

**REPORT TO:** Safer Halton Policy and Performance Board

**REPORT OF:** Strategic Director, Enterprise, Community and Resources

**DATE:** 15<sup>th</sup> June 2021

**PORTFOLIO:** Community Safety

**SUBJECT:** Modern Slavery and Human Trafficking – Governance and Support Arrangements in Halton

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To inform Board Members about current arrangements within the Council to meet its requirements under the Modern Slavery Act 2015 and its review/changes in 2019/20.
- 1.2 To inform Board Members of current arrangements in Halton to support victims of Modern Slavery (MS) and Human Trafficking (HT).
- 1.3 To inform Board Members of activity happening on a Pan-Cheshire footprint.
- 1.4 To inform Board Members of the Council's Transparency Statement which has been refreshed for 2021-2022.

## **2.0 RECOMMENDATION**

- 2.1 Board Members are asked to note the report's contents.

## **3.0 SUPPORTING INFORMATION**

- 3.1 The term 'Modern Slavery' captures a whole range of types of exploitation, many of which occur together. These include but are not limited to:
  - sexual exploitation
  - domestic servitude
  - forced labour
  - criminal exploitation (including County Lines)
  - other forms of exploitation: organ removal; forced begging; forced benefit fraud; forced marriage and illegal adoption.
- 3.2 The Modern Slavery Act 2015 consolidated all offences relating to trafficking and slavery. Its key areas include:

- two new civil orders to prevent modern slavery
  - an Independent Anti-Slavery Commissioner
  - provision for the support and protection of modern slavery victims
  - the requirement for certain commercial businesses to produce transparency statements
- 3.3 Following a review of the Act in 2019, and a period of consultation in 2020, the Government has brought in some changes. The final report is 150 pages long with 80 recommendations. (Links provided below to reports.)
- 3.4 Whilst many of the recommendations relate to central government activity and the role of the Anti-Slavery Commissioner, there are several that relate to procurement within the public sector, and the support and protection of victims.
- 3.5 This report pulls together the different strands of activity across Halton and Cheshire, to show how we are meeting our responsibilities.

#### **4.0 Halton Specific Activities**

##### **4.1 Transparency Statement**

The Council, at its meeting held on 17 October 2017, passed a Motion that supported the implementation of the Modern Slavery Act 2015. That Motion, amongst other things, committed the Council to publishing annually, its own Modern Slavery Transparency Statement.

Section 54 of the Act was brought into force on 29 October 2015 and requires commercial organisations with an annual turnover in excess of £36m to produce a modern slavery statement for each financial year.

One of the new recommendations is that this should now apply to public sector organisations. In fact Halton Borough Council has had a Statement since 2018 published on our website. There are over 140 Councils across the Country who have done the same thing.

The Modern Slavery Act does not dictate what a statement must include or how it should be structured. It does, however, provide a non-exhaustive list of information that the employer's slavery and human trafficking statement might include, such as:

- its structure, business and 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 that 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 staff

Halton's Transparency Statement is attached as appendix 1, and once approved by the Council's Executive Board, will be published on its website. It is understood that the Cabinet Office will soon be writing to public sector organisations inviting them to register their statements on its Registry List – which Halton will look to do with the support of the Executive Board.

#### 4.2 Victim Support Pathways/Protocols

The 'duty to notify' provision for specified public authorities is set out in the Modern Slavery Act. From 1 November 2015, local authorities have a duty to notify the Home Office of any individual encountered in England and Wales who they believe is a suspected victim of slavery or human trafficking.

Only First Responders (this includes local authorities and police) can refer into the National Referral Mechanism (NRM) which is the process by which potential victims of modern slavery, including human trafficking, are identified – be they adults or children.

Home Office staff within UK Visas and Immigration, Border Force and Immigration Enforcement (amongst other agencies) are also required, as a matter of Home Office policy, to comply with the duty to notify.

