

<b>Safer, Stronger Select Committee</b>		
Report Title	Update on the Lewisham Modern Slavery and Human Trafficking Statement	
Key Decision	No	Item No. 4
Ward	All	
Contributors	Executive Director for Community Services. Director of Public Protection and Safety Strategic Procurement and Commercial Services Manager	
Class	PART 1	Date: 26 <sup>th</sup> November 2019

## 1. Summary

- 1.1 This report sets out the policy context and background against which the Lewisham Modern Slavery and Human Trafficking Statement and the Modern Slavery and Human Trafficking Protocol were adopted.
- 1.2 This report also provides the Board with an update against commitments agreed in the Lewisham Modern Slavery and Human Trafficking Statement
- 1.3 Appended to this report is the draft Modern Slavery and Human Trafficking Statement for 2018/19 and the Lewisham Modern Slavery Protocol.

## 2. Recommendations

- 3.1 It is recommended that the Board:
  - i) Note the update on work undertaken following the adoption of the Lewisham Modern Slavery & Human Trafficking Statement and the Lewisham Modern Slavery and Human Trafficking Protocol.

## 3. Policy Context

- 3.1 This report will be responding to the Council's Corporate Strategy and Strategic priorities:
  - Priority 2, *Safer*, reducing gender based violence in all its forms and providing refuge accommodation for those who need to flee from abuse.
  - Priority 10, *Inspiring efficiency, effectiveness and equity* through the Councils procurement practice.

## 4. Background

- 4.1 Though slavery was abolished in the UK 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.
- 4.3 The three main sources of data available on the potential scale of modern slavery in the UK come from:
- Referrals of potential victims to the National Referral Mechanism (NRM), the UK's identification and support system for victims of modern slavery. In 2017, there were **5,143** potential victims referred to the NRM (a 35% increase from 2016), of whom 41% (2,121) were children.
  - Referrals of potential victims under the 'duty to notify' provision of the Modern Slavery Act 2015 which applies to England and Wales. Specified public bodies have a duty to notify the Government via an anonymous MS1 form, if they encounter an adult victim of modern slavery if they don't agree to be referred into the NRM. In 2017, **1,694** potential adult victims were referred via duty to notify, bringing the total number of potential victims identified in 2017 to **6,837**.
  - The number of modern slavery crimes recorded by the police. In the year to March 2018, police in England and Wales recorded **3,337** modern slavery offences, a 49% increase on the previous year.
- 4.4 Modern Slavery is happening nationwide. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment. This can include sexual and criminal exploitation.
- 4.5 The Council is committed to the opposition of modern day slavery and human trafficking, and sets out the role it plays as a public sector organisation, together with its partners, to drive the identification, recognition, raising of awareness and disruption of this abhorrent crime.
- 4.6 Lewisham Council is clear about its zero tolerance approach to modern day slavery and human trafficking in all its forms. The Council will use all avenues open to it using proportionate and appropriate measures through its statutory powers, its role as a procurer of supplies and services, its role as an employer, and its role as critical partner and influencer of other public sector bodies such as the Police, health, fire service and voluntary sector bodies.

## 5. Co-operative Party Charter against Modern Slavery

- 5.1 The Co-operative party published a charter against modern slavery which many Councils and organisations have signed up to. This charter contains ten commitments as set out below:

Those Authorities who sign up will:

- i) 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.
- ii) 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.
- iii) Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practicing modern slavery.
- iv) 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.
- v) Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.
- vi) 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.
- vii) Review its contractual spending regularly to identify any potential issues with modern slavery.
- viii) Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.
- ix) 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.
- x) Report publicly on the implementation of this policy annually.

5.2 Lewisham Council committed to signing the Co-operative Party Charter at full Council on 3 October 2018. The Charter requires a number of actions from the Council and these have been considered and addressed within the Modern Slavery statement for 2018/19.

## **6. Lewisham Modern Day Slavery and Human Trafficking Protocol**

6.1 This Modern Day Slavery and Human Trafficking protocol sets out Lewisham's local partnership approach to tackling Modern Slavery. The protocol outlines the definition and identifying indicators of Modern Slavery, sets out the referral pathways services need to follow to support any potential victim and identifies the tools and powers available to identify, disrupt and investigate Modern Slavery in Lewisham. The protocol (which was agreed at full council in February 2019) provides information about Lewisham's approach including specifically the role of the Council in relation to:

- ✓ Identification and referral of victims;
- ✓ Supporting victims;
- ✓ Community Safety services and disruption activities;
- ✓ Ensuring that the supply chains councils procure from are free from modern slavery
- ✓ The use of the National Referral Mechanism
- ✓ Specific implications on regulatory services

6.2 The Safer Lewisham Partnership (SLP), the Lewisham Safeguarding Adults Board (LSAB) and the Lewisham Children Safeguarding Partnership are all committed to identifying and tackling Modern Slavery under a common approach set out in this protocol.

