

## **Corporate Policy Committee**

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**Date of Meeting:** 4<sup>th</sup> November 2021

**Report Title:** Modern Slavery Act Transparency Statement

**Report of:** Helen Charlesworth-May – Executive Director Adults Health and Integration.

**Report Reference No:** To be confirmed by Democratic Services

**Ward(s) Affected:** All wards

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### **1. Executive Summary**

- 1.1.** The purpose of this report is for Committee to consider and approve the 2021/22 Modern Slavery Act Transparency Statement in order to meet the Council's statutory obligations under the Modern Slavery Act 2015 ("MSA").
- 1.2.** The Transparency Statement and Policy forms part of the Council's overarching Safeguarding framework in enhancing the protection of vulnerable adults and children.

### **2. Recommendations**

<b>1.</b>	<ul style="list-style-type: none"><li>• Adopt and thereafter to approve publication of the Cheshire East Modern Day Slavery Transparency Statement 2021-22 to meet the Council's statutory obligations under the Modern Slavery Act 2015 ("MSA").</li></ul>
<b>2.</b>	<ul style="list-style-type: none"><li>• Delegate to the Director of Adult Social Care, authority to adopt and update the Modern Day Slavery Statement each year on behalf of Cheshire East Council.</li></ul>
<b>3.</b>	<ul style="list-style-type: none"><li>• Adopt the Cooperative Party's Charter against Modern Day Slavery to demonstrate the</li></ul>

	Council's commitment to ensuring its practices do not support slavery.
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## 2. Reasons for Recommendations

- 2.1. The Modern Slavery Act 2015 ("MSA") sets out measures to prevent modern slavery and to protect victims of modern slavery, which can include a range of issues, including human trafficking, sexual and criminal exploitation, domestic servitude and forced labour.
- 2.2. Section 54 of the MSA 2015 requires commercial organisations carrying out business in the UK, with a turnover of at least £36 million, to prepare and publish a slavery and human trafficking statement for each financial year.
- 2.3. A review of the legislation published in May 2019 recommended that the Government should extend section 54 requirements to the public sector and strengthen its public procurement processes.
- 2.4. This report sets out the policy for Cheshire East Council with regards to Modern Day Slavery. Our Modern Slavery Transparency Statement outlines the approach we have taken, and continue to take, to make sure that modern slavery or human trafficking is not taking place within our business or our supply chains. The Council is proposing a zero tolerance approach to any form of modern slavery.
- 2.5. The Co-operative Party Charter Against Modern Slavery commits councils to proactively vet their own supply chains to ensure there are no instances of Modern Slavery taking place. It sets out 10 commitments for councils to undertake to accomplish this pledge. Details of the charter, its background and commitments can be found here:  
<https://party.coop/local/councillors/modern-slavery-charter/>
- 2.6. The Home Office has published Statutory Guidance in June 2021 to support public authorities who may encounter potential victims of modern slavery and/or who are involved in supporting victims. Organisations must have regard to this guidance, with a view to developing a more consistent response to modern slavery victims to ensure they are identified and receive the available and appropriate support.

## 3. Other Options Considered

- 3.1. The option of not preparing and publishing a Modern Slavery Transparency Statement would mean the council is failing to meet a statutory requirement under the 2015 Modern Day Slavery Act.
- 3.2. Crucially, the absence of a Transparency Statement would not be protecting the most vulnerable people in the borough and would reflect poorly across all areas of Council business.

- 3.3.** Not to publish a Policy. Whilst there is no legal requirement for the Council to have a Policy, it is considered beneficial to ensure that staff and partners are aware of the potential issue and have a means through which to report their concerns.