The Duty to Notify, using the NRM is mandatory even if the victim wishes to remain anonymous and does not want to access specialist support. The Duty to Notify only applies to Adults, as any young person under the age of 18 should automatically be referred to NRM.

Across Cheshire colleagues are working together to produce a dedicated adult victim care pathway to ensure a consistent approach across the sub-region (there is already one in place for Children – although it does need to be refreshed as it is slightly out of date). Data is released on a calendar basis and for 2020, in Halton there was only one NRM referral, for a child under the age of 17. This is extremely low for a local authority area – and we are asking why is this? Is there an expectation that all being referred to Police to make the referral into the NRM? Discussions are ongoing to understand and improve the reporting. During 2020, according to Government statistics, Cheshire Police investigated a total of 78 cases (51 adults 18+, 25 children 17 and under, and 2 unknowns).

Officers will follow the protocol and engage with Partners to ensure victims are supported in the best possible way.

#### 4.3 Procurement and Supply Chains

Officers within the Council's Procurement Team have been reviewing procedures to ensure compliance as follows:-

- The Tender process for the Council complies with Cabinet Office guidance by means of using the Standard Qualification Questionnaire (SQ) for the selection process. HBC has actually gone further and extended the standard wording provided in the guidance to include full reference to section 54 Transparency in Supply Chains Provision (TISC) of the Act. This makes it clearer for potential suppliers to understand that it is not the contract that is the trigger for their annual statement but in fact their total turnover value of £36 million.
- Procurement colleagues are currently reviewing the Council's Social Value Framework looking to improve the way HBC captures Themes, Opportunities and Measures. They will be looking at including Modern Slavery into the framework and terms and conditions for new contracts.
- Arrangements are in place through various groups and networks to share best practice and knowledge in regard to Modern Slavery across the LCR Procurement Leads and the wider region.

There have been no reported incidents of slavery within the Council's supply chains. It should be noted that to undertake full monitoring and assessment of all the Council's supply chain (over 10,000 suppliers), would be a massive task, extremely resource intensive and would not be achievable at present.

The Local Authority also commissions and contracts with a number of providers and will ensure that the above recommendations are incorporated into local activity to ensure compliance with the Act as appropriate, if this falls outside the normal procurement arrangements.

However, it is felt by officers involved that the arrangements currently in place are proportionate and HBC has gone further than just meeting the mandatory requirements. A full review of our approach should we become aware of instances of modern slavery in our supply chains is an action to take in the future.

The MSAT is a modern slavery risk identification and management tool developed by the Cabinet Office. This tool has been designed to help public sector organisations work in partnership with suppliers to improve protections and reduce the risk of exploitation of workers in their supply chains. It also aims to help public sector organisations understand where there may be risks of modern slavery in the supply chains of goods and services they have procured. Public sector organisations are encouraged to use the MSAT with existing suppliers and procurement colleagues will be signposting suppliers to the toolkit.

Officers involved in managing contracts or regulatory functions (e.g. Trading Standards) are probably best placed to identify potential modern

slavery situations, and it's been suggested that the best way to raise awareness of the issue wider is to develop or source an e-learning package.

Work is ongoing with Procurement colleagues to develop a signposting document which will sit on the Council's procurement pages of the external website. This will provide links to various websites, including the MSAT.

#### 4.4 Strategic Focus

There is a Halton MS Group but it is mainly used to disseminate information and collect data on referrals and victim support, and case studies. The low numbers don't justify a group meeting for meeting's sake. This group includes internal colleagues along with external Partners such as CCG, DWP, CAB, VCA, social landlords and the Chamber of Commerce.

Following a presentation to the Safer Halton Partnership Board in July 2018 it was agreed that overall responsibility for MS and HT would sit within Community Safety and that the Housing Solutions Manager would be the Single Point of Contact for victims, supported by the Community Safety Manager and the Council's Partnership Officer. This doesn't mean that these officers will deal with every victim but when a victim or potential victim is identified by frontline colleagues – these are the officers who can be contacted for advice, guidance and further signposting.

