

## MODERN SLAVERY

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### Policy Statement

Modern Slavery is a crime that results in an abhorrent abuse of human rights. The Modern Slavery Act 2015, referred to as the Act, created offences of slavery, servitude and financial or compulsory labour.

### Definitions of Modern Slavery

Slavery, in accordance with the 1926 Slavery Convention, is the status or condition of a person over whom all or any of the powers attaching to the right of ownership are exercised. Since legal ownership of a person is not possible, the key element of slavery is the behaviour on the part of the offender as if he or she did own the person, which deprives the victim of their freedom.

Servitude is the obligation to provide services that is imposed by the use of coercion and includes the obligation of a serf to live on another person's property and the impossibility of changing his or her condition.

### The Policy

#### Forced or Compulsory Labour

This is defined in international labour law by the International Labour Organisations (ILO) Forced Labour Convention 29 and Protocol. It involves coercion, either direct threats of violence or more subtle forms of compulsion. The key elements are that, work or service is exacted from any person under the menace of any penalty and for which the person has not offered him/herself voluntarily.

## **Human Trafficking**

An offence of human trafficking requires that a person arranges or facilitates the travel of another person with a view to that person being exploited. The offence can be committed even where the victim consents to travel. This reflects the fact that a victim may be deceived by the promise of a better life or job, or may be a child who is influenced to travel by an adult. In addition, the exploitation of potential victim does not need to have taken place for the offence to be committed. It means that the arranging or facilitating of the movement of the individual was with a view of exploiting them for sexual exploitation or non-sexual exploitation.

## **Child Labour**

This is defined by the ILO as children under 12 years working in any economic activity, those aged 12-14 engaged in more than light work, and all children engaged in the worst forms of child labour.

This policy is for adult providers only.

## **Staff**

We also do not employ staff under any conditions that might make us vulnerable to accusations or suspicions that we are employing people under conditions that would amount to modern slavery and exploitation as defined. All staff are subject to recruitment procedures that comply with both employment law and registration requirements with pay and conditions of employment that meet all statutory requirements.

If we have evidence that any of our employees are subject to exploitation and forced labour by third parties, we would exercise our duty of care to our employees by reporting our concerns as whistleblowers to the police or local unit responsible for investigating modern slavery to decide on further investigation or action. We would not act or discriminate against the employee if they are meeting all the required employment conditions and had been recruited in line with the service's recruitment procedures.

## **Contractors and Suppliers**

As a care service provider, we inevitably deal with several outside organisations as suppliers of goods and services. We know that these organisations might form part of a longer supply chain. We make all reasonable efforts to ensure that no link in the supply chain is producing goods and services made under conditions of modern slavery or which might involve human trafficking.

We expect all our contractors and suppliers to have a similar zero tolerance and due diligence approach to modern slavery and human trafficking and only work with organisations that have robust anti-modern slavery policies that operate in other parts of their supply chain and who comply with the Modern Slavery Act 2015.

We explain in our replies to businesses who respond to tenders and adverts for goods and services that we will check if they employ people under conditions of modern slavery and if they do similar checks with other businesses in their supply chain. In doing so, we

expect those businesses to have taken all reasonable efforts to exclude their suppliers from colluding with modern slavery practices.

All staff members, particularly those responsible for procuring goods and services, are expected to report any concerns about any issue or suspicion of modern slavery in any parts of their dealings at the earliest possible stage.

Anyone raising concerns about slavery or human trafficking that affects the care service will be protected by the service's whistleblowing policy.

## **Compliance Requirements**

The transparency in supply chains provision within the Act seeks to address the role of businesses, across all sectors preventing modern slavery in their supply chains and organisations. The following guidance sets out how businesses can meet these requirements, as set out in the Act.

There is a requirement that any commercial organisation, in any sector, which supplies goods and services, and carries on a business, or part of a business, in the UK and is above a specified total turnover, must produce a slavery and human trafficking statement for each financial year of the organisation.

Regulations have set the total turnover threshold at £36 million,

The statement must set out what steps they have taken during the financial year to ensure modern slavery is not occurring in their supply chains and in their own organisations.

The Act requires businesses to be transparent about what is happening within its business, therefore if the business has taken no steps to ensure slavery and human trafficking is not taking place, they must still publish a statement stating this to be the case.

