

Adults and Safer City Scrutiny Panel

19 September 2017

Report title	Wolverhampton's Approach to Tackling Modern Slavery	
Cabinet member with lead responsibility	Councillor Cabinet Member for Public Health and Wellbeing	
Corporate Plan outcome	Choose an item.	
Wards affected	(All Wards);	
Accountable Director	Mark Taylor, Director of Finance	
Originating service		
Accountable employee	Karen Samuels Tel Email	Head of Community Safety Tel: 01902 551341 karen.samuels@wolverhampton.gov.uk
Report to be/has been considered by		

Recommendation(s) for action or decision:

The Adults and Safer City Scrutiny Panel is recommended to:

1. The panel is invited to make comments on the current partnership plan delivered through the Wolverhampton Anti-Slavery Partnership (WASP).
2. To panel to comment on the extent to which CWC is compliant with the provisions of the Modern Slavery Act and leads on efforts to tackle it locally.

1.0 Purpose

- 1.1 To provide an update and seek comment on steps to develop the Council and Partnership response to modern slavery in Wolverhampton.

2.0 Background

- 2.1 The term modern slavery encompasses human trafficking, slavery, domestic servitude and forced or compulsory labour and is defined within the Modern Slavery Act 2015 which categorises these acts as offences. These crimes include holding a person in a position of slavery, servitude forced or compulsory labour, or facilitating their travel with the intention of exploiting them soon after.
- 2.2 Although human trafficking often involves an international cross-border element, it is also possible to be a victim of human trafficking within a country; if a person is moved from one part of the country to another and to be a victim even if consent has been given to be moved.
- 2.3 There are several broad categories of exploitation linked to human trafficking, including:
- Sexual exploitation
 - Forced labour
 - Domestic servitude
 - Organ harvesting
 - Child related crimes such as child sexual exploitation, forced begging, illegal drug cultivation, organised theft, related benefit frauds etc
 - Forced marriage and illegal adoption (if other constituent elements are present)
- 2.4 Not every person who is exploited through slavery, servitude and forced or compulsory labour has been trafficked.

3.0 Legislative Framework

- 3.1 The Modern Slavery Act 2015 ensures that the National Crime Agency, the police and other law enforcement agencies have the powers they need to pursue, disrupt and bring to justice those engaged in human trafficking and slavery, servitude, and forced or compulsory labour. The Act also introduces measures to enhance the protection of victims of slavery and trafficking. In summary, The Act:
- Includes provision for a new Independent Anti-Slavery Commissioner
 - Increases the maximum sentence available for the most serious offenders from 14 years to life imprisonment
 - Creates a statutory defence for victims of modern slavery so that they are not inappropriately criminalised
 - Provides for child advocates to support child victims of trafficking.
 - Assists victims

- Ensures transparency in supply chains

3.2 The National Referral Mechanism (NRM) is a framework for signposting victims of human trafficking or modern slavery and ensuring they receive the appropriate protection and support. This is also the mechanism through which the UK Human Trafficking Centre (UKHTC) collects data about victims which aims to help build a clearer picture about the scope of human trafficking in the UK.

4.0 Role of the UK Independent Anti-Slavery Commissioner (IASC)

4.1 The Act sets out examples of ways in which the commissioner may undertake their functions. This includes:

- reporting on matters set out in a strategic plan
- making recommendations to public authorities
- undertaking or supporting research
- consulting
- cooperating and joint working with international organisations, voluntary sector partners and public authorities

4.2 Specified public authorities have a duty to co-operate with the commissioner, which includes:

- Police
- National Crime Agency
- Border Force
- Immigration Enforcement
- Local authorities
- National Health Service trusts
- Gangmaster Labour Abuse Authority (GLAA)

4.3 More information regarding the role of Independent Anti-Slavery Commissioner, as well as the Strategic Plan 2015-2017 and Annual Report 2016, can be found at <http://www.antislaverycommissioner.co.uk/>.