If a member of the public is concerned about a potential victim – there is information on the Council's website about how and where to report.

It is usually colleagues from Social Services who do the assessments and referrals, and would normally notify the Police if they have any concerns. The same applies for colleagues within Trading Standards and Enforcement.

#### 4.5 Monitoring and Accountability

There are no performance indicators in business plans. However the Pan-Cheshire Contextual Safeguarding Strategic sub group is currently reviewing the data set it uses and NRM referrals are included in the drafts. But there is no mention of the Duty to Notify. And whilst the draft indicator sits with the Police, some discussion would be helpful to understand the local authority role and identifying who does what within a victim care pathway.

Below is a link to the victim care pathway used in Cleveland – and work has been started to create a similar document for Cheshire:-

<https://www.tsab.org.uk/wp-content/uploads/2021/01/Victim-Pathway-2020-V6.pdf>

There have been previous attempts to provide quarterly updates to the Safer Halton Partnership, however as the numbers were so low – this wasn't practical, although officers do provide briefings upon request or when there have been changes in legislation. This has included reports to Safer Halton PPB, along with a presentation from the Gangmasters and Labour Abuse Authority (GLAA). A suggestion is to use the Home Office NRM quarterly stats as a starting point – or to get quarterly data from the Police (discussions are ongoing with the Community Safety analyst).

The performance information from the safeguarding boards will also now be shared with the Cheshire Anti Slavery Strategic Partnership (CASSP) on a quarterly basis. This could also be shared with the Safer Halton Partnership.

The Government produces NRM data on a quarterly and annual basis, across police and local authority areas, looking age, nationalities and types of exploitation. However, the data doesn't really provide an "on the ground" picture of what is happening across the patch.

## **5.0 HALTON'S PAN-CHESHIRE ROLE**

5.1 Since 2016, funded by the Police and Crime Commissioner, there had been, working across Cheshire an Anti-Slavery Network, bringing together key Partners. Supported by an Independent Chair, who is a well-respected expert in the field, this network had worked towards developing training packages, ensuring clear victim pathways, and sharing best practice. This had ensured a consistent approach across Cheshire to support vulnerable victims.

In late 2019 it was agreed that the four local authorities in the Cheshire Sub-Region and the PCC would fund the Cheshire Anti-Slavery Network (CASN) for two years with a joint funding pot of a one off contribution of £4,000 each, totalling £20,000. Whilst this was a considerable reduction in funding than previously available, it was agreed that it would be possible to continue with the Network in a different format.

The current pan-Cheshire governance structure has the modern slavery agenda sitting under the Harmful Practices Sub-Group of the Pan Cheshire Protecting Vulnerable People Board (PVP).

Following a review of this sub-group it was agreed that it should be a 12 month task and finish group, working towards ensuring other more traditional Harmful Practices (such as Forced Marriage, Honour Based Violence and FGM) would be embedded across other groups. It was felt that due to the low numbers, as highlighted by data, this was a better use of resources as opposed to a dedicated group.

With that in mind, in early 2020, the Sub-Regional Leadership Board agreed to the creation of a strategic partnership to focus on Modern Slavery, which would provide direction and scrutiny for the operational

Network. It was agreed that the Cheshire Anti-Slavery Strategic Partnership (CASSP) would report to the PVP Board, and be chaired by the Chief Executive of Halton who is currently the Chair of the PVP Board.

This group has only met twice due to the pandemic but is starting to understand the picture across Cheshire and confirming what its role will be.

Eventually a regular briefing, as per the attached Cleveland one, will be prepared on a quarterly basis for Cheshire (see appendix 2).

## 5.2 Operation Paddington

Operation Paddington was a multi-agency week of action planned in response to concerns regarding the increased number of migrants being located after Inland Clandestine Incidents across Cheshire. Individuals and families have been seen turning up on the roadside claiming to have been dropped off by Lorries/ other vehicles or persons being discovered hiding inside. There have also been recent incidents of migrants being found in the back of refrigerated vehicles who have only been discovered due to noises being heard when they have been trying to escape when they have become fearful of becoming seriously unwell.

