

Modern Slavery Briefing

SUMMARY

1.1 This report provides a brief overview of Modern Slavery and the Derby & Derbyshire response.

1.2 The Modern Slavery Act was passed on March 26th 2015. The Law focuses on tougher punishments for traffickers and better protection of modern slavery victims.

The act gives law enforcement the tools to tackle modern slavery, ensure perpetrators can receive suitably severe punishments for these appalling crimes and enhance support and protection for victims.

1.3 Through its Community Safety function, Derby City Council leads the 'Derby and Derbyshire Modern Slavery Partnership'.

The aim of the partnership is to bring together public, private and voluntary organisations to disrupt perpetrators and support victims of modern day slavery. The Council works in partnership with a wide range of agencies to prevent abuse and neglect, to detect and report occurrences and to support victims. This includes the Derby Safeguarding Children and Adults Boards

1.4 The key challenges faced by Derby City Council include:

- raising the profile of modern slavery crimes more widely
- victim identification and referral to support
- resourcing victim support provision for adult victims who either do not consent to support from the National Referral Mechanism – NRM - or return to Derby following support
- supporting child victims who are the responsibility of the authority
- resourcing partner operations

RECOMMENDATION

2.1 To consider the report and opportunities to direct the work of victim identification; victim support provision; supporting child victims and investigations.

- 2.2 To consider the Transparency in Supply Chains Statement set out in Section 54 of the Modern Slavery Act 2015
- 2.3 To consider the authorities role in:
- prosecuting and disrupting individuals and groups responsible for modern slavery through its various statutory duties and powers;
 - protecting vulnerable people from exploitation and increasing awareness of and resilience against this crime;
 - reducing the harm caused by modern slavery through improved victim identification and enhanced support.

REASONS FOR RECOMMENDATION

- 3.1 Derby City Council has a statutory duty to safeguard vulnerable adults and children. In addition, we are an identified First Responder responsible for identifying and interviewing Potential Victims and advising on support and the National Referral Mechanism - NRM. Only organisations classed as first responders can refer a potential victim of modern slavery into the NRM which is the process for victim identification and support, designed to help all the different agencies involved in a modern slavery case cooperate and share information about potential victims and make access to advice, accommodation and support easier.
- 3.2 Experience of the crime and investigations evidences the need for multi-agency enforcement and prosecutions. Enforcement actions have typically involved police, HMRC, DFRS, Gangmasters Labour Abuse authority and Council departments – Community Safety; Benefits & Exchequer Service; social care and housing standards.
- 3.3 On 01 November 2015, the “duty to notify”, set out in Section 52 of the Modern Slavery Act 2015, came into force. The duty requires public authorities – including local authorities - to notify the government where they have reasonable grounds to believe that a person may be a victim of slavery or human trafficking
- 3.4 Section 54 of the Modern Slavery Act 2015 requires commercial organisations with an annual turnover of £36m to publish a Slavery and Human Trafficking statement each year. Setting out the steps it is taking to address and prevent the risk of modern slavery in operations and supply chains. A revision to the Act which recommends the inclusion of public bodies is currently under debate - Transparency in Supply Chains Bill 2017.

SUPPORTING INFORMATION

- 4.1 Slavery did not end with abolition in the 19th century. The practice still continues today in one form or another in every country in the world. Modern Slavery encompasses Slavery, Servitude, Forced and compulsory labour, Human trafficking and Exploitation. It affects people of all ages, gender and races - women forced into prostitution, children and adults forced to work in agriculture, domestic work, or factories and sweatshops producing goods, forced marriage - the illegal practice still afflicts the modern world.

4.2 There are many different characteristics that distinguish slavery from other human rights violations, however only one needs to be present for slavery to exist. Someone is in slavery if they are:

- forced to work - through mental or physical threat;
- owned or controlled, usually through mental or physical abuse or the threat of abuse;
- dehumanised, treated as a commodity or bought and sold as 'property';
- physically constrained or has restrictions placed on his/her freedom of movement.

4.3 Modern Slavery is an umbrella term used to describe:

- human trafficking, slavery, forced labour and servitude.
- Slavery-like practices such as debt bondage, sale or exploitation of children and forced or servile marriage.

While varied in nature, all involve one person depriving another person of their liberty, in order to exploit them for personal or commercial gain. Offences include:

- Sexual exploitation
- Removal of organs
- Securing services and benefits by force, threats or deception
- Recruiting or arranging travel for exploitation
- Holding a person in slavery, servitude and forced or compulsory labour
- Exploitation of children and vulnerable adults.

