



## Mayor and Cabinet

### **Report title: Lewisham Modern Day Slavery Statement 2021-2022**

**Date:** 10<sup>th</sup> February 2021

**Key decision:** No.

**Class:** Part 1

**Ward(s) affected:** All

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### **Outline and recommendations**

The Modern Day Slavery Statement 2021-22 sets out the London Borough of Lewisham's commitment 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. This report sets out the impact and implications of Mayor and Cabinet approving the Modern Day Slavery and Human Trafficking Statement for 2021-22 and sets out changes the Council will implement in an attempt to reduce and eradicate modern day slavery and human trafficking in the Borough.

### **Timeline of engagement and decision-making**

The previous iteration of the Borough's Human Trafficking and Modern Day Slavery Statement (2019-2020) was approved by Mayor and Cabinet on the 13 February 2019 and then by Council at its meeting on 27 February 2019. It was planned that a new Modern Day Slavery Statement for 2020-2021 would be written and implemented in early 2020. This was unfortunately postponed due to the COVID-19 Pandemic and - as a result - the recommendations for the financial year 2019-2020 have therefore carried over into the duration of the calendar year 2020. This makes clear the need for a new Statement for 2021-22 to be reviewed and approved. That is the purpose of this report.

## 1. Summary

- 1.1. This report sets out the London Borough of Lewisham's second Modern Day Slavery and Human Trafficking Statement which covers the period 2021-2022.
- 1.2. Appended to this report is Lewisham's Modern Day Slavery and Human Trafficking Statement for 2021-2022 and the Lewisham Modern Slavery Protocol (which was previously developed jointly with partners, is still in use and has helped to inform the Modern Day Slavery Statement 2021-2022).
- 1.3. Please refer to section 14 – Glossary – should any of the terms and/or acronyms contained within this report become difficult to decipher or understand.

## 2. Recommendations

- 2.1. It is recommended that Mayor and Cabinet:
- 2.2. Note the potential impact of the adoption of Lewisham's Modern Day Slavery and Human Trafficking Statement for 2021-2022 on current and future arrangements, including with partners as set out in this Report and appendices;
- 2.3. Approve the Modern Day Slavery and Human Trafficking Statement for 2021-2022 (see Section 12).

## 3. Policy Context

- 3.1. This report responds to Lewisham's Corporate Strategy 2018-2022 by contributing towards the delivery of the following five Corporate Priorities as outlined in the Corporate Strategy:
- 3.2.
  - a) 1. Open Lewisham – Lewisham is a welcoming place of safety for all where we celebrate the diversity that strengthens us.
  - b) 3. Giving children and young people the best start in life – Every child has access to an outstanding and inspiring education and is given the support they need to keep them safe, well and able to achieve their full potential.
  - c) 4. Building an inclusive local economy – Everyone can access high quality job opportunities, with decent pay and security in our thriving and inclusive local economy.
  - d) 5. Delivery and defending – Health, Social Care and Support – Ensuring everyone receives the health, mental health, social care and support services they need.
  - e) 7. Building safer communities – Every resident feels safe and secure living here as we work together towards a borough free from the fear of crime.

## 4. Background

- 4.1. Although 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 suggest that there are more than 40 million people in modern day slavery across the world, with nearly 25 million held in forced labour.
- 4.2. In the year ending March 2019 there were 5,144 modern day slavery offences recorded by the police in England and Wales, an increase of 51% from the previous year. There were over 10,000 people referred to authorities in relation to modern day slavery in 2019 and this number has been increasing year on year.
- 4.3. Modern Day Slavery is happening nationwide. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals

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into a life of abuse, servitude and inhumane treatment. This can include sexual and criminal exploitation.