There has also been an increase in Unaccompanied Asylum Seeker Children (spontaneous arrivals as opposed to those who are placed in Cheshire through the National Transfer Scheme from Kent and Portsmouth councils) – e.g. Warrington currently have 20 UASC and 15 UASC care leavers.

The presence of the Inland Boarder at Appleton Thorn potentially increases the number of migrants who will be found in the County, most likely drop off points continuing to be existing hotspots. The presence of established organized crime groups causes concern as there is potential for these groups to target the vulnerable and to increase trafficking networks, drawing vulnerable migrants into criminal exploitation.

Following the week of activity, two separate funding applications were submitted to the Cheshire Resilience Forum to support the four Cheshire Local Authorities to respond to anticipated increased demand for adult and children's safeguarding services to respond to individuals at risk of exploitation as a result of trafficking and organized crime, including Modern Slavery and those who seek asylum. A total of £78k has been awarded and plans are currently being drawn up on how best to use this welcomed resource.

It has recently been agreed to develop a Pan-Cheshire All Age Exploitation Strategy, which will encompass modern slavery amongst other safeguarding elements. Halton is involved in developing this piece of work.

## **6.0 FINANCIAL IMPLICATIONS and RISK ANALYSIS**

- 6.1 Whilst there is no direct financial implications for the Council – at the moment, it should be noted that the Act does introduce tougher penalties and sentencing rules, alongside a tough asset recovery regime, and if any profits made through slavery and/or human trafficking are identified – these can be seized and used to compensate victims.

And if victim numbers were to suddenly increase – this will impact on current resources, particularly around safeguarding budgets.

With regards to risk – there are a number of reputational risks that should be considered going forward, particularly in relation to the Council's supply chain. This supply chain has a potentially global reach and there may be many links in the chain which could potentially be involved in modern slavery and which would be almost impossible to monitor in their entirety. The Council can only realistically concentrate its resources on ensuring that an immediate (Tier 1) supplier does not support modern slavery, and through its contracts ensure that our supply chain is free from modern slavery.

A further risk is that there would be consequences if an LA does not comply with its obligations under the Act ie duty to notify. For example a lawyer may sue the LA if they fail to identify a potential victim of trafficking (PVoT), and complete and NRM or Duty To Notify form (Dtn) and the person then goes on to be further exploited

If a Commercial organisation covered by the Act fails to produce a slavery and human trafficking statement for a particular financial year the Secretary of State may seek an injunction through the High Court requiring the organisation to comply. Failure to comply with the injunction could constitute contempt of a court order, which is punishable by an unlimited fine. The reputational damage from the publicity this would attract could also be damaging.

And although the new changes will ensure public sector organisations need to produce a Transparency Statement, it's unclear what enforcement is in place. The LGA is also chasing the Government for clarification of the reporting requirements and the new online registry.

## **7.0 IMPLICATIONS FOR THE COUNCILS PRIORITIES**

- 7.1 The Modern Slavery Act has implications for the Health and Children and Young People priority in relation to issues relating to safeguarding.
- 7.2 The Act has implications for the Employment, Learning and Skills priority in relation to ensuring safe recruitment and fair pay and employment practices across the borough.



- 7.3 The Act has implications for the Safer Halton priority in relation to the direct combatting of slavery and human trafficking.
- 7.4 The Act has implications for Corporate Effectiveness and Business Efficiency in relation to ensuring that the Council's supply chain is free from modern slavery and exploitation.

## **8.0 EQUALITY AND DIVERSITY IMPLICATIONS**

- 8.1 Halton Borough Council is committed to ensuring that it provides an environment with equality of opportunity that is free of discrimination, unfair or unlawful treatment. As such it fully supports the aims of the Modern Slavery Act and this is reflected through the Modern Slavery Transparency Statement.