4.4 **Derby and Derbyshire Modern Slavery Partnership**

In response to the growing awareness of this crime and evidence of Modern Slavery in the City, the Derby & Derbyshire Modern Day Slavery Partnership was established in January 2015. Bringing together partners from the public, faith, voluntary and community sectors, the Partnership focuses activities on four strategic themes in line with the Governments Modern Slavery Strategy:

- PURSUE – Prosecuting and disrupting individuals and groups responsible for modern slavery;
- PREVENT – Preventing people from engaging in modern slavery;
- PROTECT – Strengthening safeguards against modern slavery by protecting vulnerable people from exploitation and increasing awareness of and resilience against this crime;
- PREPARE – Reducing the harm caused by modern slavery through improved victim identification and enhanced support.

An Action Plan has been agreed under the four strategic themes and priority activity focuses on:

1. Risk & Threat Assessment of the nature and types of slavery across the city

- and county
2. Training and awareness tailored to First Responders, faith, community and voluntary sector groups, homelessness charities/agencies
 3. Development of online training and resources
 4. A communications campaign to improve both public and private sector awareness of the signs of modern slavery.
 5. Victim support covering emotional, social care and safe accommodation needs
 6. Multi-agency task force to facilitate investigations and prosecutions

4.5 **Victim Identification**

Modern slavery is a highly complex crime. There is no typical victim of slavery – victims can be men, women and children of all ages, ethnicities and nationalities (including British) and cut across the population. But it is normally more prevalent amongst the most vulnerable groups, and within minority or socially excluded groups. Child victims are victims of child abuse and should therefore be treated as such using existing child protection procedures and statutory protocols.

Victims of modern slavery can be found anywhere. There are certain industries where they are currently more prevalent, such as nail bars, car washes, agriculture and fishing, building sites and the sex industry. Other high risk situations include when there is a need for a sudden injection of workers into the work force, such as seasonal staff or construction for a major event. However victims may also pass through transport hubs, health services and other public places or be found in private homes.

The Council has a programme of induction and ongoing mandatory training that all employees must complete, including Safeguarding Awareness Training. This enables officers in community-facing roles to identify and know how to report incidents of abuse and neglect, including modern slavery.

Training on Modern Slavery is delivered on a regular basis to employees and partners. The content includes:

- What Modern Slavery is
- Risk occupations, environments and sectors
- How the crime can be identified
- What can be done to flag potential concerns
- How to support potential victims
- Who to speak to for support and guidance
- The Duty to Notify

A dedicated page to modern Slavery is available to all employees on the Councils Intranet. A similar page will shortly be available on the public facing web site.

The council recognises that certain employees within the organisation should be required to complete training on modern slavery. To date, this has focussed on customer facing roles. Consideration will be given to prioritising staff responsible for supply chain management; working in HR and Procurement within the Council to complete training on modern slavery. We are currently reviewing existing training materials for this purpose.

There are challenges associated with measuring the scale of modern slavery in the UK. Victims of modern slavery tend to be controlled and hidden away or may not come forward due to feelings of fear. Some victims may not be identified by those who encounter them. Worryingly, others may not view themselves as victims of exploitation and are content with their circumstances as an improvement upon previous living conditions/quality of life. Adult victims must also consent to engagement.

The two most reliable sources of data are:

- The National Referral Mechanism - NRM, a support process to which a range of organisations refer potential victims;
- The Annual Strategic Assessments published by the National Crime Agency – NCA.

Both data sources show a consistent and sustained increase in the detection of modern slavery in the UK since data was first collected. In 2014, national research suggested there were at least 13,000 victims in the UK – current thinking regards this as a gross underestimate.

Nationally, 5,145 potential victims were submitted to the NRM in 2017, a 35% increase on 2016.

In Derby and Derbyshire, we have seen an increase from one victim being formally identified in 2012, to 53 in the calendar year ending 2017:

First Responder	Adult	Minor	Total
Derbyshire Constabulary	26	11	37
Derby City Council	4	6	9
Home Office Immigration Enforcement	N/K	N/K	1
Salvation Army	N/K	N/K	1
UK Visa and Immigration	N/K	N/K	5

Adult victims nationalities identified in Derby in 2017 were – British; Czech; Latvian; Polish; Romanian; Slovakian and Vietnamese.

