

REQUEST FROM FULL COUNCIL: MODERN SLAVERY UPDATE

Cabinet Member(s)	Clr Douglas Mills Clr Jane Palmer (designate) Clr Susan O'Brien (designate) Clr Jonathan Bianco
Cabinet Portfolio(s)	Community, Commerce and Regeneration Social Care, Health and Wellbeing (designate) Education, Children & Youth Services (designate) Finance, Property and Business Services
Officer Contact(s)	Dan Kennedy, Residents Services
Papers with report	Appendix 1 – Council minutes extract

HEADLINES

Summary	On 12 September 2019, Full Council agreed a motion requesting Cabinet receive a report on the Modern Slavery Charter and work the Council has and continues to undertake across its service areas to tackle modern slavery and meet its statutory requirements. This report to Cabinet provides a useful update for Members.
Putting our Residents First	This report supports the following Council objectives of: <i>Our People; Our Heritage and Civic Pride</i>
Financial Cost	There are no direct financial implications arising from the recommendations in this report.
Relevant Policy Overview Committees	Corporate Services, Commerce and Communities Residents, Education and Environmental Services Social Care, Housing and Public Health
Relevant Ward(s)	All

RECOMMENDATIONS

That the Cabinet:

1. Notes the statutory requirements placed on the local authority to help tackle modern slavery and support victims to exit such situations;
2. Notes the good work and approach taken across the Borough working with partners, to help prevent and tackle modern slavery;
3. Agree that the Corporate Management Team, in consultation with the Leader/Cabinet Members, review implementation of the Modern Slavery Act 2015 annually and publish a report on that.

Reasons for recommendation

To provide assurance to Cabinet on the work being undertaken by Hillingdon Council to help prevent and tackle modern slavery.

Alternative options considered / risk management

To not provide an update to Cabinet was rejected as an alternative option.

Democratic compliance / previous authority

This report complies with the request from full Council on 12 September 2019 following approval of an amended motion.

Policy Overview Committee comments

None at this stage.

SUPPORTING INFORMATION

Modern Slavery Act 2015

1. The Modern Slavery Act (2015) consolidated the current offences relating to trafficking and slavery and introduced a range of new measures around the prevention of modern slavery events and the support and protection of victims of modern slavery. Key aspects of the Act included:
 - introduced slavery and trafficking prevention orders and slavery and trafficking risk orders, which can be used to disrupt activities by modern slavery perpetrators;
 - creating the role of Independent Anti-Slavery Commissioner and its associated functions;
 - the requirement for certain commercial businesses to produce transparency statements on what they are doing to tackle modern slavery;
 - introduced support and protection for victims including a defence for victims of slavery or trafficking who commit an offence, measures on the presumption of age of child victims of modern slavery and introduced the role of Independent Child Trafficking Advocates

2. Modern slavery is a broad term, encompassing human trafficking, slavery, servitude and forced labour. This includes:
 - forced to work through mental / emotional or physical threat;
 - physically constrained or have restrictions placed on freedoms;
 - human trafficking where men, women and children are moved and forced into exploitation;
3. There can be many different forms of exploitation, including, but not limited to sexual exploitation, forced labour, forced criminality, domestic servitude, organ harvesting, forced marriage, benefit fraud/ financial exploitation and debt bondage.
4. Typically, there is no single type of victim or pathway into modern slavery. However, certain groups are regarded as particularly vulnerable to being exploited through modern slavery. These include:
 - unaccompanied, internally displaced children;
 - children accompanied by an adult who is not their relative or legal guardian;
 - young girls and women;
 - former victims of modern slavery or trafficking;
 - vulnerable adult.
5. Victims of modern slavery have often been promised a better life or a legitimate job before they are exploited. The perpetrators of modern slavery can be serious and organised crime groups, or may be an individual close to the victim, such as a friend, family member or an acquaintance.
6. The Act is based around the 4Ps framework of pursue, prevent, protect and prepare.
 - Pursue: prosecute and disrupt individuals and groups responsible for modern slavery.
 - Prevent: prevent people from engaging in modern slavery.
 - Protect: strengthen safeguards against modern slavery by protecting vulnerable people from exploitation.
 - Prepare: reduce the harm caused by modern slavery through improved victim identification and enforcement support.