## **9.0 ADDITIONAL RESOURCES**

Appendix 1: Halton Borough Council's Transparency Statement

Appendix 2 : Cleveland Briefing

Link to Government's final report on the independent review of the Modern Slavery Act 2015:

<https://www.gov.uk/government/publications/independent-review-of-the-modern-slavery-act-final-report>

Link to the Government's response to final report:

<https://www.gov.uk/government/publications/government-response-to-the-independent-review-of-the-modern-slavery-act>

Link to a Council's Guide to the Act:

[https://www.local.gov.uk/sites/default/files/documents/22.12%20Modern%20slavery\\_WEB.pdf](https://www.local.gov.uk/sites/default/files/documents/22.12%20Modern%20slavery_WEB.pdf)

Link to Counsellor's Guide to Tackling Modern Slavery:

<https://www.antislaverycommissioner.co.uk/media/1318/2247-councillors-guide-on-modern-slavery-final.pdf>

**Halton Borough Council Modern Slavery Act Transparency Statement**

Modern Slavery is a crime, and an abuse of human rights. The Modern Slavery Act became law on 26 March 2015. It is designed to tackle the offences of 'slavery, servitude and forced or compulsory labour' and 'human trafficking'.

The Act contains a '**Transparency in Supply Chains Clause**' (54) which aims to encourage businesses to be more transparent about what they are doing and increase their accountability for any slavery & human trafficking within their business and their supply chain(s).

Under this clause organisations with:

- a turnover of £36 million or more
- Supplies goods and/or services

**MUST** prepare and publish a 'Slavery & Human Trafficking' statement **each financial year**.

Modern slavery includes:

- Forced labour; Victims are forced to work against their will, often working very long hours for little or no pay in dire conditions under verbal or physical threats of violence.
- Debt bondage; Victims are forced to work to pay off debts that realistically they will never be able to.
- Sexual exploitation; Victims are forced to perform non-consensual or abusive sexual acts against their will, such as prostitution, escort work and pornography. Adults are coerced often under the threat of force, or another penalty.
- Criminal exploitation; Often controlled and maltreated, victims are forced into crimes such as cannabis cultivation or pick pocketing against their will.
- Domestic servitude: Victims are forced to carry out housework and domestic chores with little or no pay, restricted movement, very limited or no free time and minimal privacy often sleeping where they work.

Halton Borough Council supports the implementation of the Modern Slavery Act 2015. This statement sets out the Council's actions to understand the potential modern slavery risks related to its business and the steps it has put in place to ensure that no slavery or human trafficking takes place in its own business or through its supply chains.

The Council provides a wide range of statutory and discretionary services for its residents, businesses, visitors and wider public and consequently purchases a wide range of goods and services from third party suppliers.

The Council recognises that it has a responsibility to take a robust approach to slavery and human trafficking. In addition to the Council's responsibility as an employer, it also acknowledges its duty as a Council to notify the Secretary of State of suspected victims of slavery or human trafficking as introduced by section 52 of the Modern Slavery Act 2015.

The Council is committed to preventing slavery and human trafficking in its corporate activities and to ensuring that its supply chains are free from slavery and human trafficking. And whilst there is currently no legal obligation for the Council to produce this Transparency Statement – we do so as a sign of our commitment.

### **Council Constitution**

The Council's Constitution sets out a range of policies and procedures relating to officer and member codes of conduct, as well as policies and standing orders relating to procurement and whistleblowing. The Constitution is reviewed on an annual basis.

<http://councillors.halton.gov.uk/ieListDocuments.aspx?CId=649&MId=5870&Ver=4&info=1>

### **Policies and Processes in relation to slavery and human trafficking**

The Council reviews its policies and procedures on an ongoing basis to ensure they remain compliant and fit for purpose. The following policies and procedures are considered to be key in meeting the requirements of the Modern Slavery Act.

