early, and ensuring that they and our professional staff can see and act on instances of Modern Slavery and Trafficking. Furthermore, that victims get the sensitive and empathic support that they are entitled to when they come to our notice.

**Inclusive growth** – As new businesses grow up, both small and large, they will employ people locally. Additionally, the Council will continue to diversify its supply chains as the opportunities increase to commercialise the way the Council operates. In both cases, there needs to be a keen awareness of the possible existence of Modern Slavery in these new employment and supply chains. Furthermore, as the borough grows, and the increased connectivity of the borough brings a more rapid population turnover, it becomes more difficult for statutory services to maintain their sight of the risks that present to vulnerable people, and a partnership with the local community as a responsive source of concerns becomes more important.

**Citizenship and partnership** – A key ambition for the Council is to connect people with their local community and build trust and cohesion. It is important, therefore, in a borough that 'looks out for each other', that we support people to have an understanding of the possibility of human trafficking and modern slavery in their communities, and what the signs might be, together with the ways in which statutory services will intervene and safeguarding people when concerns are raised. This is an important part of ensuring that no-one is left behind, and that communities are supported to work for everyone.

## 1. Introduction and Background

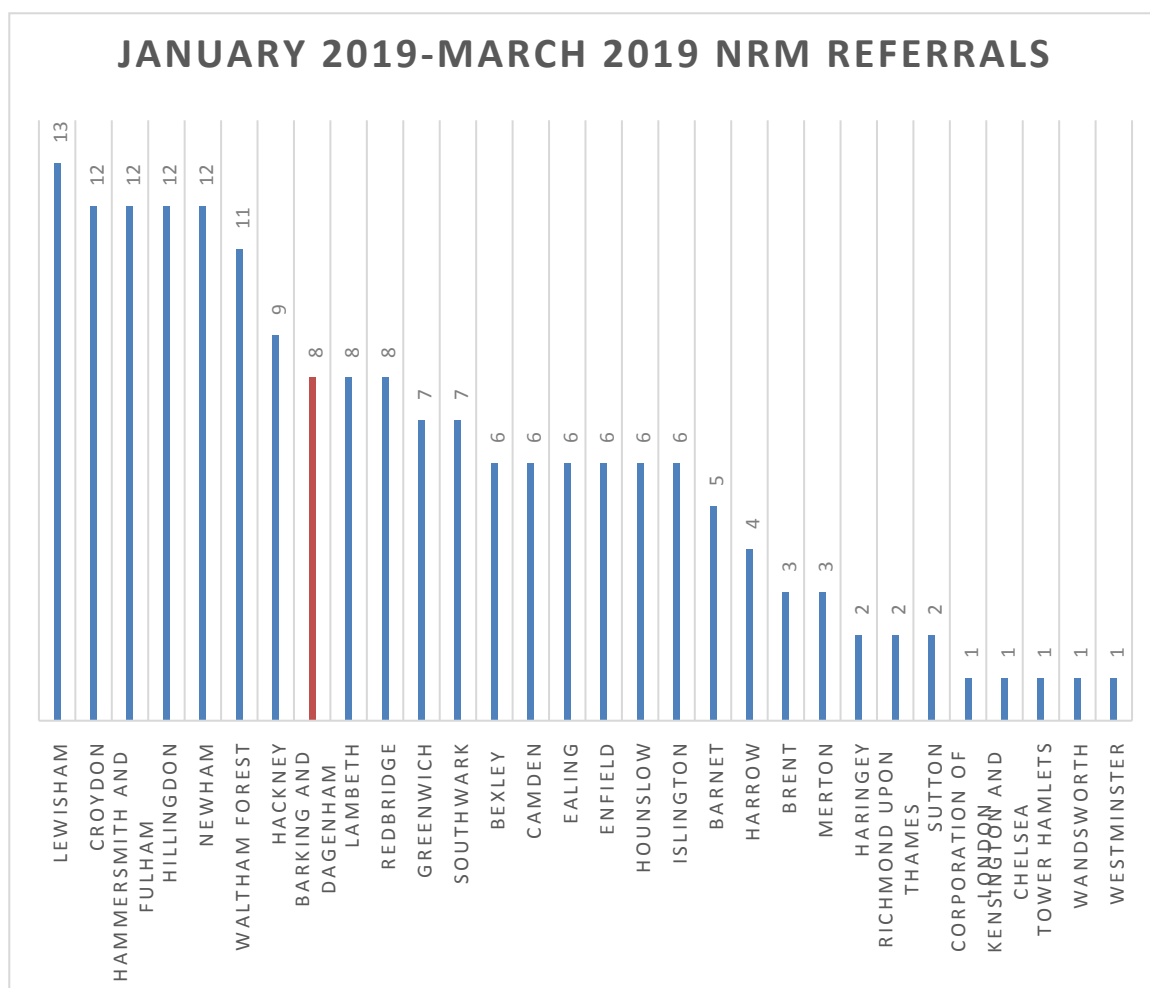
- 1.1 Modern Slavery and Human Trafficking directly threatens the Council's ambitions to improve outcomes for all residents, leaving no-one behind. The emphasis of our new ways of working are about improving the relationship between residents and the Council, either in their individual interactions or as a community.