5.0 Governance

5.1 Whilst current legislation does not outline a requirement for partnership working, the West Midlands Metropolitan area does benefit from some degree of strategic coordination through the West Midlands Anti-Slavery Network (WMASN) and a Modern Slavery and Human Trafficking Board. Membership of the WMASN include the West Midlands Police and Crime Commissioner, West Midland Police Service, NHS, Gangmasters Licensing, National Crime Agency, and Sandwell Women's Aid.

A commitment has also been made within the Police and Crime Commissioner's Plan to prevent and detect hidden crimes, including modern slavery. The WMASN provides an important route in to central government to influence national policy.

- 5.2 To introduce standardisation throughout the seven local authority areas, plans are now being taken forward to introduce partnerships in each area to drive delivery, similar to the already established Wolverhampton Anti-Slavery Partnership (WASP).
- 5.3 At a local authority level, governance arrangements have historically resided with Wolverhampton Safeguarding Adults Board. However, a review of lead responsibilities determined that governance responsibilities would sit better with SWP given the links to organised criminality. Links to both safeguarding boards have been maintained given the implications for safeguarding children and adults.

6.0 Safeguarding Responsibilities

- 6.1 Local authorities have a legal duty to assess adults in need of care and support, and meet 'eligible needs' in a way that promotes their wellbeing. This includes protecting adults from abuse or neglect.
- 6.2 The Care Act 2014 recognises modern slavery as a form of adult abuse and sets out the responsibilities of local authorities. Furthermore, the Children's Act 1989, places the responsibility on the local authority to safeguard and care for a potential child victim on trafficking.
- 6.3 The Panel for the Protection of Trafficked Children has been set up by Barnardo's to support front-line workers to fulfil their statutory duties around the NRM. This work includes mapping of the movements and exploitations types of child victims of trafficking to build a more comprehensive picture of modern slavery across the West Midlands. This will improve future preventative work and enhance the opportunity to bring more offenders to justice. Wolverhampton is represented on this panel by the Children's Safeguarding Manager.

7.0 Proposals for Coordinating Delivery in Wolverhampton.

- 7.1 City wide coordinated delivery is currently driven by Wolverhampton Anti-Slavery Partnership (WASP), a multi-agency forum established by the GLAA. Its aims are to coordinate a victim-led approach to addressing modern slavery, understand the prevalence, analyse data, raise awareness and deliver training. Chairing of WASP has currently moved to West Midlands Police. Community Safety and Safeguarding are represented on this forum providing a crucial link to related safeguarding forums in the City.
- 7.2 An interim problem profile has been completed to better understand modern slavery and an action plan has been developed to direct and drive implementation across sectors.

7.3 This profile combined data from the police, National Referral Mechanism (NRM) referrals, Housing in Multiple Occupation (HMO) visits and partner agency intelligence between 2014-2016.

The report found that there were 11 cases of slavery of Wolverhampton in the three-year period, with an increase being seen year on year. Out of the six victims identified in Wolverhampton in 2016, all were minors. The profile is merely a starting point; however, it is widely accepted that the nature of modern slavery mean there are many hidden crimes with victims too afraid (of both the perpetrators and, sometimes, the authorities) to come forward. Therefore, further work is needed to raise awareness and to build a more accurate picture across the City.

7.4 The key areas of focus for 2017-2018 partnership delivery detailed in Appendix 1 are to:

- Raise awareness through implementation of a communications plan
- Develop a comprehensive training package for wide dissemination across partners to include e-learning, resource materials and face to face provision with delivery targeted through a training plan
- Clarify and simplify the referral route to better support victims integrating into existing delivery models (e.g. MASH, Strengthening Families Hubs); promote awareness of the NRM
- Build collective understanding of the support offer for victims and communicate this across partners
- Strengthen data capture and information sharing arrangements to grow local understanding of risk areas
- Strengthen links to wider safeguarding forums (e.g. Sexually Exploited, Missing and Trafficked sub group of WSCB)
- Develop robust arrangements to identify, disrupt and dismantle organised crime groups linked to modern slavery, including development of cross-border collaborative working
- Strengthen links with the business community; labour exploitation is now more prevalent than sexual exploitation according to NCA 2016 NRM data

8.0 **Strengthening City of Wolverhampton Council's Approach.**

8.1 The Modern Slavery Act 2015, outlined a number of responsibilities for local authorities in relation to modern slavery. A draft action plan highlighting the Council's current position and areas for improvement can be seen in Appendix 2. This section summarises what the plan covers.