For the period January to July 2018, 60 potential victims have been identified:

First Responder	Adult	Minor	Total
Derbyshire Constabulary	12	4	16
Derby City Council	2	6	8
Migrant Help	N/K	N/K	25
Salvation Army	N/K	N/K	3
UK Visa and Immigration	N/K	N/K	8

4.6 The National Referral Mechanism and Victim Support

The National Referral Mechanism (NRM) is the government's central framework for identifying victims of modern slavery and ensuring they receive appropriate protection

and support. The current contracted provider for England is the Salvation Army.

The NRM was introduced in 2009 to meet the UK's obligations under the Council of European Convention on Action against Trafficking in Human Beings. From 31 July 2015 the NRM was extended to all victims of modern slavery in England and Wales following the implementation of the Modern Slavery Act 2015.

Through the NRM, potential victims can receive:

- Minimum of 45 day recovery and reflection period
- Physical, psychological and emotional support
- Spiritual support
- Funds to non-UK PVs, via the Home Office voluntary returns scheme
- Interpretation and translation
- Legal advice – civil compensation, immigration and/or any other needs
- Education
- Safe and secure accommodation
- Food and material assistance
- Access to health care, dentistry, opticians, counselling & mental health services

Adult victims must consent to access this provision. Many do not for fear of authorities and where they may be an irregular migrant, fear of actions the Home Office may take. Child victims are the responsibility of the Local Authority in which they were identified.

Following the referral of an adult into the NRM, an initial 'reasonable grounds' decision will be made within 5 days. If this decision is positive, the individual will be entitled to access safe accommodation provided through a central-government funded Victim Care Contract.

If the person would otherwise be destitute during that 5 day period they may be able to access emergency accommodation through early entry to the NRM. However, the person may be referred to the housing authority to provide accommodation pending this decision or if the individual is a British citizen who is homeless, eligible and has or may have a priority need.

Additionally, potential adult victims may not consent to entering the NRM or may require time to reach a decision. Whilst the NRM is funded through a national contract, no provision is in place for those who do not wish to engage but are still vulnerable to exploitation and by definition, victims of neglect and abuse. Lack of engagement is usually due to not understanding their rights, the support available, and the fear of repercussion's.

Locally, we have established safe house provision and support provision for this purpose at nil cost, but due to the growing number of referrals we are being asked to consider more formal – and funded - arrangements.

4.7 Modern Slavery Multi Agency Tactical Response

Within Derby and Derbyshire, Operation Wilberforce has been established as the

police intelligence and engagement team to:

- Identify, prosecute and prevent offenders, using all powers available - civil and criminal
- Identify, disrupt and dismantle Organised Crime Groups involved in Modern Slavery

Whilst the majority of reports and information will be submitted to Operation Wilberforce for action in the first instance, this does not preclude any agency with a statutory power, from the leading of an investigation or the gathering of information.

In response to intelligence, relevant partners convene to agree an appropriate response to pursue perpetrators, disrupt activity and protect potential victims. Acknowledging statutory powers, duties or obligations of partners, this can include:

- Department for Work and Pensions
- Derby City/County Councils – CSP's
- Derbyshire Constabulary
- Derbyshire Fire and Rescue Service
- Derbyshire Healthcare NHS Foundation Trust
- Gangmasters & Labour Abuse Authority
- HM Revenue & Customs
- National Crime Agency
- UK Visa & Immigrations

At the operational level, for Derby City Council, this includes actions to protect victims through our statutory adults and children's safeguarding duties and to disrupt activities through Environment and Regulatory Services; Benefits & Exchequer Services; Planning; Licensing and Trading Standards.

Where required and victim numbers are unknown, we will facilitate emergency reception centres to provide immediate relief and care services. Costs can vary, but would typically average £2,000.

4.8 Modern Slavery Local Pathways Pilot

In December 2017, funding was made available for up to six local authorities to trial ways to support the transition process of victims from safe houses and other centrally provided support, into local areas. Derby City Council partnered with Jacobs Well and successfully applied for funding and will deliver a 12 month pilot to:

- identify and test ways to improve the current transition process from safe houses;
- test effective ways of signposting victims to appropriate support locally; and,
- support work to strengthen the victims' resilience to future re-trafficking and exploitation.

The pilot will be delivered over a 12 month period from July 2018. Learning from the pilot will inform the national response for future provision and reforms of the NRM

Our partner, Jacobs Well, known through the Restore project has been working with people who have been trafficked since 2015. Operating for over 15 years, the charity started out by providing outreach and drop in services for vulnerable women. They also help with follow up work to help women access services and move away from negative life patterns. Jacob's Well help to build more welcoming and inclusive communities through partnership and collaboration with individuals and families, local organisations and the broader community. Their overall aim is to support vulnerable people who have experienced exploitation and trafficking to live within welcoming and supportive communities, where they can thrive and live free from slavery.

