



Mayor and Cabinet

Report title: Lewisham Modern Slavery Statement 2022-2023

Date: 9th March 2022

Key decision: No.

Class: Part 1

Ward(s) affected: All

Contributors: Katharine Nidd, Head of Financial Strategy, Planning and Commercial; Teresa Hitchins, Procurement and Commercial Services Manager; Paul Philips, Organisational Development Advisor; Martin Crow, LSAB Business Manager; Councillor Brenda Dacres, Safer Communities.

Outline and recommendations

The Modern Slavery Statement 2022-2023 sets out the London Borough of Lewisham's commitment to the opposition of Modern Slavery and Human Trafficking (MSHT) and sets out the role it plays as a public sector organisation, together with its partners, to work towards the elimination of modern slavery (Prevent); ensure victims are fully and effectively supported (Protect); fully understand the local picture regarding modern slavery (Prepare) and robustly tackle perpetrators of modern slavery (Pursue). This report sets out the impact and implications of Mayor and Cabinet approving the Modern Slavery and Human Trafficking Statement for 2022-2023 and sets out changes the Council will implement in an attempt to reduce and eradicate Modern Slavery and Human Trafficking in the Borough and maintain our Borough of Sanctuary status.

Timeline of engagement and decision-making

The Modern Slavery Statement for 2021-2022 was approved at Mayor and Cabinet on 10 February 2021.

The Modern Slavery Statement for 2019-2020 was approved by Mayor and Cabinet on 13 February 2019.

1. Summary

- 1.1. This report sets out the London Borough of Lewisham's third Modern Slavery and Human Trafficking Statement which covers the period 2022-2023.
- 1.2. Appended to this report is Lewisham's Modern Slavery and Human Trafficking Statement for 2022-2023 and the Lewisham Modern Slavery Protocol (which was previously developed jointly with partners, is still in use and has helped to inform the Modern Slavery Statement 2022-2023).
- 1.3. These are our ambitions for the next year and linked to them are a number of targeted commitments against which our progress can be monitored and measured. 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.
- 1.4. Please refer to section 12 – Glossary – to better aid the understanding of the terms and/or acronyms contained within this report.

2. Recommendations

- 2.1. Mayor and Cabinet are recommended to:
approve the Modern Day Slavery and Human Trafficking Statement for 2022-2023 as appended to this report.

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 then 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 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 slavery offences recorded by

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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 slavery in 2019 and this number has been increasing year on year.

- 4.3. 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.
- 4.4. The Council is committed to opposing modern slavery and human trafficking. The Council has demonstrated its duty towards this commitment by, in previous years, writing and publishing a Modern 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 2018-2019. 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 Slavery and Human Trafficking Statement for 2019-2020 and it was signed shortly after this time. (appendix A –The Co operative Party Charter Against Modern Slavery)
- 4.6. The Modern Slavery and Human Trafficking Protocol outlined and defined human trafficking and modern slavery - and provided information about Lewisham's approach, including the role of the Council in relation to:
 - a) Identification and referral of survivors of modern slavery and supporting them
 - b) Community Safety services and disruption activities;
 - c) Ensuring that the supply chains the Council procures from are free from modern slavery
 - 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.
- 4.8. In addition to the above, the Council has sought to publish regular Modern Slavery Statements, last doing so in February 2021. This process was disrupted in the previous year by the COVID-19 Pandemic in 2020, nonetheless, in publishing this statement for 2022-23 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. Lewisham continues to publish statements annually.
- 4.9. Lewisham Council is clear about its zero tolerance approach to modern 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.
- 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

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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 Slavery and Human Trafficking.

5. Modern 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 set 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 Slavery and Human Trafficking Statement 2022-2023 therefore outlines the principles, policies, recruitment practice, procurement practice and actions to be taken to ensure that there is no modern 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 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 slavery and human trafficking that is available to its staff members.

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5.6. Lewisham Council is clear about its zero tolerance approach to modern 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 Slavery and Human Trafficking Statement for the year 2022-2023 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 slavery to operate within our Borough.

These priorities will remain a key focus in the upcoming 2023-2026 Corporate Strategy.