- 4.4. The Council is committed to opposing modern day slavery and human trafficking. The Council has demonstrated its duty towards this commitment by, in previous years, writing and publishing a Modern Day Slavery and Human Trafficking Protocol and signing up to the Co-operative Party Charter against Modern Slavery.
- 4.5. The Co-operative Party Charter against Modern Slavery required the Council to pledge to enact ten key commitments as part of its adoption. The Charter made necessary a number of actions from the Council and many of these actions were considered and addressed within the Modern Slavery Statement for 2018/19. A motion was passed at full Council requesting that Mayor and Cabinet agree to signing the Co-operative Party Charter on the 3 October 2018, this was agreed by Mayor and Cabinet on the 13 February 2019 as part of its approval of Modern Day Slavery and Human Trafficking Statement for 2019-2020 and it was signed shortly after this time.
- 4.6. The Modern Day Slavery and Human Trafficking Protocol outlined and defined Human Trafficking and Modern Day Slavery - and provided information about Lewisham's approach, including the role of the Council in relation to:
  - a) Identification and referral of survivors of MDS and supporting them
  - b) Community Safety services and disruption activities;
  - c) Ensuring that the supply chains the Council procures from are free from MDS
  - d) The use of the National Referral Mechanism
  - e) Specific implications on regulatory services.
- 4.7. This Protocol was subsequently expanded to support wider partnerships across the Borough and supported through the Safer Lewisham Partnership, Safeguarding Adults Board and Safeguarding Children's Board. This Protocol also outlines Lewisham's status as a MDS first responder and that this enables us to approach anyone that we believe to be affected by modern day slavery and/or trafficking and obtain their consent to refer them, through the National Referral Mechanism, to the Police. In certain circumstances an incident of Modern Day Slavery could lead to termination of a contract, because the Procurement Code of Practice requires compliance with Modern Day Slavery requirements and is incorporated into our contracts. Consideration is also given to the potential for whistleblowing activities and matters concerning suppliers' supply chains to assist in the uncovering of Modern Day Slavery. One way in which the Council seeks to prevent MDS in its supply chains is by asking relevant commercial organisations tendering for Council contracts whether they are compliant with the annual reporting requirements contained within Section 54 the Modern Slavery Act 2015. The issue of adherence to the Council's principles and practices with regards to the identification and eradication of human trafficking and modern slavery (as set out in each annual Modern Day Slavery and Human Trafficking Statement) should then be raised at subsequent contract management meetings as part of the Council's contract monitoring arrangements.
- 4.8. In addition to the above, the Council has sought to publish regular Modern Day Slavery Statements, last doing so in February 2019. This process was disrupted by the COVID-19 Pandemic in 2020, nonetheless, in publishing this statement for 2021-22 the Council clearly 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.
- 4.9. 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

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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.

- 4.10. These avenues include the use of policy, practice and statutory intervention, all of which have differing impacts on both the ability to disrupt and reduce this activity, but changes to policy and practice can have wider financial and legal implications. One example of this in action is the commitment in Lewisham's Corporate Strategy 2018-22 that: *"We will work to eliminate modern slavery from our supply chain, by requiring all companies who get public funding or contracts from the Council to comply with our modern slavery statement"* and the way that this commitment has increased Lewisham Council's focus on the issues of Modern Day Slavery and Human Trafficking.

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

- 5.1. 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. As a public sector body, however, the Council has powers which allow it to act in the way set out in this report. For example, it is legally required to operate in ways that are compatible with the Human Rights Act 1998; it can use its role in setting policy and practice; 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. Those tools will be used in a proportionate and appropriate manner. Accordingly this report sets out the proposed approach and the wider implications including financial and legal issues.
- 5.2. The rights under this Act include the right for people to be free from slavery and forced labour. The Council will of course take steps which will help deliver that outcome, including using the tools available to it to ensure contractors comply with legislative requirements such as the Modern Slavery Act 2015 where those apply to the contractor, and complying with its 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.
- 5.3. Publishing this statement – and taking the actions contained within it helps the Council deliver those outcomes. The London Borough of Lewisham's Modern Day Slavery and Human Trafficking Statement 2021-2022 therefore outlines the principles, policies, recruitment practice, procurement practice and actions to be taken to ensure that there is no modern day slavery or human trafficking within the organisation. While acknowledging that the Council itself is not bound by the Act, the Statement is aligned with the approach set out in the Act.
- 5.4. The Act suggests that a slavery and human trafficking statement for a financial year is a statement of the steps the organisation has taken during the financial year to ensure that slavery and human trafficking is not taking place:
- a) In any of its supply chains, and
  - b) In any part of its own business
- 5.5. It further states that an organisation's slavery and human trafficking statement may include information about:
- a) The organisation's structure, its business and its supply chains;
  - b) Its policies in relation to slavery and human trafficking;
  - c) Its due diligence processes in relation to slavery and human trafficking in its business and supply chains;
  - d) The parts of its business and supply chains where there is a risk of