Jacobs Well has four directors and trustees:

- Hilary Disney - company secretary - Hilary is a retired solicitor
- David Gardner - chair - David works for Hardwick clinical commissioning group
- Lesley Edwards - who acts as a treasurer - retired finance manager
- Simon Cartwright - partnership broker - minister in Church of England.

The Home Office funding will enable Jacob's Well to develop the Rebuild Project to provide one to one support from Support Workers and community based support to develop independent living skills and resilience to exploitation. The victim experience will include the development of individual care plans and in addition to advocacy and community integration activities, support to access:

- Housing
- Health – mental and physical
- Education/training/ESOL/employment
- Benefits
- Criminal Justice System victim support services
- Legal and immigration services

The aim is to support clients through an assisted 45 day programme followed by six months drop in. In acknowledgment of recent research showing that average length of aftercare support is 18-24 months, Jacob's Well will use their volunteer workforce to continue to provide support where it is reviewed as an ongoing need.

Evaluations of the six pilots will be undertaken by Home Office analysts to inform the National Referral Mechanism Reforms for survivor support.

OTHER OPTIONS CONSIDERED

- 5.1 To do nothing is not an option in order to respond to the Modern Slavery Act. Alternatives to the CSP taking a lead and co-ordinating the councils response would require duplication of work across Adult and Children's Social Care; Regulatory Services; Legal and Community Safety.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	N/A N/A N/A N/A Head of Service – Andy Thomas
For more information contact: Background papers: List of appendices:	Pop Gill 01332 643044 purjinder.gill@derby.gcxs.gov.uk None Appendix 1 – Implications Appendix 2 - Transparency in Supply Chains Statement

IMPLICATIONS

Financial and Value for Money

- 1.1 None directly arising

Legal

- 2.1 Modern Slavery Act 2015

The Modern Slavery Act was passed on March 26th 2015. The act gives law enforcement the tools to tackle modern slavery, ensure perpetrators can receive suitably severe punishments for these appalling crimes and enhance support and protection for victims.

Section 52 of the Modern Slavery Act 2015 - Duty to Notify

On 01 November 2015, the “duty to notify”, set out in Section 52 of the Modern Slavery Act 2015, came into force. The duty requires public authorities to notify the government where they have reasonable grounds to believe that a person may be a victim of slavery or human trafficking.

The duty applies to the police, local authorities, the National Crime Agency, the Gangmasters Licensing Authority and UK Visas and Immigration, Immigration Enforcement and Border Force staff.

The Care Act 2014

Local Authorities must act where it has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there) - (a) has needs for care and support (whether or not the authority is meeting any of those needs), (b) is experiencing, or is at risk of, abuse or neglect, and (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

Children Act 2004

Places a duty on local authorities and their partners (including the police, health service providers and the youth justice system) to co-operate in promoting the wellbeing of children and young people and to make arrangements to safeguard and promote the welfare of children

Where there is reason to believe a victim could be a child, the individual must be given the benefit of the doubt and treated as a child until an assessment is carried out.

Care of unaccompanied migrant children and child victims of modern slavery 2017

Statutory guidance for LAs and professionals who support unaccompanied migrant children, who may be victims, or potential victims, of modern slavery.

Personnel

- 3.1 Dedicated staffing has not been allocated to deal with the crime of Modern Slavery. Resourcing for the coordination of the partnership and tactical responses to Modern Slavery is delivered through the councils community safety function. Resourcing for operational responses is managed within adults and children's safeguarding; Environment and Regulatory Services; Benefits & Exchequer Services; Planning; Licensing and Trading Standards

IT

- 4.1 None directly arising, however, as operations and joint intelligence progresses, consideration is being given to web based technology to allow real time information sharing.

Equalities Impact

- 5.1 The service will be provided to all victims and those with protected characteristics will have their needs meet.

Health and Safety

- 6.1 None directly arising

Environmental Sustainability

- 7.1 None directly arising

Property and Asset Management

- 8.1 None directly arising

Risk Management and Safeguarding

- 9.1 None directly arising

Corporate objectives and priorities for change

- 10.1 This project supports the Council Plan and Vision:
- Safe - a place where people are safe and the vulnerable are put first and

supported.

- Strong - a place where people work together, can enjoy good health and wellbeing throughout their life and feel that they belong to a thriving community.