5.8. Our developing priorities and action areas for next year, as committed to in Lewisham’s Modern Slavery Statement 2022-2023, are:

- 1) Improving protection and support for modern slavery survivors
- 2) Encouraging suppliers to consider their modern slavery obligations
- 3) Increasing the uptake of additional modern slavery training
- 4) Growing our work with the Human Trafficking Foundation
- 5) Embedding modern slavery visibility in our quotes and tenders
- 6) Undertaking supplier SMETA Audits on procurements with a higher supply chain risk for modern slavery

5.9. Our focus on these action areas will feed into the project to help us deliver the following commitments to combat modern slavery in Lewisham:

Commitment	Action	Achieved
Improving protection and support offer for modern slavery survivors	<ul style="list-style-type: none"> • Continue to include modern slavery in all Procurement Training. • Continue to roll out Learning portal starter pack • Development of E learning module for all new starters 	<p style="text-align: center;">✓</p> <p style="text-align: center;">Ongoing</p> <p style="text-align: center;">In development</p>
Encouraging suppliers to consider their modern slavery obligations	<ul style="list-style-type: none"> • Modern slavery and supply chain risk is a set discussion point in contract management/monitoring meetings on an annual basis, as included on the Contract Management Monitoring Plan 	<p style="text-align: center;">Ongoing</p>

Increasing the uptake of additional modern slavery training	<ul style="list-style-type: none"> • Content on modern slavery included in existing training sessions; • Introduction to Procurement Training • Contract Management Framework Training. 	Ongoing
Growing our work with the Human Trafficking Foundation	<ul style="list-style-type: none"> • This is being achieved via the Lewisham MSHT Network 	Ongoing
Embedding modern slavery visibility in our quotes and tenders	<ul style="list-style-type: none"> • All suppliers are asked to agree to our Sustainable Procurement Code of Practice upon their submission and at the contract award stage, this includes modern slavery commitments. • Modern slavery covered in the post-award stage through the Contract Management Framework. • Modern slavery is also covered off in SSQs/SQs and Annual Compliance Health Checks 	Ongoing
Undertaking supplier SMETA Audits on procurements with a higher supply chain risk for modern slavery	<ul style="list-style-type: none"> • Currently undertaking a risk-mapping exercise on all of the Council's suppliers, those identified as high risk may be put forward for a SMETA audit. 	In progress

5.10. These are our ambitions for next year and we shall continue to deliver positive outcomes.

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 Slavery and Human Trafficking Statement for 2022-2023. 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 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.

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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, 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.

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- 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 Equality Act 2010 (the Act) introduced the public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.2. 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.
- 8.3. The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor and Cabinet, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which the Council can demonstrate that they have had ‘due regard’.
- 8.4. The Equality and Human Rights Commission 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 services and public functions. 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: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 8.5. The Equality and Human Rights Commission (EHRC) has previously issued five guides

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for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 8.6. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties, and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>
- 8.7. 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 Slavery Statement for 2022-2023 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*.
- 10.2. Increased communication and information sharing could potentially lead to an increase in sites of concern with regard to modern 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 Slavery Statement 2022-2023 will have a direct impact on the

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health, mental health and wellbeing of anyone affected by the scourge of modern slavery as it seeks to eradicate modern slavery and human trafficking in the Borough.

- 11.2. The Council's Modern Slavery Statement for 2022-2023 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. Glossary

A table of definitions from this report and the MS statement are listed below:

EHRC	The Equality and Human Rights Commission
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.
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 Slavery Act	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.
MSHT	Modern Slavery Human Trafficking
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.
LSCP	Lewisham Safeguarding Children Partnership
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.
VCP	Victim Care Pathway

13. Report author and contact

- 13.1. Katharine Nidd, 020 8314 6651, Katharine.Nidd@lewisham.gov.uk

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14. Comments for and on behalf of the Executive Director for Corporate Resources

14.1. Kathy Freeman, Kathy.Freeman@lewisham.gov.uk

15. Comments for and on behalf of the Director of Law, Governance and HR

15.1. Please see the Legal Implications above.

15.2. Mia Agnew, Mia.Agnew@lewisham.gov.uk

16. Appendices

- *Appendix A The Co operative Party Charter Against Modern Slavery*



Appendix A Co
Operative Party Cha

- *Appendix B – MDS Protocol*



MDS Protocol.pdf

- *Appendix C – Lewisham Modern Slavery Statement 2022 - 2023*

To be added

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