#### **4. Background**

- 4.1.** Modern slavery is prevalent across the UK and is a growing safeguarding concern for all communities, due to its serious and often brutal criminality, in which people are treated as commodities and exploited for a range of criminal gains. The true extent of modern slavery in the UK is unknown, but human trafficking particularly is an international problem and victims may have entered the UK legally, on forged documentation, although they can also be British citizens living in the UK.
- 4.2.** The term 'Modern Slavery, includes a range of activities including human trafficking, slavery, servitude and forced and compulsory labour, and exploitation takes a number of forms, including sexual exploitation, forced manual labour and domestic servitude, with victims coming from all walks of life. Victims may be unwilling to come forward to law enforcement or public protection agencies, indeed, not seeing themselves as victims, or fearing further reprisals from their abusers. Victims may also not always be recognised as such, by others who come into contact with them.
- 4.3.** The Council is committed to opposing modern day slavery and human trafficking and sets out the role it plays as a public sector organisation, together with its partners, to drive the identification, recognition, raising of awareness and disruption of this abhorrent crime.
- 4.4.** The Modern Slavery Act 2015 (MSA 2015) applies to England and Wales and includes the offences of human trafficking and slavery, servitude and forced or compulsory labour. The Act consolidated and simplified existing offences and establishes a legal duty under Section 52 for specified public authorities to notify the Home Office where there are reasonable grounds to believe a person may be a victim of modern slavery.
- 4.5.** The Act includes a number of provisions for local authorities. Firstly, a duty to identify and refer modern slavery child victims and consenting adults through the National Referral Mechanism (NRM). Secondly, a duty to notify the Home Secretary of adults who do not consent to enter the NRM. Thirdly, a duty to cooperate with the Independent Anti-Slavery Commissioner.
- 4.6.** In October 2020 the Government produced an Annual report on Modern Day Slavery which referenced the intensity of the work in this area resulting from the Covid-19 pandemic and to ensure victims have access to essential support.
- 4.7.** 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 by the police and used to compensate victims.

## **5. Cheshire East response to Modern Day Slavery**

- 5.1** Modern Day Slavery cannot be addressed by one organisation alone and Cheshire East is an active member of the Sub Regional Modern Slavery Partnership which was formed in 2016.
- 5.2** The Anti Slavery Network brings together partners working across Cheshire funded by the Police and Crime Commissioner with support provided by an Independent Chair, who is a well-respected expert in this field. This network had worked towards developing training packages, ensuring clear victim pathways, and sharing best practice. This has ensured a consistent approach across Cheshire to support vulnerable victims.
- 5.3** In late 2019 it was agreed that the four local authorities in the Cheshire Sub-Region and the Police and Crime Commissioner would fund the Cheshire Anti-Slavery Network (CASN) for two years. Each Authority agreed 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.
- 5.4** 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).
- 5.5** Following a review of this sub-group it was agreed that a 12 month task and finish group, working towards ensuring other more traditional Harmful Practices (such as Forced Marriage, Honour Based Violence and Female genital Mutilation) 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.
- 5.6** 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.

- 5.7** This group has only met twice due to the Covid pandemic but is starting to understand the picture across Cheshire and confirming what its role will be.
- 5.8** Cheshire East has been fully involved in any operational activity including Operation Paddington, which 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.
- 5.9** The presence of the Inland Boarder at Appleton Thorn, Cheshire 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.
- 5.10** 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 and to respond to individuals at risk of exploitation as a result of trafficking and organised 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.
- 5.11** It has recently been agreed to develop a Pan-Cheshire All Age Exploitation Strategy, which will encompass Modern Day Slavery amongst other safeguarding elements.

### **Trading Standards**

- 5.12** The use of modern slavery is increasingly being seen by trading standards officers investigating crimes against householders and consumers, although currently data and intelligence is low due to under reporting as per points made in 4.2
- 5.13** Poor workmanship and sometimes dangerously unsafe maintenance and improvement work is carried out by enslaved labourers while unsuspecting householders are bullied into paying hugely inflated

prices, often losing their life savings in the process. The main areas of functions led by CE Trading Standards that have seen forced labour are rogue trading, the supply and sale of illicit tobacco and counterfeit goods/informal economy.

- 5.14** Forced labour linked to such illicit goods is not only linked in the UK but also to the origin of manufacture and supply, often in deprived countries where forced labour is utilised in producing illegal and often unsafe goods. As such, tackling this issue is a local, regional, national and international program which involves a number of enforcement agencies and anti-counterfeiting groups.
- 5.15** Organised Crime Groups frequently target vulnerable young men, in particular those from deprived areas – such as those with alcohol and drug dependencies, people who are unemployed, homeless people and immigrants – to carry out substandard house 'improvements' and unnecessary repairs on people's properties. Victims of the scams are often in vulnerable situations themselves – doorstep criminals tend to target residents living alone, with an illness or a disability.
- 5.16** Cheshire East Trading Standards has undertaken multi agency operations against such criminality and the main premise types targeted have been nail bars/beauty salons, car washes, local 'convenience' stores and home improvement businesses. Experiences have shown trading practices whilst in the main are compliant issues have been uncovered around immigration and forced labour.
- 5.17** Modern Day Slavery is part of Trading Standards annual intelligence assessment and tasking process locally, regionally and nationally.
- 5.18** Serious and Organised Crime (SOC) System Tasking is a national, multi-agency project that was commissioned by the Home Office in 2018. It aims to establish a single, 'whole-system' approach across all law enforcement agencies to help deal with SOC but not all criminal investigations. In December 2020 Trading Standards (nationally) agreed in principle that SOC System Tasking should be done by all regional and national Trading Standards intelligence functions to help support Trading Standards Services and Regional/National Tasking Groups. It uses the MoRiLE 2020 Tactical Assessments as the basis for the risk assessment. SOC tasking should be done for every new referral to the Regional or National Tasking Groups and for all Organised Crime Groups that have been or are being mapped.
- 5.19** Trading Standards also links into Cheshire Police TTCCG tasking which monitors and assesses SOC and MDS intelligence and activity data. The service also receives reports from the National Insight

Team, the National Crime Agency, the Trading Standards Regional Intelligence Officer and National Trading Standards.