- 1.2 This must be based on a better understanding of our residents and the needs and experiences of the most vulnerable in our community. Key to the success of this approach is embedding the message that everyone has a part to play. We know that key to securing a relational and participatory approach to working with residents is being able to understand and respond to their safety.
- 1.3 We also know that the Borough faces significant growth, change and churn. More business will be setting up, more community groups coming together and therefore more opportunity to develop collaborative spaces with our communities. This also means more challenges as we need to work with and rely on our communities to help us safeguard the most vulnerable.
- 1.4 As part of the work taking place to address modern slavery in Barking and Dagenham a pre-Assembly briefing was held to help members recognise and respond to indicators of modern slavery in the borough.
- 1.5 A request was made for an update specific to the Co-operative Modern Slavery charter to come to Cabinet as a progress report. This report forms this update and offers an additional brief on related work within the borough related to modern slavery and/or human trafficking.
- 1.6 As a human rights issue, Modern Slavery should be viewed through the lens of social inequality and requires a clear oversight of its wider social impacts. There are several obligations on the Council to respond to Modern Slavery and as such the charter should not be viewed in isolation.

## **2. Context**

- 2.1 It is a shocking fact that while most people consider the slave trade to have ended when slavery was abolished in 1833, there are more slaves today than ever before in human history. Figures from the International Labour Organisation (ILO) suggest that there are more than 40 million people in modern slavery across the world, with nearly 25 million held in forced labour.
- 2.2 The UK is a source, transit and destination country for modern slavery. The Home Office estimated that in 2013 there were between 10,000 and 13,000 potential victims of modern slavery in the UK. This means that there is a good chance modern slavery is taking place in the towns, cities and villages where we live.
- 2.3 Modern slavery is hidden, often in plain sight; on our high streets, in local businesses, and even suburban streets. Unwittingly, our community may be using Victims of modern slavery to wash their cars, paint their nails and lay their drives. They may even be living next door.
- 2.4 Much like other safeguarding concerns linked to violence, abuse and control, working closely with our community is key to developing awareness, trust and a collaborative approach to dismantling modern slavery. The Council is adopting placed based approaches to improving access to safe spaces, where potential victims can seek support and validation and safe access to services.