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- slavery and human trafficking taking place, and the steps it has taken to assess and manage that risk;
- e) 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;
  - f) The training about modern day slavery and human trafficking that is available to its staff members.
- 5.6. Lewisham Council is clear about its zero tolerance approach to modern day slavery in all its forms and is committed to ensuring that there is no modern slavery or human trafficking in any part of the organisation. Furthermore, the Council will use all avenues open to it to seek to eradicate this crime from the Borough. These include:
- a) The use of proportionate and appropriate measures through our statutory powers
  - b) Setting supplier standards via Procurement in our role as a procurer of supplies, services and works.
  - c) Taking, where necessary, direct action in our role as an employer
  - d) Influencing others, in our role as critical partner to a number of public sector bodies such as health, fire and police services - as well as voluntary sector bodies.
- 5.7. We will deliver our commitments by taking steps to manage and mitigate risk at all levels within both the procurement process and throughout the life of the contracts we award. In this new modern day slavery and human trafficking statement for the year 2021/22 the Council clearly sets out the steps it has taken towards this aim as well as its ambitions for the year ahead and how these will further hinder the ability for traffickers and the beneficiaries of modern day slavery to operate within our Borough.
- 5.8. Our developing priorities and action areas for next year, as committed to in Lewisham's Modern Day Slavery Statement 2021/22, are:
- 1) Improving protection and support for Modern Day Slavery survivors
  - 2) Encouraging suppliers to consider their Modern Day Slavery obligations
  - 3) Increasing the uptake of additional Modern Day Slavery training
  - 4) Growing our work with the Human Trafficking Foundation
  - 5) Embedding Modern Day Slavery visibility in our quotes and tenders
  - 6) Undertaking supplier SMETA Audits on procurements with a higher supply chain risk for Modern Day Slavery
- 5.9. Our focus on these action areas will feed into the project to help us deliver the following 10 specific commitments to combat Modern Day Slavery in Lewisham:
- 1a) Reviewing and updating Lewisham's Modern Day Slavery Protocol as well as including a complimentary 'best practice' one pager for how the Council and partners can support survivors.
  - 1b) Developing and promoting a short, accessible information sheet for residents and practitioners outlining how they should proceed and who to contact when they have concerns about a person. Encouraging suppliers to consider their Modern Day Slavery obligations
  - 2a) Ensuring that Modern Day Slavery is covered in pre-contract meetings and that all bespoke contracts include relevant MDS clauses. MDS and supply

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chain risk will then form the basis of discussion for contract management/ monitoring meetings on an annual basis.

2b) Challenging abnormally low tenders and advising suppliers that their MDS statements should include the right to freedom of association and collective bargaining as advised by UNISON.

3a) Delivering extra capacity for additional training on Modern Day Slavery to be made available to officers and partners who might encounter victims of modern day slavery. This is in order for the London Borough of Lewisham to improve identification, increase general awareness of Modern Day Slavery risk factors and highlight pathways for support more widely across the Council.

4a) Broadening the remit of our engagement with the Human Trafficking Foundation (HTF) by exploring how the two Officers being trained as MDS trainers by HTF can further deepen our ties. We are currently compiling a list of service area champions on Modern Slavery and are therefore committed to discussions with HTF to find out how else they can increase our output in this area and provide supply chain transparency to attempt to combat MDS wherever it may appear.

5a) Looking to expand upon the MDS questions we already ask in above threshold tenders by similarly embedding these questions in the process for procuring low value contracts.

5b) Including a further, mandatory ITT question within above threshold tenders asking suppliers what specific actions they have taken - or will take - to combat Modern Day Slavery in their work.

6a) Guaranteeing that our Sustainable Procurement Strategy for 2021-2025 (which is currently being written) will contain a section focusing on the eradication of MDS from our supply chains.

6b) Committing to undertaking Sedex SMETA, which are audits of suppliers and their supply chains, on procurements in areas with a greater risk of Human Trafficking and Modern Day Slavery.

- 5.10. These are our ambitions for next year and linked to them are a number of targeted commitments against which our progress can be monitored and measured. We expect to be able to implement the vast majority, if not all of these, due to the current appropriate level of resourcing within the procurement team. The pace of delivery may be impacted by the ongoing effects of the COVID-19 pandemic and this could similarly have an effect on the ability of some of our partners to engage with the programme. This sole concern aside, however, we fully expect that the final version of these targets will reflect a programme that has been fully - or almost fully - delivered and implemented come the end of 2021/22.

## **6. Financial implications**

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

## **7. Legal implications**

- 7.1. This report seeks Mayor and Cabinet approval for the Modern Day Slavery and Human Trafficking Statement for 2021-2022. Various legal issues need to be taken into account.
- 7.2. The overall point is that the proposals in the Statement 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

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direction that those principles should be applied by contractors, and by 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. Further legal issues to be taken into account in this decision are set out below.

### 7.3. 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.

### 7.4. 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.

### 7.5. 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.

### 7.6. '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).

### 7.7. '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, as amended). 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).

### 7.8. In taking this decision, the Council's public sector equality duty must be taken into account. 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,

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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; and foster good relations between people who share a protected characteristic and those who do not.