Motion to Full Council - 12 September 2019

7. At Council on 12 September 2019 a motion was brought about modern slavery and it was resolved that '*...This Council recognises the role it can play in proactively preventing modern slavery and requests that the Cabinet receive a report regarding the Charter which includes consideration of:*
 1. *Identification and referral of victims.*
 2. *Supporting victims.*
 3. *Community safety services and disruption activities.*

As well as the other requirements of the Charter as follows:

To:

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.*

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.*
 3. *Challenge any abnormally low-cost tenders to ensure they don't rely upon the potential contractor practising modern slavery.*
 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.*
 5. *Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.*
 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.*
 7. *Review its contractual spending regularly to identify any potential issues with modern slavery.*
 8. *Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.*
 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.*
 10. *Report publicly on the implementation of this policy annually.*
8. A copy of the minutes from the Council meeting relating to motion on modern slavery can be found at appendix 1.
 9. This paper therefore presents an update to Cabinet on the action the Council is taking to prevent and tackle modern slavery practices and to support victims of slavery;
 - identification and referral of victims;
 - supporting victims – this can be through safeguarding children and adults with care and support needs and through housing/homelessness services;
 - community safety services and disruption activities;
 - ensuring that the supply chains the Council procures from are free from modern slavery.
 10. Modern slavery intersects with many different areas that councils are involved with and a number of different officers might come across concerns while going about their everyday activities. Key examples where officers might come across victims include housing and homelessness services, community safety work, trading standards and licensing services and social care and customer services.

Identification and Referral of Victims

11. Under Section 52 of the Modern Slavery Act 2015, local authorities are under a duty to notify the Home Office when they identify a potential victim of modern slavery. For children this means referring them into the National Referral Mechanism (NRM) through children's services. For adults, a NRM referral can also be made if they consent to the referral. If an adult doesn't consent to enter the NRM, councils are still under a duty to notify and should refer them to the Home Office.
12. In this statutory referral process, councils are 'first responders' alongside a range of other organisations, which includes U.K. Border Force, Home Office, National Crime Agency, and police forces. Social care and other front-line services have received introductory information, awareness and training on what signs to look for in victims of modern slavery and how to refer to the NRM. Social care have two designated modern slavery officers (one for children's

social care and one for adult social care) to promote awareness and support the co-ordination of referrals to the NRM.

Supporting Victims

13. Safeguarding Children - Under the Children Act 1989, where a council has reason to believe that a child (irrespective of immigration status) may suffer, or is suffering, significant harm, they are under a duty to investigate to decide whether any action is needed to protect the welfare of that child. Guidance from the Home Office on child trafficking is clear: 'child trafficking is child abuse. When an agency comes into contact with a child who may have been trafficked children's services and police should be notified immediately. All children, irrespective of their immigration status, are entitled to protection'.
14. Hillingdon Council works closely with partners to safeguard children as outlined in the statutory guidance 'Working Together to Safeguard Children', for example through local safeguarding partnerships and work with schools. In the context of national agencies, the Council also works closely with the Police, Border Force, the National Referral Mechanism and the National Crime Agency to ensure that any potential victim of modern slavery is supported and helps to keep safe. Should it be required, Hillingdon's well-established Multi-Agency Safeguarding Hub (MASH) will ensure needs are assessed and victims are supported to access support and assistance.
15. Being a major port authority, Hillingdon continues to work closely with a range of partners in order to develop and embed joint working to prevent modern slavery, identify victims and protect them from further harm. Of particular importance is the dynamic working relationship between Children's Social Care (CSC) and U.K. Border Force (UKBF). This includes shadowing opportunities between MASH and Border Force staff, senior officers attending respective induction days and service meetings as well as quarterly Joint Strategic Safeguarding and Strategy Groups. These meetings involve key partners from Heathrow Travel Care, CNWL, CSC (Children's Social Care) and Border Force staff from across the five terminals to agree multi agency planning to address the trafficking of children and adults at Heathrow Airport.
16. In addition, Officers work closely with the Local Government Association (LGA) to develop national guidance for local authorities. This includes participating in the London Modern Day Slavery Leads (LMSL) Home Office Guidance Group to inform the Home Office draft guidance on modern slavery. This will be the core statutory guidance that all local authority staff will use to identify and support victims of trafficking. Furthermore, CSC provides a member of the executive group working to further the initiatives of the LMSL across London councils and has recently collaborated with the Red Cross to review and develop its tracking service used to reunite separated children with their families. To help ensure children and their families have access to the most appropriate source of specialist support, links have been developed with partners in the voluntary sector including the Salvation Army and NGO's. In particular The Human Trafficking Foundation as well as Eckpat UK who facilitated an exchange programme for staff in Vietnam and Hillingdon.
17. Children's Social Care continues to promote learning through bespoke training and develop practice in order to address modern day slavery. Examples of this include workshops provided by Hestia as well as case reviews at Hillingdon Access to Resource Panel, the timely

convening of strategy meetings with the Police, Home Office and National Crime Agency, referrals to the NRM in the role of First Responder and collaboration with colleagues in Adult Social Care in regards to victims of slavery who are expecting a child. Furthermore, an award winning Adolescence Team has been devised and implemented in order to provide intensive support for indigenous young people who have experienced or are at risk of modern day slavery. This includes forms of vulnerabilities such as child criminal exploitation, child sexual exploitation and county lines. Similarly a specialist vulnerability assessment was developed to identify, risk assess and help manage particularly complex examples of exploitation which are further considered at the multi-agency risk and vulnerability panel which is co-chaired by CSC and the Police in order to intervene accordingly.