- 2.5 The National Crime Agency reports annual figures relating to referrals into the National Referral Mechanism (NRM) - a national framework for identifying victims of human trafficking and ensuring they receive the appropriate protection and support. The NRM was introduced in 2009 to meet the UK's obligations under the Council of European Convention on Action against Trafficking in Human Beings. At the core of every country's NRM is the process of locating and identifying "potential victims of trafficking."
- 2.6 The NRM grants a minimum 45-day reflection and recovery period for victims of human trafficking. Trained case owners at UK Human Trafficking Centre decide whether individuals referred to them should be considered to be victims of trafficking according to the definition in the Council of Europe Convention.
- 2.7 In 2018, 6,993 potential victims across the UK were submitted to the NRM which was a 37% increase on the previous year.
- 2.8 In local context, the Crime and Disorder Strategic Needs Assessment shows that there are a number of risks from brothels operating, from serious youth violence and from drug trafficking, sometimes coerced, along so-called "county lines". All of these are possible routes for modern slavery to exist.
- 2.9 Published data available is limited and the issue is understood to be widely underreported as a result of its hidden nature. This means it is difficult to give a picture as to the scale of the issue in Barking and Dagenham, although we do have access to referral data through the NRM.
- 2.10 In 2018 there were 14 referrals to the NRM from Barking and Dagenham all of which were for children. Whilst we do not have a breakdown of these referrals locally it is evidenced that "minor" exploitation types (as classified by the NRM), which includes drug trafficking along "county lines" increased nationally by 48% from 2017 to 2018.
- 2.11 In January 2019 to March 2019, 2156 potential victims were submitted to the NRM. Locally it is shown that Barking and Dagenham Council were the referring agency in 8 cases, all of which were minors.
- 2.12 The following shows the numbers of referrals to the NRM from January 2019 – March 2019 from London boroughs:



## Types of Modern Slavery

- 2.13 There are four broad ways in which perpetrators seek to exploit victims in the UK. Victims may experience more than one type at the same time. In inviting Cabinet to consider the response to modern slavery, it is helpful to review here the forms that modern slavery can take.
- 2.14 The four broad categories are below – in each case the victim may or may not have been moved (trafficked), either from another country, or within the UK, in order to be exploited. It is important to observe that modern slavery does not have to involve trafficking individuals across borders: it can equally involve UK residents as both victim and perpetrator.
- 2.15 **Labour Exploitation:** People in forced labour generally work long hours for no or very low pay, and usually in poor working conditions. If from overseas, they are often lured into the ‘employment’ by the promise of a genuine job and a better life, but when they arrive the situation is nothing like what was promised. They can’t leave because they have often built up heavy debts to their ‘employer’ – see ‘Debt bondage’ below. Forced labour accounts for around 30% of all modern slavery in Britain.
- 2.16 **Domestic Servitude:** Domestic servitude typically involves victims working in a private family home where they are ill-treated, humiliated, subjected to unbearable conditions or working hours or made to work for little or no pay. The victim could be used in this way by their own family members or partner. Again, it is very difficult for

them to leave, for example because of threats, the perpetrator holding their passport, or using a position of power over the victim.

- 2.17 **Sexual Exploitation:** Victims are coerced into sex work or sexually abusive situations. This includes child sexual exploitation. Victims may be brought to the UK on the promise of legitimate employment or moved around the UK to be sexually exploited. Victims are typically female but can also be male.
- 2.18 **Criminal Exploitation:** Criminal exploitation is the exploitation of a person to commit a crime for someone else's gain. For example, victims could be coerced into shoplifting, pickpocketing, entering into a sham marriage, benefit fraud, begging or drug cultivation such as cannabis farming. A growing phenomenon is the use of children and young people to transport drugs and money between cities and rural areas on behalf of crime gangs, known as county lines. Police estimate there may be as many as 1,000 county lines operating across the UK.
- 2.19 Debt bondage can also be a significant factor in many forms of exploitation and can take a range of forms. Debts may arise out of the exploitation itself, for example in relation to accommodation or travel fees, with victims having little or no control over their debt and little or no way to pay it back. Costs may be deducted directly from their wages, leading to further debts. A person may be forced to work to pay off the debt and can become trapped.
- 2.20 As this brief summary has shown the safeguarding implications of the forms of coercion and abuse that are involved in modern slavery are very significant. And, equally evident from the descriptions above, they all require a cross-Council and community-wide response.