8.2 **Procurement** - Local authorities are required to release a Section 54 statement, outlining the steps taken to ensure modern slavery is not present in the organisation and its supply chains. The report 'Modern Slavery and Procurement' has been written by Procurement and the statements are currently awaiting corporate sign off.

8.3 Identifying and Referring Victims of Modern Slavery - As a first responder, the local authority has a duty to identify and refer victims of modern slavery through the NRM.

There is a lack of awareness about the signs of modern slavery, reporting, supporting victims and the legal duties as a local authority and links to MASH. An e-learning course has been available for all Council employees since April 2017; it is proposed to apply mandatory completion of this training for designated Council teams. Face-to-face training and support materials will be developed for practitioners.

8.4 Safeguarding - Where potential child victims of trafficking are identified, the usual safeguarding mechanisms are triggered through MASH. Checks are needed to ensure these arrangements are working well.

8.5 Data Capture - City of Wolverhampton Council (CWC) has a duty to co-operate, as far as it is practicable to do so, with any requests made by the IASC. CWC has made links with the IASC team and has contributed to a recent consultation on the NRM. Data regarding modern slavery should be readily available to aid investigations.

8.6 Links to Civil Contingencies - Options are to be explored to establish links to existing civil contingency plans, which can be triggered in the event of the large-scale identification and rescue of victims.

8.7 Housing – Clarity needed on the Council's requirement to provide accommodation for victims from the point of rescue through to post-NRM.

8.8 The action plan details proposals for strengthening the Council's response and the City's partnership plan, and will be reviewed annually, or in response to national or regional policy change. Progress against delivery will be captured within SWP's annual report, which is presented to Cabinet prior to publication.

9.0 Scrutiny review of proposals

9.1 Scrutiny panel is asked to consider the following questions regarding the proposals to tackle modern slavery in Wolverhampton to inform final revisions to the partnership and Council's plans.

9.2 How well is the Council working with partners to prevent, and support victims of, human trafficking and modern slavery?

9.3 How is the Council encouraging the sharing of information between partners to pursue and bring to justice those facilitating human trafficking and modern slavery?

9.4 How is the Council engaging with local communities to raise awareness and encourage the reporting of any suspicious activity about this issue?

9.5 What best practice exists locally and nationally which could also be considered by the Wolverhampton Anti-Slavery Partnership (WASP) in their approach to preventing human trafficking and modern slavery?

10.0 Evaluation of alternative options

10.1 The approach detailed within this report ensures compliance with the Council's legal requirements under the Modern Slavery Act 2015 and its statutory safeguarding functions. This will be kept under review as a more comprehensive profile of the scale and scope of modern slavery emerges and to reflect changes in national policy.

11.0 Reasons for decision(s):

10.1 CWC will be in a stronger position to safeguarding victims of modern slavery, coordinate partnership efforts to meet identified objectives and build the intelligence to identify potential hot spots or business areas. Failure to act would result in reputational damage and a potential legal challenge for non-compliance with statutory requirements.

12.0 Financial implications

There are no financial implications relating to this report. Any costs arising from actions detailed in this report and attached appendices will be met from existing budgets.

[AS/03082017/S]

13.0 Legal implications

The stated actions will ensure the Council complies with its obligations in accordance with the Modern Slavery Act 2015.