18. Safeguarding Adults - The Care Act 2014 sets out local responsibilities and roles for assessing and supporting adults in need of care and support. It outlines how councils should carry out a 'needs assessment' where it appears that an adult may have care and support needs. Key to this assessment is meeting eligibility criteria around how 'a physical or mental impairment or illness' impacts on being unable to achieve certain specified outcomes such as getting dressed or preparing food and whether this then has a significant impact on wellbeing.
19. If the individual is eligible for support under the Care Act, the Act is clear that it is for local authorities to decide what support or services people are eligible for when they are assessed as having care and support needs, dependent on their financial circumstances.
20. Adult safeguarding duties apply to any adult who:
 - has care and support needs as defined by the Act
 - is experiencing, or is at risk of, abuse or neglect
 - is unable to protect themselves because of their care and support needs.
21. The Act requires that local authorities must make enquiries, or cause others to do so, if it believes an adult is experiencing, or is at risk of, abuse or neglect. An enquiry should establish whether any action needs to be taken to prevent or stop abuse or neglect and if so by whom, commonly called a 'Section 42' duty.
22. Victims of modern slavery therefore may not necessarily have the impairment or injury that would meet eligibility for care and support under the Act. However, there may be victims of modern slavery identified via local safeguarding processes; and there may be victims of modern slavery who are subsequently identified as having care and support needs, and thus will be entitled to support under current legislation later in the process.
23. In Hillingdon, any adult who has been identified as a potential victim of modern slavery has their details notified to the National Referral Mechanism even if they have not given their consent to engage in the process further. If it is required, a safeguarding adults assessment is undertaken.
24. For both Children's and Adult Social Care, Hillingdon has nominated lead officers for modern slavery, who work with partners and champion and embed practice to identify and support victims of modern slavery.
25. Housing Advice and Support - Homelessness legislation provides a framework for councils to decide whether an individual is owed a statutory duty by the councils. Council policies will

also take case law and the wider legal framework into account. Front-line staff perform an important role in supporting any identified victims to access safe, secure and settled accommodation away from areas where they have experienced exploitation.

26. This can include access to social rented accommodation for those that qualify and are eligible as well as support to access other types of accommodation and support out of the area. Settling someone into accommodation is an opportunity to ensure that they are adequately supported and can be protected from further exploitation.

Community Safety Services and Disruption Activities

27. Under Section 17 of the Crime and Disorder Act, councils have a duty to do all that they reasonably can to prevent crime and disorder in their areas, which does include modern slavery and trafficking. There are a range of crimes where councils may come across victims of modern slavery, including county lines, child sexual exploitation, gangs, violent crime, drugs and begging, amongst others. Often modern slavery is found to be a serious and organised crime.
28. In Hillingdon, the Safer Hillingdon Partnership (statutory Community Safety Partnership) comprises a range of partners, including the Police, London Fire Brigade, Probation, Community Rehabilitation Company, Clinical Commissioning Group and key Council services including the Youth Offending Service, Community Safety and Public Health. Partners work closely together to assess community safety and crime trends, agree local priorities and collectively deliver a range of initiatives that help keep residents safe from crime and the fear of crime.
29. In Hillingdon, this includes:
 - Undertaking an annual assessment, based on crime data for the area and sharing intelligence to identify areas for targeted, joined up action to reduce crime;
 - the Council investing over £2.6m in modernising and extending CCTV in Town Centres and key locations in the Borough to keep residents safe;
 - The Council investing of c£600k grant funding in local police services, including additional Police officers in Hillingdon's Town Centres and visible patrols to disrupt criminal activities and provide the capacity for targeted operations. This includes resources to tackle drug dealing and anti-social behaviour, where these occur;
 - Delivering a co-ordinated programme of action with partners, including high visibility programmes in target areas of the Borough, with the Police, Council teams and other partners, such as the London Fire Brigade. This has led to a programme of visits around the Borough, inspecting business premises, providing advice to residents and generally offering advice and reassurance where needed;
 - Using regulatory powers to inspect premises which can disrupt activities which may be associated with modern slavery. This includes trading standards activities, environmental health and licensing, planning, building control and private sector housing, and fire safety. These services have relatively broad powers of entry that may be exercised where there are concerns about a specific business or premises under a relevant piece of legislation.

In prescribed circumstances, authorised officers of the council will be able to: enter premises; seize and detain goods and documents; sample products, processes and the environment; require certain actions to be stopped or undertaken; bring legal proceedings, and initiate injunctive actions and seek the recovery of proceeds of crime.