## **Training**

- 5.20** Cheshire East Council has been committed to delivering training to both staff and partner agencies in raising awareness of Modern Day Slavery. The proposed statement and the Charter both reference training needs for employees and we will continue to work with partners across the borough. Prior to Covid 'face to face' training sessions were commissioned by the Safer Cheshire East Partnership (SCEP) and delivered by the Slave Free Alliance to Managers of Care Homes in which over 107 Managers attended the training sessions.
- 5.21** Cheshire East Council Staff and Safeguarding partners received Association of Directors of Adult Social Services (ADASS) 'Train the Trainers' sessions to enable them to deliver focussed Slavery Sessions. The Safeguarding Training Officer currently includes Modern Day Slavery in his 'Basic Awareness Course' that is provided to internal staff, partners and commissioned services which has reached over 3,000 individuals.
- 5.22** Cheshire East also include Modern Day Slavery within the 'Adult Safeguarding Induction Training' programme which all new staff receive. All Adult Social Care Safeguarding Practitioners are kept informed of MDS issues at the Safeguarding Practitioners Forum.
- 5.23** All Trading Standards Officers have received training over a number of years from providers such as 'Hope for Justice', Cheshire Police and National Trading Standards, such courses have covered;
- Explain what Modern Day Slavery is and the different types which exist.
  - Recognise the signs and indicators of Modern Day Slavery and Human Trafficking.
  - Respond appropriately to a case / victim of Modern Day Slavery or Human Trafficking.
- 5.24** Elected members have been provided with a copy of the Guidance on Modern Day Slavery booklet produced by the Local Government Association in 2019.

## **6. Cooperative Party Charter against Modern Day Slavery**

- 6.1.** The Co-operative party has published a charter against modern slavery which many Councils and organisations have signed up to including our neighbours in Cheshire West and Chester.



**6.2.** The Charter requires a number of actions from the Council and these have been considered and addressed within the draft Modern Slavery statement for 2020/21.

**6.3.** The Charter contains ten commitment as set out below:

- 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.
- 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.
- Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practicing modern slavery.
- 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.
- Publicise its whistle-blowing system for staff to inform on any suspected examples of Modern Day 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.
- Review its contractual spending regularly to identify any potential issues with modern slavery.
- 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.
- Report publicly on the implementation of this policy annually.

**6.3.1.**

Cheshire East Procurement are fully supportive of the contents of this report following and have confirmed as part of the consultation process the majority of the ten commitments are already embedded as standard working practices within the Cheshire East procurement processes. There would be no additional resource implications to deliver the remainder and these commitments scheduled for completion in 2021-22.

#### **Cheshire East Modern Day Slavery Transparency Statement**

**7.1** The Transparency Statement (Appendix 'A') is made pursuant of section 54 of the Modern Day Slavery Act 2015 and outlines the



principles, policies, recruitment practice, procurement practice and actions to be taken to ensure there is no modern day slavery or human trafficking within the organisation.

**7.2** The Act suggests that a slavery and human trafficking statement for a financial year is:

- A statement of the steps the organisation has taken during the financial year to ensure that slavery and human trafficking is not taking place:
- In any part of its supply chains or in any part of its business.

**7.3** It further states that an organisation's slavery and human trafficking statement may include information about:

- The organisation's structure, its business and its supply chains;
- Its policies in relation to slavery and human trafficking;
- its due diligence processes in relation to slavery and human trafficking in its business and supply chains;
- The parts of its business and supply chains where there is a risk of slavery and human trafficking taking place, and the steps it has taken to assess and manage that risk;
- Its effectiveness in ensuring that slavery and human trafficking is not taking place in its business or supply chains, measured against such performance indicators as it considers appropriate;
- The training about slavery and human trafficking available to its staff.

**7.4** The Cheshire East Transparency Statement contains the above elements but goes further, in that, it also outlines the wider protocol, partnership working and support for victims, and as stated above, will ensure that (if adopted) the Council also delivers on the 10 commitments of the Cooperative Party Charter.