Failure to comply with the production of a modern slavery statement for a particular financial year could mean an injunction through the High Court (or In Scotland, the Court Proceedings for Specific Performance of a Statutory Duty under Section 45 of the Court of Sessions Act 1998) requiring the organisation to comply. Failure to comply with the injunction is a contempt of a court order which is punishable by an unlimited fine. In practice, failure to comply with the provision will mean the organisation has not produced a statement or published it on their website in the relevant financial year.

## **Smaller Organisations**

Where there is no requirement to produce a statement, organisations are encouraged to voluntarily produce a slavery and human trafficking statement, especially where they are contracting with organisations above the threshold. We, as a small provider may be asked to provide such a statement to commissioners of services, suppliers etc on our approach to modern slavery and find it helpful to have such a statement, hence this policy.

All businesses are encouraged by the Act to be open and transparent about recruitment practices, policies and procedures in relation to Modern Slavery and to take steps that are consistent and proportionate with their sector, size and operational reach.

## Reporting

When staff believe there is a possibility of a modern slavery situation, they must in the first instance report it to their manager who will then take it forward by reporting it to the Modern Slavery Helpline via telephone, 08000 121 700, or online, <https://www.modernslaveryhelpline.org/report>.

## Related Policies

Adult Safeguarding  
Confidentiality  
Data Protection Legislative Framework (GDPR)  
Good Governance  
Recruitment and Selection  
Safeguarding Children in an Adult Setting  
Whistleblowing  
Young People and Employment

## Related Guidance

Gov.UK:

<https://www.gov.uk/government/collections/modern-slavery>

Transparency in Supply Chains: A Practical Guide:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/649906/Transparency in Supply Chains A Practical Guide 2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/649906/Transparency_in_Supply_Chains_A_Practical_Guide_2017.pdf)

Modern Slavery Helpline:

<https://www.modernslaveryhelpline.org/report>

Gov. UK A Call to Action to End Forced Labour, Modern Slavery and Human Trafficking:

<https://www.gov.uk/government/publications/a-call-to-action-to-end-forced-labour-modern-slavery-and-human-trafficking>

## Training Statement

All staff, during induction, are made aware of the organisation's policies and procedures, all of which are used for training updates. All policies and procedures are reviewed and amended where necessary, and staff are made aware of any changes. Observations are undertaken to check skills and competencies. Various methods of training are used, including one to one, online, workbook, group meetings, and individual supervisions. External courses are sourced as required.

As part of our Induction process staff are aware of the Modern Slavery Act and how to report any concerns. We also train our managers to ensure they understand their responsibilities and are carrying them out. Information and help can be accessed on the phone number and website above.

## Appendix 1. Guidance for Writing a Statement

- Keep it succinct but cover relevant points.
- Provide links to appropriate publications, documents and policies, including guidance.
- Use plain English, simple language makes it accessible to everyone.
- Where appropriate, the statement should also be available in other languages or formats.
- The statement must be approved and signed by a director, member, or partner of the organisation.
- The statement must be published on the organisation website, with a link in a prominent place on the homepage.

### Information to Include

- The sectors the business operates in and is it seasonal.
- Organisational structure and group relationships.
- The countries it sources its goods or services from, including high risk countries where modern forms of slavery are prevalent.
- The business operating model.
- Relationships, if any, with suppliers and others including trade unions and other bodies representing workers.
- Relevant organisational policies.
- Due diligence processes.

Examples of modern slavery statements from businesses over £36Million threshold

- Tesco: [www.tescopl.com/media/392433/modern\\_slavery\\_act.pdf](http://www.tescopl.com/media/392433/modern_slavery_act.pdf)
- Somerset Care: [www.somersetcare.co.uk/sites/default/files/website/modern-slavery-act.pdf](http://www.somersetcare.co.uk/sites/default/files/website/modern-slavery-act.pdf)
- The Order of St John Care Trust: [www.osjct.co.uk/about-osjct/partner-organisations/modern-slavery-human-trafficking-policy/](http://www.osjct.co.uk/about-osjct/partner-organisations/modern-slavery-human-trafficking-policy/)

### Small Businesses

For small businesses such as ours, awareness is the key to ensuring that this policy reflects the standards and ethical considerations we apply to our supply chain. We have in place:

- Due diligence checks to identify and assess potential risk areas such as agency staffing.
- The monitoring of potential risks in our supply chains by checking our supplier's commitment to modern slavery prevention.
- A robust recruitment and selection process to mitigate the risks of modern slavery entering our workforce.