[AS/03082017/N]

14.0 Equalities implications

14.1 Proposals contained within this report will support both the Council and City response to modern slavery and support some of the most vulnerable and marginalised individuals who have been subjected to modern slavery or human trafficking. As the nature of this abuse is largely hidden, the protected characteristics of victim profile is not yet fully understood. An initial equalities screening has been undertaken, with no adverse implications identified. This will be regularly reviewed as the victim profile is further developed.

15.0 Environmental implications

15.1 There are no environmental implications.

16.0 Human resources implications

16.1 There are no human resources implications.

17.0 Corporate landlord implications

17.1 There are no Corporate Landlord implications.

18.0 Schedule of background papers

- 18.1 'The Modern Slavery Act 2015 (Duty to Notify) Regulations 2015' Schedules 1 and 2. - <http://www.legislation.gov.uk/uksi/2015/1743/made>
 - 18.2 The Modern Slavery Act 2015 - <http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>
 - 18.3 Victims of Modern Slavery: frontline staff guidance (Version 3.0) - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/509326/victims-of-modern-slavery-frontline-staff-guidance-v3.pdf
 - 18.4 The Children Act 1989 - <http://www.legislation.gov.uk/ukpga/1989/41>
 - 18.5 The Care Act 2014 - <http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>
 - 18.6 Wolverhampton Safeguarding Procedures; <http://westmidlands.procedures.org.uk/>
 - 18.7 There are no background papers.
- 19.0 Appendices**
- 19.1 Appendix 1: Draft Modern Slavery Action Plan (WASP) 2017
 - 18.2 Appendix 2: City of Wolverhampton Council Modern Slavery Implementation Plan 2017/2018

Appendix 1 Draft Modern Slavery Action Plan (WASP) 2017

Objective	Action	Timescale	RAG	Action Owner	Current position/Outcomes
Communication Plan and Key Messages	<ul style="list-style-type: none"> • Develop communication and action plan • Determine key messages • Engagement with key communities and partners 	On-going	A	WASP	Partners and communities will be consulted to help shape the plan and messages
Training	<ul style="list-style-type: none"> • Audit of need • Develop training package for CWC • Develop bespoke training package for partners • Commence training delivery database 	12 months	A	SWP	An e-learning module is being developed currently and will be further enhanced for specific audiences
Identification of victims	<ul style="list-style-type: none"> • Review current reporting methods • Develop third party reporting centres • Develop aide memoire for identifying at risk groups and potential victims • Aide memoir for NRM reporting 	12 months	A	WASP	Referrals are being made in the region, however, it is acknowledged that numbers are low and need to be higher

	<p>and duty to notify responsibilities</p> <ul style="list-style-type: none"> • Build awareness of available support for victims 				
Operational delivery	<ul style="list-style-type: none"> • Develop delivery group • Establish WASP members service offer and SPOC • Provide a central point of contact for referral/advice for Police and partners to signpost victims 	12 months	R	WASP	Make contact with Sandwell who are believed to have a delivery group established already
Information sharing	<ul style="list-style-type: none"> • Review information sharing protocols • Develop an ISA to meet requirements 	3 months	R	WASP	There is no information sharing agreement in place at present
Improved intelligence	<ul style="list-style-type: none"> • Review NRM referral data capture to inform the profile • Review what intelligence is captured and how it can be improved • Map areas of risk and hotspots 	On-going	A	WASP	The SWP analyst has developed an initial MS profile, this will be developed and improved WMP now have dedicated MS analyst
Multi-Agency and cross border working	<ul style="list-style-type: none"> • Establish links with MS spoc's across West Midlands area and nationally 	On-going	A	WASP	SWP now sit on the WMASN and WASP, further networking is required in order to establish cross border issues and best practice