### 3. Co-ordinating work on modern slavery

- 3.1 Several elements of work started to come together in 2018 related to modern slavery. At the same time, the Council worked with partners to introduce a clearer accountability framework for the delivery of the commitments on modern slavery. There are multiple statutory duties and moral responsibilities that exist around this issue:
- It is an Adults' Care and Support issue and there are statutory obligations in regard to safeguarding. It is equally a Children's Care and Support issue and there are statutory obligations in regard to safeguarding. In both cases it is clear that safeguarding is everybody's responsibility, not just the respective Care & Support teams.
  - The Modern Slavery Act 2015 sets out an obligation for all Council staff to be able to identify and respond to modern slavery. Therefore, it is also a workforce issue.
  - There is a need to work from a community safeguarding and development perspective with our residents and visitors to tackle all forms of exploitation, including modern slavery.
- 3.2 Largely as a result of the Safeguarding Adults Review, the work to strengthen the response to modern slavery has been led through the Safeguarding Adults Board and its systems. This was further cemented when the Safeguarding Adults Board, the Local Safeguarding Children Board, the Community Safety Partnership and the Health & Wellbeing Board agreed between them areas that each would lead on behalf of the combined partnership. The Safeguarding Adults Board is therefore the lead partnership board for co-ordinating the borough response to modern slavery

and human trafficking. This does not mean it is simply a vulnerable adults' issue, it remains a cross-cutting issue of significant impact throughout the community.

- 3.3 The Safeguarding Adults Board Business Manager and the Domestic Abuse Commissioning Manager have worked under direction of the Adults Care and Support Commissioning Director to undertake elements of the work and have connected in with other service areas that are undertaking their own pieces of work in which modern slavery is addressed. This has been reported to the Community Safety Partnership and Local Safeguarding Children Board.
- 3.4 Finally, the Modern Slavery Act and the Co-Operative Modern Slavery Charter set out commitments for the Council to undertake, with a heavy focus on procurement and commissioning due its emphasis on supply chains. This is one part, albeit important, of the wider work on modern slavery.
- 3.5 Because of this cross-cutting impact, it has been agreed that the wider strategic response to modern slavery will be co-ordinated through the Equalities function in Policy & Participation. This ensures that the developing work on the new models of community participation and third sector leadership will be connected in to developing the community response. Officers supporting the Safeguarding Adults Board, LSCB and Community Safety Partnership will continue to contribute in their respective areas and with the input of specialist expertise. This allows for all areas to sustain their individual responsibilities and obligations but also has a strategic lead who can look at the issue from a wider viewpoint and through the lens of wider social inequality and collate reports from across the different service areas in terms of the work taking place. This does not, however, change the statutory responsibilities for addressing modern slavery as a safeguarding issue: these remain with the statutory Director of Children's and Adults' Social Services (the Director of People & Resilience), and strategies to address modern slavery will continue to have accountability to this Director.
- 3.6 Given that modern slavery is a safeguarding issue, first and foremost, the lead Cabinet portfolio remains Social Care & Health Integration. However, the significant impacts on the portfolio of Enforcement & Community Safety are absolutely recognised. For this reason, it remains a standing item on the 'crossover' meetings between the relevant portfolio holders. As part of the work taking place to address modern slavery in Barking and Dagenham a pre-Assembly briefing was held to help all members recognise and respond to indicators of modern slavery in the borough.

### **Some of the work undertaken to address modern slavery**

- 3.7 There are several strands of work being undertaken to address modern slavery within Barking and Dagenham which complement the work taking place in direct relation to the Co-operative Party Modern Slavery Charter. A brief summary is given below.
- 3.8 **Member Development**  
A pre-assembly briefing was held on 15th May 2019 to provide some basic awareness for Elected Members who may come into contact with individuals affected by modern slavery in the borough, or from whom advice may be sought by borough residents.
- 3.9 **Safeguarding Adults Board**  
A pathway was developed to support the development of awareness sessions across the Council and partners based on 'train the trainer' style training delivered across London by ADASS and Human Trafficking Foundation. A learning event

was held (summer 2018) based on the findings of the 'Drina' safeguarding adult review in which there were modern slavery elements as well as learning around the mental capacity act: care and support teams were widely represented in the delegate list.

### **3.10 Local Safeguarding Children's Partnership**

A Contextual Safeguarding and Exploitation Strategy is being developed for children and young people, which is an approach to understanding, and responding to, young people's experiences of significant harm beyond their families. The strategy will cover several strands of violence, abuse or exploitation, including modern slavery.

### **3.11 Development of the Integrated Gangs Unit, Youth Offending Service and Exploitation Team**

Two full days of training were commissioned by the LSCB. However, there is a need to broaden out the training offer so that all staff know how to recognise and refer. This applies clearly to the enforcement team but is relevant for the rest of the organisation and partners too.