## **7. Implications**

### **7.1. Legal**

**7.1.1.** Preparation and publication of an annual Modern Slavery Transparency Statement is a statutory requirement under the Modern Slavery Act 2015.

**7.1.2.** Additionally, the Home Office has published Statutory Guidance under section 49 of the Modern Slavery Act, in June 2021 and the

work plans described in this report demonstrate the Council's adherence to this.

- 7.1.3. Recent legislation does ensure public sector organisations produce a Transparency Statement but the Local Government Association is currently seeking clarity regarding reporting requirements and the Government's new online registry.

## **7.2. Finance**

- 7.2.1. The proposal to publish a Transparency Statement will not incur additional costs for the Adults budget; there will be no impact from these proposals for the medium-term financial strategy.
- 7.2.2. The Adult safeguarding team supports victims of exploitation. If the number of victims increased as a result of the publication of this statement, the safeguarding team's activity would potentially increase which in turn could lead to an increase in costs. However, it's not possible to quantify what impact publishing this statement will have on the numbers of victims. Given the uncertainties around the circumstances of those relocating there is a risk that additional support would be required beyond the funded 4-month period, which would need to be funded from other Council resources. The Syrian resettlement programme has shown how complicated resettlement can be, the support needs for our cohort will likely vary considerably between each individual and family unit.

## **7.3. Policy**

- 7.3.1. 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. 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.
- 7.3.2. At the end of this Section is a link to the victim care pathway used in Cleveland and work has been started to produce a similar document for Cheshire.
- 7.3.3. The performance information from the safeguarding boards will be shared with the Cheshire Anti Slavery Strategic Partnership (CASSP) and the Safer Cheshire East Partnership (SCEP) on a quarterly basis.

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

## **7.4. Equality**

- 7.4.1.** In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination in all its forms including age, sex, religion and race together with harassment, victimisation to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 7.4.2.** The introduction of the Transparency Statement, supported by relevant and development opportunities outlined, is a positive step to raise awareness amongst any employee or worker delivering services on behalf of the Council. The introduction of the statement supports the Council's commitment to eradicate slavery in any form.
- 7.4.3.** Modern Day Slavery impacts on all our communities, therefore, any activities to reduce and eliminate slavery will increase inclusion and help all communities to settle in Cheshire East.
- 7.4.4.** The issue of Modern Day Slavery is evident in many forms as referenced in the Transparency Statement and impacts directly on those who are identified as most vulnerable in our society.
- 7.4.5.** We recognise that there are victims of trafficking or slavery irrespective of any protected characteristic they may share and therefore have viewed the publication of the statement and more importantly, the actions it identifies, as having a potentially positive impact across all spectra of society.

## **7.5. Human Resources**

- 7.5.1.** Organisationally the Council takes its responsibilities for safeguarding extremely seriously. The organisation, through its HR practices and employment checks, will ensure that anyone offered work as an employee will be scrutinised to ensure that they are legally entitled to work in the U.K.

## **7.6. Risk Management**

- 7.6.1.** Staff briefings through information provided on the intranet, in addition to the delivery of training to staff, will be provided to highlight the impact of modern slavery. This will include advising staff of the potential signs that slavery or human trafficking may be occurring and where to report any concerns.
- 7.6.2.** Slavery, trafficking and exploitation are closely associated with criminal activities, most notably with organized crime gangs who are known to operate in rural areas where detection is more difficult to identify.

## **7.7. Rural Communities**

- 7.7.1.** Modern Day Slavery is potentially undertaken within rural areas where organised crime gangs operate in attempts to carry out criminal activity whilst being undetected.

## **7.8. Children and Young People/Cared for Children**

- 7.8.1.** The Council is fully involved in a multi-agency approach to raising awareness of modern slavery and human trafficking, coordinated by local safeguarding boards.
- 7.8.2.** The boards currently provide referral and support advice in relation to vulnerable children and adults who may be subject to exploitation. Modern slavery and human trafficking is included within the council's safeguarding training for children and adults.

## **7.9. Public Health**

- 7.9.1.** Victims are often kept in unsanitary and inappropriate premises which are detrimental to health, e.g. living on site at car washes or inside cannabis 'farms'.

## **7.10. Climate Change**

- 7.10.1.** No clear impact on the climate agenda.

<b>Access to Information</b>	
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Appendices:	Appendix A – Cheshire East Transparency Statement
Background Papers:	<ul style="list-style-type: none"><li>• Statutory Guidance Published in June 2021</li><li>• 2020 UK Annual Report on Modern Day Slavery</li><li>• LGA Councillors Guide to tackling Modern Day Slavery (2019)</li></ul>