Appendix 2

CITY OF WOLVERHAMPTON COUNCIL MODERN SLAVERY IMPLEMENTATION PLAN 2017-2018

LEGAL REQUIREMENT	ADDITIONAL GUIDANCE	CURRENT STATUS	AREAS FOR IMPROVEMENT
<p>Section 54 Statement</p> <p><i>Modern Slavery Act 2015</i></p> <p><i>Section 54</i></p>	<p>A Section 54 Statement (also known as a Modern Slavery statement) must be released at the end of each financial year and refreshed annually.</p> <p>The statement should set out what steps have been taken during the previous financial year to ensure that Modern Slavery is not occurring in supply chains of the organisation and/or its contractors.</p> <p>If no steps have been taken, then a statement should be released stating this.</p>	<ul style="list-style-type: none"> - Section 54 Statement (Anti-Slavery and Human Trafficking Policy) and Transparency Statement are currently drafted and awaiting corporate sign off. - Engagement sessions with local stakeholders and voluntary organisations proposed to gather feedback on the statements. - Update to e-tendering process to include a mandatory question regarding compliance to the Section 54 Statement from organisations with an annual turnover of £million and over. 	<ul style="list-style-type: none"> - Section 54 Statement, and Transparency Statement all with corporate sign off. - The Section 54 Statement to be published online and easily accessible from the CWC website. - All tender processes and contract management gain assurances that all contractors adhere to Modern Slavery legislation. - A process is in place to ensure that the CWC Section 54 Statement is renewed annually. - Current CWC contracts have been evaluated for any gaps regarding Modern Slavery. - Completed risk register in reference to Modern Slavery. - These changes reflected in relevant procurement policies.

<p>Duty to Notify</p> <p><i>Modern Slavery Act Section 52</i></p>	<p>As a first responder, the City of Wolverhampton Council has a duty to notify the secretary of state upon developing reasonable grounds that someone is a victim of Modern Slavery. This is done through the completion of NRM or MS1 form.</p> <p>Information provided must comply with 'The Modern Slavery Act 2015 (Duty to Notify) Regulations 2015' Schedules 1 and 2.</p> <p>There is a duty on the Local Authority to ensure support is provided for potential victim of trafficking after a reasonable grounds decision. For adult victims, this is done through contacting third sector organisations.</p>	<p>TRAINING</p> <ul style="list-style-type: none"> - Lack of understanding and awareness around signs of Modern Slavery, reporting, supporting, and legal duties of the council as a first responder. - E- learning course regarding the basics of Modern Slavery is now live and available to all council staff. There is no face-to-face training currently available. Wolverhampton Safeguarding Adults Board promote attending training delivered by the Haven regarding Modern Slavery. 	<p>TRAINING</p> <ul style="list-style-type: none"> - Face-to-face training delivered for all frontline staff who may encounter potential victims of Modern Slavery. This training should include the following elements: <ul style="list-style-type: none"> o identification of Modern Slavery victims o reporting a victim (National Referral Mechanism) o supporting a victim o Legal duties of a Local Authority Priority teams in the Council: <ul style="list-style-type: none"> - Adult social care - Children's social care - Housing Options - Procurement - Multi Agency Safeguarding Hub Staff - Strengthening Families Hub - Licensing Team - Environmental Health - Customer Service department - Wolverhampton Homes - Training/workshops available for MASH staff and other relevant staff outlining the process of completing the NRM/MS1. - The e-learning course to be mandatory for Council staff who are most likely to come across victims of Modern Slavery (as listed above).
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		<p>PROCESS</p> <ul style="list-style-type: none"> - Wolverhampton Children’s Safeguarding Board policy and Wolverhampton Adult Safeguarding Board policy do identify the duty of the Local Authority to notify. - Cases of Modern Slavery are referred on to MASH services, who complete the NRM and MS1 forms. The MASH team also liaise with the Police regarding the referral. - NRM and MS1 forms are available for CWC staff on the Wolverhampton Safeguarding Website. All Adult Social Care Teams have been sent Home Office guidance regarding the completion of an NRM. 	<p>PROCESS</p> <ul style="list-style-type: none"> – NRM and MS1 documents are easily accessible on Council intranet. – A clear reporting process chart for staff coming across victims of Modern Slavery, including links to MASH, has been disseminated across teams in the Council. This will be developed into an aid memoire for frontline staff. – Ensure incorporation of Duty to Notify within relevant policies and processes. – Suitable data gathering process in order to provide Police analysts with data.
<p>Potential Child Victims of Trafficking (PCVOT)</p> <p><i>Victims of Modern Slavery: frontline staff guidance</i> Version 3.0</p>	<p>It is the Local Authorities responsibility to safeguard PCVOT through the usual safeguarding mechanism for children.</p> <p>Processes in place to monitor safeguarding procedures for</p>	<ul style="list-style-type: none"> - Six cases of Modern Slavery were documented in the 2016. All of these were children. 	<ul style="list-style-type: none"> - Appropriate/suitable placements for children in emergency and longer term placements. PCVOT are given placements with suitable carers who are trained on how to care for a victim of trafficking. -Robust monitoring processes to ensure that PCVOT are supported specifically and