### **3.12 Community Safety Partnership**

A Trauma Informed Health Intervention Model has been developed by the Community Safety Partnership with schools, and with local voluntary sector organisations and underpinned by significant levels of training around trauma-informed approaches. This is part of a wider model to prevent vulnerability in young people becoming involved in violent crime.

### **3.13 East Areas SPOC (single point of contact) Meeting**

This meeting is attended by the SAB Business Manager and the Domestic Abuse Commissioning Manager. Membership includes neighbouring boroughs strategic leads for modern slavery, CCG safeguarding leads, police and head of safeguarding adults for London Borough of Havering. It first came together in May 2019 but will be looking at proactive and reactive strands of work from a tri-borough perspective going forwards. The next meeting is September 2019.

### **3.14 Policy and Participation**

Funding was successfully sought for the following programmes:

- AFRUCA Child Safeguarding Project: delivering outreach and training to black African churches/faith communities on safeguarding young people. This will consider themes such as modern day slavery and harmful parenting practices;
- Eastern European Resource Centre: an outreach project by community development workers (who speak different Eastern European languages) to vulnerable and economically marginalised residents (who may or may not be Eastern European). This will include working with issues around potential modern slavery or human trafficking victims.

## **4. Employment and Procurement**

4.1 The Government has introduced a provision in the Modern Slavery Act 2015 which requires certain businesses to produce a statement setting out the steps they have taken to ensure there is no modern slavery in their own business and their supply chains. If an organisation has taken no steps to do this, their statement should say so. The measure is designed to create a level playing field between those businesses, whose turnover is over a certain threshold, which act responsibly and those that need to change their policies and practices. However, the Government



wants to encourage businesses to do more, not just because they are legally obliged to, but also because they recognise it is the right thing to do.

- 4.2 Every organisation carrying on a business in the UK with a total annual turnover of £36m or more will be required to produce a slavery and human trafficking statement for each financial year of the organisation.
- 4.3 The provision in the Act requires that any commercial organisation in any sector, which supplies goods or services, and carries on a business or part of a business in the UK, and is above a specified total turnover, must produce a slavery and human trafficking statement for each financial year of the organisation. For the purposes of this requirement, 'supply chain' has its everyday meaning. It was not immediately evident that this was intended to apply to local government, but increasingly good practice suggests that councils fall under the definition of a commercial organisation, and certainly meet the turnover threshold. The statement must set out what steps they have taken during the financial year to ensure that modern slavery is not occurring in their supply chains and in their own organisation.
- 4.4 The statement attached has been developed and published following work through the Workforce Board and the Procurement Board of the Council. There is further work to do to strengthen activities in this area, although in the main the Council has robust procedures in place that should prevent modern slavery from entering its supply chains.

#### **The Co-Operative Modern Slavery Charter**

- 4.5 The Co-operative Party Charter Against Modern Slavery commits councils to proactively vet their own supply chains to ensure there are no instances of Modern Slavery taking place. It sets out 10 commitments for councils to undertake in order to accomplish this pledge. Details of the charter, its background and commitments can be found here: <https://party.coop/local/councillors/modern-slavery-charter/>
- 4.6 Barking and Dagenham Council signed the Charter in May 2018. Progress against each of the Modern Slavery Charter commitments is shown below:

**1. Train its corporate procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply's (CIPS) online course on Ethical Procurement and Supply**

*This is viewed through both procurement and commissioning in Barking and Dagenham due to commissioners taking a strong lead in shaping procurement activity for this Council.*

*The LSCB delivered two days of Modern Slavery training for children and adults care and support, attended by commissioning managers. This now needs to be turned into an on-going training offer, for which e-learning is already available and needs to be promoted.*

**2. Require its contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance.**

*Complete but ongoing: Break clauses are in contracts, as well as clear terms about compliance with relevant law. Questions are standard as part of commissioning and contract management.*

**3. Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.**

*Complete: part of standard due diligence processes through commissioners and procurement.*

- 4. Highlight to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.**

*For the avoidance of doubt and without prejudice to the generality of any foregoing provision, the Council actively encourages a policy of inclusive working that embraces all members of the workforce including members of all lawfully recognised trades union. Any evidence of Contractor exclusion of any individual or groups of individuals on the grounds of membership of any trade union (commonly referred to as "Blacklisting"), in relation to this or any other Council contract will be treated as a material breach of contract.*