Supply Chains Councils Procure From Are Free From Modern Slavery

30. The following summarises the action the Council is taking to ensure modern slavery is considered in all aspects of procurement and contract monitoring.

- 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. The Procurement Team are encouraged to study MCIPS qualifications to enhance their professional knowledge, and has 6 full MCIPS members, together with a further 6 at some stage in their studies. All team members currently take the CIPS Ethical Procurement and Supply online test each year, and last re-tested in September 2019.
- 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. All tenders (and contracts) require compliance with legislation, which includes the Modern Slavery Act 2015. Non-compliance to any legislation is a potential cause for termination of any contract.
- Challenge any abnormally low-cost tenders to ensure they don't rely upon the potential contractor practising modern slavery. All abnormally low tenders are always challenged by way of professional practice to ensure that they are sustainable for the duration of the contract. This would include any instances whereby modern slavery could occur.
- Highlights to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.
- Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery. The Council's Whistleblowing Policy provides a route for staff to raise any concerns which relate to the public interest. This would include any suspected examples of modern slavery.
- 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. The Council's Whistleblowing Policy also provides a route for contractors to raise concerns.
- Review its contractual spending regularly to identify any potential issues with modern slavery. The Procurement team regularly reviews all spend to ensure that the Council is getting best value from its contracts. For key strategic, or high spend suppliers, a Supplier Relationship Management Policy has been introduced, which includes regular meetings between Procurement, the Service Area and the supplier, to provide a forum to discuss any areas of concern, including market changes, key risks, the strategic direction of the Council and any other areas of interest. This was highlighted recently relating to Homecare providers, whereby there was discussion around whether contractor staff should be paid only for the time attending clients, (and thus bringing their total wage below Minimum Wage

levels), or for the whole of their shift, including driving time between clients. Procurement, together with the Service Area, made it clear to the suppliers that contractor staff should be paid for their full shift, so as to comply with the law.

- Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed. These would be addressed as required through the Supplier Risk Management (SRM) meetings as detailed above.
- 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. Should any cause for concern be raised regarding a particular supplier, this would be raised through the SRM process in the first instance, and the supplier given an opportunity to address the concerns raised. Should this not be resolved to the satisfaction of the Council, then potential next steps could include termination of the contract or referral for further investigation by the appropriate bodies.
- An annual report on the steps the Council takes to ensure the implementation of the Modern Slavery Act 2015 will be signed-off corporately and published.

Financial Implications

There are no direct financial implications arising relating to the publishing of this report.

RESIDENT BENEFIT & CONSULTATION

The benefit or impact upon Hillingdon residents, service users and communities?

Hillingdon Council is committed to working with a range of statutory and voluntary sector partners to tackle modern slavery and to support victims to exit exploitation. The action the Council takes working with partners helps to prevent modern slavery and to support victims to rebuild their lives.

Consultation carried out or required

No consultation was required for this report to Cabinet.

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate Finance has reviewed this report, confirming that there are no direct financial implications associated with the recommendation that Cabinet note the content of the report.

Legal

The Borough Solicitor confirms that the legal implications are included in the body of the report.

Comments from other relevant service areas

Procurement was involved in the drafting of this report.

BACKGROUND PAPERS

NIL

Appendix 1

Minutes Extract

COUNCIL

12 September 2019

Meeting held at Council Chamber - Civic Centre, High Street, Uxbridge

MOTION ON MODERN SLAVERY ACT

RESOLVED: That this Council notes that, though slavery was abolished across the then British Empire in 1833, including the UK, 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 in forced labour.

There were 5,145 victims of modern slavery submitted to the National Referral Mechanism in 2017, a 35% increase on 2016. A rising number but still well below the 10,000 and 13,000 potential victims estimated by the Home Office. 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.

This Council welcomes the passing of the Modern Slavery Act by a Conservative led Government in 2015.

That this Council believes that action needs to be taken to raise awareness of modern slavery and the fact that it is happening all over the UK. That councils have an important role to play in ensuring their contracts and supplies arrangements are set up to combat modern day slavery and exploitation.

That Hillingdon Council, as a port authority, plays an important part in combating this evil practice, given the often vulnerability of asylum seekers.

This Council recognises the role it can play in proactively preventing modern slavery and requests that the Cabinet receive a report regarding the Charter which includes consideration of:

1. Identification and referral of victims.
2. Supporting victims.
3. Community safety services and disruption activities.

As well as the other requirements of the Charter as follows:

To:

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.

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.
3. Challenge any abnormally low-cost tenders to ensure they don't rely upon the potential contractor practising modern slavery.
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.
5. Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.
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.
7. Review its contractual spending regularly to identify any potential issues with modern slavery.
8. Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.
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.
10. Report publicly on the implementation of this policy annually.