<p><i>Children Act 1989</i></p>	<p>trafficked children.</p>		<p>adequately.</p> <ul style="list-style-type: none"> - Ensuring that child trafficking victims are pursued when they go missing from authority care. This is to prevent them from being re-trafficked.
<p>Cooperate with the Independent Anti-Slavery Commissioner as/when the Commissioner deems necessary.</p> <p><i>Modern Slavery Act 2015</i> <i>Section 43</i></p>	<p>The Independent Anti-Slavery Commissioner (IASC) must submit a strategic plan and an annual report.</p> <p>They are to promote good practice in prevention, detection, investigation and identification of victims.</p> <p>To aid their reports, the IASC is to complete research and make recommendations to public authorities.</p> <p>As a local authority, CWC has a duty to comply, as far as it is practicable to do so, with the Independent Anti-Slavery Commissioner. This may include providing data as and when required.</p>	<p>CWC has recently contributed to the IASC consultation on the NRM.</p> <p>Links have also been established with the IASC office.</p> <p>The LGA are publishing a guide for local authorities regarding compliance with the IASC.</p>	<ul style="list-style-type: none"> - Maintaining up-to-date data, to ensure that it is readily available for the IASC as and when required. - A process where recommendations by the IASC for local authorities are examined and implemented. - Agree and develop data capture arrangements via MASH and West Midlands Police. - Once published, guidance from the LGA should be considered.
<p>Inclusion of Modern Slavery within the definition of abuse</p> <p>The Care Act, 2014</p>	<p>The Care Act, 2014, expanded the definition of abuse to include Modern Slavery. This means that all legal requirements now also extend to Modern Slavery. These include the local authority having a duty to make enquiries, or</p>	<ul style="list-style-type: none"> - Included in a document 'A guide to recognising and reporting abuse and neglect'. - Protection and safeguarding of vulnerable people who are at heightened risk of being 	<ul style="list-style-type: none"> - Protection and safeguarding of vulnerable people who are at heightened risk of being trafficked. - A commitment to working in partnership with other statutory services and other third sector organisations in accordance with the City-Wide

	<p>cause others to, if they reason to believe an individual is experiencing abuse.</p> <p>It is currently unclear how far accommodation provision in the Care Act extend to victims of Modern Slavery. Whilst individuals with physical or mental impairment are eligible for care and support from the authority, exclusions from this support include nationals from another EEA member state, and a person who is in the UK in breach of immigration laws.</p>	<p>trafficked. This requirement is outlined in Paragraph 14.44.</p>	<p>Action Plan.</p> <ul style="list-style-type: none">- Clarification should be gained with homeless services on assessments and accommodation support the Council needs to provide based on an interpretation of the Localism Act.
<p>Explore options for strengthening links with civil contingency plans.</p>	<p>Links are to be strengthened with the Council resilience team to develop a civil contingency plan. The plan would outline the Council involvement in assisting the Police in the event of a large-scale identification and rescue of victims.</p>	<ul style="list-style-type: none">- Clarity must be gained from the Police regarding their ask from the Council, especially in terms of need for rest centres.	<ul style="list-style-type: none">- A civil contingency plan developed covering the steps to be taken in such an event.