## **7. Modern Day Slavery and Human Trafficking Statement**

- 7.1 The statement is made pursuant of section 54 of the Modern Day Slavery Act 2015 and outlines the principles, policies, recruitment practice, procurement practice and actions to be taken to ensure there is no modern day slavery or human trafficking within the organisation.
- 7.2 The Act suggests that a slavery and human trafficking statement for a financial year is:
- statement of the steps the organisation has taken during the financial year to ensure that slavery and human trafficking is not taking place:
    - in any of its supply chains, and
    - in any part of its own business
- 7.3 It further states that an organisation's slavery and human trafficking statement may include information about:
- the organisation's structure, its business and its supply chains;
  - its policies in relation to slavery and human trafficking;
  - its due diligence processes in relation to slavery and human trafficking in its business and supply chains;
  - the parts of its business and supply chains where there is a risk of slavery and human trafficking taking place, and the steps it has taken to assess and manage that risk;
  - its effectiveness in ensuring that slavery and human trafficking is not taking place in its business or supply chains, measured against such performance indicators as it considers appropriate;
  - The training about slavery and human trafficking available to its staff.
- 7.4 The statement contains these elements but goes further in that it outlines the wider protocol, partnership working and support for victims, and as stated above will ensure that the Council also delivers on the 10 commitments of the Co-operative Party Charter.

## **8. Updates on the Modern Day Slavery and Human Trafficking Statement**

- 8.1 In response to commitments to tackle Modern Slavery and Human Trafficking Lewisham council has;
- Ensured that when we procure goods, work and services, we use a 'standard selection questionnaire' to shortlist suppliers for tender. We have included a question in this asking organisations whether they are required by the Modern Slavery Act 2015 to produce a Modern Slavery Statement, and ask them to provide a link to the statement on their website. This information allows us to verify compliance with the statutory duty, and potentially to exclude those non-compliance.
  - Included a question in our standard selection questionnaires asking whether suppliers or persons in control of or representing them have been found guilty of using child labour or guilty of any other form of human trafficking, and if they have been potentially to be excluded from the tender process.
  - Signed and adopted the Co-operative Party Charter against Modern Slavery.

- Revised the Sustainable Procurement Code of Practice to ensure that all Council contractors agree to adhere to the Council's principles and practices with regards to the identification and eradication of human trafficking and modern slavery as set out in its annual Modern Day Slavery and Human Trafficking Statement.
- Ensured that as part of our current recruitment process, standard employment contracts are issued subject to satisfactory clearances against the following criteria:
  - References
  - Right to work in the UK. We are a registered Tier 2 and 5 A-rated employer for visa sponsorships
  - Health – through our Occupational Health provider
  - DBS, depending on the role
  - Sight of qualifications, depending on the person specification and role, especially relevant to social work. Prospective employees are also required to complete declarations of any potential conflicts of interest
- For our agency workers, the clearances undertaken for our agency workers mirrors that for our staff. Our current MSP also ensures that clearances checks are undertaken
- Revised the Sustainable Procurement Code of Practice to include those requirements of the Co-operative Party Charter against Modern Slavery not already implemented.
- Reviewed the Council's standard contract terms and conditions to 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. This work is ongoing.
- Affiliated with Electronics Watch (and working with them) to further reduce the risk of modern slavery and human trafficking within the supply chain for ICT hardware.
- Trained the Procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply's (CIPS) online course on Ethical Procurement and Supply.
- Continued to review and risk assess the supply chain and report back on measures taken to mitigate and reduce risk in those areas considered to be moderate and high. This work is ongoing.
- Regularly reviewed the Council's contractual spending to identify any potential issues and areas of higher risk exposure to modern slavery. This work is ongoing.

8.2.1 As a procurer, the Council spends in excess of £275m each year with a large number of private and public sector organisations in the pursuit of our strategic objectives. Our contractors and suppliers are predominantly UK and EU based. We are committed to

creating effective systems and controls to safeguard against any form of modern slavery taking place within our supply chain.

- 8.2.2 We deliver that commitment by taking steps to manage and mitigate risk at all levels within both the procurement process and the through the life of the contracts awarded. In our current published modern slavery and human trafficking statement the Council clearly set out what steps it is already taking to do this, and then set out its ambitions for the current year to further reduce these threats.

## 9 Training on modern Slavery

- 9.1 Lewisham, through its Modern Slavery Statement and MS Protocol has committed to provide frontline staff and their supervisors with training and awareness-raising on modern slavery, to ensure that they can fulfil their duty to identify potential victims (PV) of trafficking or modern slavery and then so that they know what to do once they have identified a PV.
- 9.2 This will be achieved through wider promotion of the Human Trafficking and Modern Slavery eLearning course on Lewisham's MeLearning module. [https://lewisham.melearning.university/course\\_centre/course\\_details/26](https://lewisham.melearning.university/course_centre/course_details/26) and by embedding Human Trafficking and Modern Slavery training through the Lewisham Safeguarding Adults Board and Lewisham Children's Safeguarding Partnership.
- 9.3 In 2018, there were four Lewisham Council officers who had completed the **ADASS Human Trafficking and Modern Slavery Multi-agency Awareness Raising Train the Trainer** accreditation and were disseminating this learning. However this training is no longer available and three of these four officers have now left the authority.
- 9.4 Currently, two identified Crime, Enforcement & Regulation Service Officers are being trained as trainers on Modern Slavery and Human Trafficking by the **Human Trafficking Foundation** and are currently compiling a list of service area champions on Modern Slavery, to further disseminate this training.