- 5. Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.**

*Complete – whistleblowing policy included modern slavery and was widely publicised, including being installed as the background on laptops and regularly shown through live screens.*

- 6. Require its tendered contractors to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.**

*Contracts include requirements around probity and openness but need to strengthen with specific respect to modern slavery.*

- 7. Review its contractual spending regularly to identify any potential issues with modern slavery.**

*All Directors' annual governance statements should report on this but will be raised through Procurement Board to improve the consistency. All departments have regular procurement reports through to Procurement Board at which contract performance issues are reviewed.*

- 8. Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.**

*Social care has regular contact with providers on a range of issues, and this would be included. More generally, there are open communication channels with providers, which would be used to alert where there were concerns. To be reviewed at Procurement Board.*

- 9. Refer for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.**

*A pathway has been developed for NRM referrals, and this would incorporate supplier concerns just like any other concern.*

- 10. Report publicly on the implementation of this policy annually.**

*The Modern Slavery Statement will be published and will serve this purpose in future.*

## 5. Financial Implications

Completed by Murad Khan (Group Accountant)

- 5.1 This report is largely for information and provides updates to Cabinet on the progress of the Modern Slavery charter, key milestones that have been achieved and upcoming priorities and targets.
- 5.2 There are no direct financial implications arising from this report and all work to date has been met from existing resources.
- 5.3 It should be noted that any future requirement of financial resources arising from the implementation of the charter must have oversight from Finance so that comments can be made.

## 6. Legal Implications

Completed by Dr. Paul Field, Senior Governance Lawyer

- 6.1 The Modern Slavery Act 2015 requires that any commercial organisation in any sector, which supplies goods or services, and carries on a business or part of a business in the UK, and is above a specified total turnover, must produce a slavery and human trafficking statement for each financial year of the organisation. For the purposes of this requirement, 'supply chain' has its everyday meaning. Regulations have set the total turnover threshold at £36m. The statement must set out what steps they have taken during the financial year to ensure that modern slavery is not occurring in their supply chains and in their own organisation.
- 6.2 Following the Modern Slavery Act 2015, there was a consideration as to whether the Act applied to local authorities. The prevailing opinion is that it is not obligatory, indeed a bill was introduced in the House of Lords to clarify the point and specifically included local authorities to be subject, but it did not progress due to lack of time. Our advice is that as the Council's 100% owned arm's length companies could well approach that figure or exceed it and so they are obliged to have a statement, it would be incongruous if the owner did not commit itself too by also making a modern slavery statement. This is the approach taken by a number of authorities including the East London Waste Authority (of which the Council is a constituent member) with its company ELWA Ltd. Furthermore, as the duty relates to supply chains, it would be reasonable to require in all new contractors to the Council subject to the regime to provide proof on request of their compliance. A condition could be required by the Council Contract rules that it could terminate contracts in the event the contract is convicted of an offence related to modern slavery as is already the case for bribery and corruption for example.

## 7. Other Implications

- 7.1 **Risk Management** - The risks associated with allowing modern slavery to enter the Council's supply chain, or its employment, are significant. There are good controls in place presently, but awareness and training need to be maintained in order that practice standards in procurement and employment are upheld.

- 7.2 **Staffing Issues** – The Council has very robust employment procedures that prevent instances of modern slavery from entering the workforce. There is an identified opportunity to improve the communication with suppliers about the Council's stance on prohibitions on union activity.
- 7.3 **Corporate Policy and Equality Impact** - Supporting some of our most vulnerable residents is absolutely core to ensuring that no-one is left behind as we pursue ambitions to grow the borough, build independence and resilience in the population, and become a more participatory and cohesive borough. Modern slavery is an important issue in this context, as set out in this report.
- 7.4 **Safeguarding Adults and Children** - The report's contents are directly related to issues of safeguarding children and vulnerable adults.

**Public Background Papers Used in the Preparation of the Report:** None.

**List of appendices:**

- Appendix 1: Modern Slavery Statement 2019