### **Safeguarding**

The Council embraces its responsibility to develop, implement and monitor policies and procedures to safeguard the welfare of children and 'adults at risk' of abuse, harassment, neglect or exploitation. A wide range of training relating to the safeguarding of both children and adults is also available.

The Council works within multi-agency partnerships, such as the Halton Safeguarding Children Board and the Halton Safeguarding Adults Board to protect and safeguard people.

<http://www3.halton.gov.uk/Pages/health/PDF/safeguard/Safeguardguidance.pdf>

<http://haltonsafeguarding.co.uk/>

## **Procurement**

The Council procures goods and services from various suppliers and this is governed by our procurement strategy.

Halton Borough Council operates a fair and open competition by following transparent and auditable procedures in all of its tendering and contracting activity. It aims to provide a wide range of businesses with a variety of commercial opportunities by publishing all its opportunities in excess of £1,000. To trade with the Council businesses need to register on the North West e tendering portal [The Chest](#).

Suppliers will also be signposted to the Cabinet Office's Modern Slavery Assessment Tool.

Further information about the Council's Procurement practices can be found here: <https://www3.halton.gov.uk/Pages/business/doingbusinesswithus/doing-business-with-us.aspx>

## **Recruitment**

The Council's recruitment processes are transparent and reviewed regularly. They include robust procedures for vetting new employees, which ensures they are able to confirm their identities and qualifications, and they are paid directly into an appropriate, personal bank account. To comply with the Asylum, Immigration and Nationality Act 2006, all prospective employees are asked to supply evidence of their eligibility to work in the UK. References are also requested and followed up.

## **Agency Workers**

The Council uses only reputable employment agencies to source labour. The Council does this by using the Matrix Agency interface. Matrix checks the practices of any new agency it is using before accepting workers from that agency. Their Modern Slavery Statement can be found here: <http://www.matrix-scm.com/modern-slavery-act/>

## **Pay**

The Council operates a Job Evaluation Scheme to ensure that all employees are paid fairly and equitably. As part of its commitment to being a good employer, the Council has also extended its payment of the National Living Wage to all employees, not solely those over the age of 25.

## **Employee Code of Conduct**

The Council's Employee Code of Conduct makes clear to both employees the actions and behaviours expected of them when representing the Council. The Council strives to maintain the highest standards of employee conduct and ethical behaviour and breaches are investigated

## **Whistleblowing**

The Council encourages all its employees, contractors and other business partners to report any concerns related to the direct activities or to the supply chains of the Council. The Council's whistleblowing policy is designed to make it easy for employees to make disclosures, without fear of retaliation and is published on the staff intranet.

## **Members' Code of Conduct and Ethical Framework**

The Council expects all Councillors to demonstrate the highest standards of conduct and behaviour. All Councillors are required to abide by a formal Code of Conduct. Breaches are investigated by the Monitoring Officer. Further details of this are contained within the Council's Constitution, which is reviewed on an annual basis

## **Councillors' Declarations of Interests**

The Council requires all Councillors to record and declare disclosable pecuniary interests and other disclosable interests.

## **Due diligence processes and steps taken to assess and manage the risk of modern slavery in Halton Borough Council's business and supply chain**

In November 2016, the Cabinet Office introduced the Supplier Selection Questionnaire, which should be used in all tenders over the EU thresholds; this requires suppliers to declare any involvement in modern slavery.

The Council has included reference to the Act as a mandatory gateway – Pass/Fail question into all of the relevant tendering documents that are published as part of the procurement process for both above and below EU Threshold.

## **Training about slavery and human trafficking**

The Council provides training in safeguarding for staff and partners involved in person centred services, and also provides training sessions on Modern Slavery and Human Trafficking.

Halton Borough Council is a member of a number of equality networks and actively work through these to raise awareness of the issues associated with modern slavery and human trafficking, and disseminate information accordingly.

Review Date: 22-04-21