## 10. Identifying Victims

- 10.1 In addition to the duty on all Local Authority Officers (along with other statutory partners) to be responsible for identifying and supporting potential victims of Modern Slavery by referring through the **National Referral Mechanism**, there have been a number of cases in Lewisham, where early identification has resulted in some positive multi-agency action to support victims.
- 10.2 There is also a monthly partnership meeting between police, local authority and NHS officers across the boroughs of Lewisham, Greenwich and Bexley, which meets to discuss concerns, local trends and cross border learning on Modern Slavery and Human Trafficking issues.

## 11. Conclusion

- 11.1 The work to increase awareness, understanding, referrals and support continues across the partnership and will be reviewed 6 monthly.

## 11. Financial Implications

11.1 There are no specific financial implications at this stage. The work set out in the report will be carried out within existing budgets.

## 12. Legal implications

12.1 The proposals in the Statement and Protocol have been designed so that they reflect both the legal obligation on certain contractors to comply with the obligations and principles of the Modern Slavery Act 2015; and the Council's strategic direction that those principles should be applied by contractors and others to whom the obligations of the Modern Slavery Act 2015 do not apply. Such an approach, taking into account specific issues relevant to the contract / contractor involved is less likely to be potentially unlawful or subject to challenge.

12.2 The legal issues that were taken into account when adopting the statement and protocol are set out below.

- **Modern Slavery Act 2015:**  
As set out in the Statement, the Council is itself not legally obliged to publish a statement on modern slavery and human trafficking under the Modern Slavery Act 2015. However, as a public sector body the Council is legally required to operate in ways that are compatible with the Human Rights Act 1998. The rights under this Act include the right for people to be free from slavery and forced labour. It is, of course, lawful to require contractors to comply with legislative requirements such as the Modern Slavery Act 2015 where those apply to the contractor. The Council also has a duty to notify the Home Office of any individual encountered in England and Wales who it is believed is a suspected victim of slavery or human trafficking. Publishing this statement – and taking the actions contained within it helps the Council to fulfil these duties. Where the Act does not apply to the contractor, wider issues such as those set out below may also need to be considered.
- **General powers and decision making:**  
The Council has a general power of competence contained in the Localism Act 2011. General decision making principles require consideration of all relevant matters, including financial impacts and the Council's fiduciary duty to council tax payers.
- **Best value:**  
The Council has a duty to obtain best value in the procurement of works, services and supplies and to secure continuous improvement in the way functions are carried out, having regard to a combination of economy, efficiency and effectiveness (Local Government Act 1999). This means that when procuring contracts the Council must, on a case by case basis, weigh up the costs of the contract against the benefits of the particular relevant issue.
- **'Non-commercial' matters:**  
Some matters are irrelevant considerations and may not be considered in a procurement or contract process. That applies to 'political' matters which are defined as 'non-commercial'. Authorities are prohibited from having regard to these in the contractual process, which would include new procurements and changes to existing contracts (Local Government Act 1988).
- **'Special' considerations (which can include 'economic, innovation-related, environmental, social or employment-related' matters) can be taken into account when deciding on awarding a contract but only where they are 'linked to the subject-matter of the contract' (Public Contracts Regulations 2015 Regulation 70).**

Employment / workforce matters are not 'non-commercial' to the extent that they are relevant to the achievement of best value (Local Government Act 1999 s. 19), and requiring compliance by contractors with their legal obligations will also not be 'non-commercial' (such as requiring compliance with the Modern Slavery Act 2015, where it is applicable).

12.3 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

12.4 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed above. The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

12.5 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

### **13. Crime and disorder implications**

13.1 Section 17 places a duty on partners to do all they can to reasonably prevent crime and disorder in their area. The level of crime and its impact is influenced by the decisions and activities taken in the day-to-day of local bodies and organisations. The

responsible authorities are required to provide a range of services in their community from policing, fire protection, planning, consumer and environmental protection, transport and highways. They each have a key statutory role in providing these services and, in carrying out their core activities, can significantly contribute to reducing crime and improving the quality of life in their area.

#### **14. Equalities implications**

- 14.1 The Council's Comprehensive Equality Scheme provides an overarching framework and focus for the Council's work on equalities and help ensure compliance with the Equality Act 2010. The adoption of the statement, protocol and Co-operative party charter, and all activity taken subsequent to this, is compatible with the requirements of the Equality Act 2010 and our duties within this to promote equality as a public body.

#### **15. Environmental implications**

- 15.1 There are no direct environmental implications to this report.

#### **16. Conclusion**

- 16.1 The report sets out the update on commitments made in the first draft and Modern Slavery Human Trafficking Statement for the Council

### **Appendices**

The table below outlines the appendices to this report:

Appendix A	Modern Slavery and Human Trafficking Statement (December 2018)
Appendix B	Modern Slavery and Human Trafficking Protocol (February 2019)