- 7.9. 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 Mayor and Cabinet, bearing in mind the issues of relevance and proportionality. Mayor and Cabinet 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.
- 7.10. The Equality and Human Rights Commission (EHRC) has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance. The Council must have regard to the statutory code in so far as it relates to the 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 on the EHRC website.

## **8. Equalities implications**

- 8.1. The Council's Comprehensive Equality Scheme provides an overarching framework and focus for the Council's work on equalities and helps to ensure compliance with the Equality Act 2010. The adoption of this statement, and all activity taken subsequent to this, will be compatible with the requirements of the Equality Act 2010 and our duties within this Act to promote equality as a public body.

## **9. Climate change and environmental implications**

- 9.1. Lewisham's Modern Day Slavery Statement for 2021-2022 has no direct climate change and environmental implications in terms of how this Statement will interact with the Borough.
- 9.2. It's worth noting here, however, that as the current climate emergency continues to worsen, the number of people being trafficked is unlikely to decrease. The Institute for Economics and Peace recently said that that around 1.2 billion people face becoming Climate Refugees within the next 30 years as the climate crisis and rapid population growth drive an increase in migration. It is unfortunately inevitable, therefore, that some of this population of vulnerable people in migrating populations will find themselves at an increased risk of becoming a victim of human trafficking.

## **10. Crime and disorder implications**

- 10.1. The Council must consider how its activity can prevent crime and disorder in the borough. The Crime and Disorder Act 1998 places a duty on local authorities to identify community safety implications in all our activities. One of the key areas of focus in this statement is the aim to increase information sharing between the Council and agencies such as anti-trafficking charities and organisations such as *Unseen*.

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- 10.2. Increased communication and information sharing could potentially lead to an increase in sites of concern with regard to Modern Day Slavery being communicated to the Police – and this may have implications in terms of increased policing of this abhorrent crime – and as a result, reduced incidences of this crime, as well as a reduction of fear of this crime within the community.

## 11. Health and wellbeing implications

- 11.1. Lewisham’s Modern Day Slavery Statement 2021-2022 will have a direct impact on the health, mental health and wellbeing of anyone affected by the scourge of Modern Day Slavery as it seeks to eradicate modern day slavery and human trafficking in the Borough.
- 11.2. The Council’s Modern Day Slavery Statement for 2021-2022 seeks to increase information sharing with agencies, such as anti-trafficking organisations like *Unseen* and the *Human Trafficking Foundation* and empower anti-trafficking survivors. It could be the case that this will lead to an increase in demand for access to health and social care services from survivors.

## 12. Background papers

- 12.1. Lewisham’s Modern Day Slavery Protocol has informed the writing of this report as well as Lewisham’s Modern Day Slavery Statement for 2021-2022. Both documents are attached below:



2021-22 Lewisham  
Modern Day Slavery



Lewisham Modern  
Day Slavery Protocol

## 13. Glossary

- 13.1. A table of definitions from this report is included below:

Term	Definition
Human Trafficking	Human trafficking is the movement of people by means such as force, fraud, coercion or deception, with the aim of exploiting them. It is a form of modern slavery.
Modern Day Slavery Act 2015	The Modern Slavery Act 2015 is an Act of the Parliament of the United Kingdom. It is designed to combat modern slavery in the UK and consolidates previous offences relating to trafficking and slavery.
Sedex SMETA	A Sedex (Supplier Ethical Data Exchange) SMETA - which stands for Sedex Members' Ethical Trade Audit - is an audit of a supplier site based on their organisation’s standards of labour, health and safety, environment and business ethics.

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Term	Definition
Lewisham Council's Comprehensive Equality Scheme	This is the Council's statement of strategic equality objectives and a framework through which elected officials, officers and the public can assess and evaluate the equality impact of strategic planning and service delivery. It is a vehicle through which the Council can demonstrate its compliance with the Equality Act 2010.
Climate Refugees	Climate refugees are a subset of environmental migrants forced to flee their country of residence due to sudden or gradual alterations in the natural environment related to at least one of the three impacts of climate change: sea-level rise, extreme weather events, and drought and water scarcity.

#### **14. Report author and contact**

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#### **15. Comments for and on behalf of the Executive Director for Corporate Resources**

- 15.1. Kathy Freeman, [Kathy.Freeman@lewisham.gov.uk](mailto:Kathy.Freeman@lewisham.gov.uk)

#### **16. Comments for and on behalf of the Director of Law, Governance and HR**

- 16.1. Please see the Legal Implications above.
- 16.2. Stephanie Fleck, 0208 314 9968, [Stephanie.Fleck@lewisham.gov.uk](mailto:Stephanie.Fleck@lewisham.gov.uk)

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