

Bath & North East Somerset Council

MEETING	Cabinet	
MEETING/ DECISION DATE:	20th May 2021	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3267
TITLE:	Modern Slavery Statement 2021/22	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix A – Modern Slavery Statement 2021/22		

1 THE ISSUE

- 1.1 The Council is required to sign off a Modern Slavery Statement on an annual basis to comply with the requirements of the Modern Slavery Act 2015

2 RECOMMENDATION

The Cabinet is asked to;

- 2.1 **Agree the sign off and publication of the Council's Modern Slavery Statement 2021/2022 by the Leader of the Council and Chief Executive and publication in a prominent location on the Council's Website.**

3 THE REPORT

- 3.1 Modern slavery is often a hidden crime involving one person denying another person his or her freedom. It includes slavery, servitude, forced and compulsory labour and human trafficking. To tackle these crimes, the Modern Slavery Act 2015 was introduced. It consolidated and clarified modern slavery offences; toughened penalties and prosecution; and introduces greater support and protection for victims.
- 3.2 Modern slavery is an umbrella term, encompassing human trafficking, slavery, servitude and forced labour. Someone is in slavery if they are:
- (1) forced to work through mental or physical threat

- (2) owned or controlled by an 'employer', usually through mental or physical abuse or the threat of abuse
 - (3) dehumanised, treated as a commodity or bought and sold as 'property'
 - (4) physically constrained or have restrictions placed on their freedom.
- 3.3 **Servitude** is like slavery, in that a person is under an obligation to provide a service which is imposed on them, but there is no element of ownership.
- 3.4 **Forced work** is defined as 'work or service which is exacted from any person under the menace of any penalty and for which the person has not offered himself voluntarily' and has been found in a number of different industries including manufacturing, food processing, agriculture and hospitality.
- 3.5 **Human trafficking** is when men, women and children are moved and forced into exploitation. The movement could be international but also within the country, from one city to another or even just a few streets. A person is a victim of human trafficking even if they haven't yet been exploited but have been moved for the purposes of exploitation.
- 3.6 There are different types of exploitation that victims of modern slavery may be subjected to, and victims may experience more than one type of exploitation at the same time. The most common forms of exploitation are:
- (1) **Sexual exploitation:** victims may be forced into prostitution, pornography or lap dancing for little or no pay. They may be deprived of their freedom of movement and subjected to threats and violence.
 - (2) **Labour exploitation:** a victim is made to work with little or no pay and may face violence or threats. If they are foreign nationals, their passports may be confiscated by their exploiters and they may be made to live in terrible conditions and under constant threat.
 - (3) **Forced criminality:** victims can be forced to participate in a range of illegal activities including pick pocketing, shop lifting, cannabis cultivation, county lines exploitation and other activities. The Modern Slavery Act provides for a defence for victims who have been forced into criminality.
 - (4) **Organ harvesting:** victims are trafficked in order for their internal organs (typically kidneys or the liver) to be harvested for transplant.
 - (5) **Domestic servitude:** victims work in a household where they may be ill-treated, humiliated, subjected to exhausting hours, forced to work and live under unbearable conditions or forced to work for little or no pay
- 3.7 **County lines** is the police term for urban gangs supplying drugs to suburban areas and towns using dedicated mobile phone lines – these are the county lines. It involves child criminal exploitation (CCE) as gangs use children and vulnerable people to move drugs and money.
- 3.8 **Debt bondage** can be present in many forms of exploitation and can take a range of forms. Debts may arise out of the exploitation itself, for example in relation to accommodation or travel fees, with victims having little or no control over their debt and little or no way to pay it back. Costs may be deducted from

their wages, leading to further debts being accrued. A person may be forced to work to pay off the debt and it can also be used as a means of controlling a victim and keeping them enslaved.

3.9 Other forms of exploitation include:

- (1) **forced marriage:** where people are forced into marriage for a range of reasons including exploiting the rights conferred on them by citizenship or for domestic servitude. In some cases, forced marriage can lead to domestic servitude.
- (2) **financial exploitation:** for example benefit fraud, where benefits are falsely claimed by perpetrators on behalf of their workers; bank accounts being opened in a victim's name but used by perpetrators; or workers' wages being paid directly into the exploiters, own bank accounts by companies who think they are paying a worker individually.

3.10 From a procurement perspective forced or compulsory labour is the most relevant area as it is the form of modern slavery which suppliers are most likely to come across.

3.11 The Modern Slavery Act put forward measures which are directly related to businesses and their supply chains. Section 54 of the Act requires companies with an annual turnover above £36m, and carrying out a business, or part of a business, in the UK, to develop a Modern Slavery Statement, also known as a 'Transparency in Supply Chains (TISC) statement', each year. From the 1st April 2021 this obligation has been expanded to all government departments and public sector organisations including Local Authorities with a turnover above £36m.

3.12 If a victim of modern slavery is identified, the Council will involve the law enforcement agencies. If the victim is in the UK and is in immediate danger, the Council will report it to the police by dialling 999. The Council will work collaboratively with other agencies and suppliers to address instances of modern slavery. We will only terminate a contract as a last resort.

3.13 If the Council is not a significant customer of the supplier, we will collaborate with others public bodies to increase our influence. If the risks identified relate to a Central Government Strategic Supplier, we will contact Crown Commercial Services or the relevant Crown Agent without delay

3.14 Other than in extreme cases, terminating a contract for reasons linked to modern slavery will only be considered where the issues continue to occur and the supplier is unwilling to co-operate and change, despite receiving help and support. The Council will always consider the potential detrimental effect on workers, particularly if these are overseas and consider whether contract termination will stop the abuses occurring or will result in working conditions worsening.

3.15 The Strategic Procurement Team have been working with colleagues from the Equalities Team and Trading Standards to develop and coordinate the Council's approach to this very important topic. The TISC statement attached at **Appendix A** meets the Council's statutory obligations. The actions identified

will further reduce the risk of modern slavery existing in the Council's supply chain.

- 3.16 The TISC Statement needs to be signed and dated by the Leader of the Council and the Chief Executive before being published on the Council's Website.

4 STATUTORY CONSIDERATIONS

- 4.1 The publication of the of the statement is required under section 54 of the Modern Slavery Act 2015

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 There are no additional resource requirements in producing and publishing the statement, however there may be training and other associated cost in ensuring Council staff understand their obligations and to put appropriate contract management processes in place.

6 RISK MANAGEMENT

- 6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

- 7.1 The statement forms an important part in meeting the Council's equalities obligations. It will be incorporated within an Equality Improvement Plan for the Council based upon the LGA's Equality Framework for Local Government (EFLG). Commissioning and procurement form an important part of the framework

8 CLIMATE CHANGE

- 8.1 The statement does not have a direct impact on meeting our carbon emissions target but is about sustainable procurement. Organisations that breach Modern Slavery legislation are likely to breach other legislation that contributes to the emergency.

9 OTHER OPTIONS CONSIDERED

- 9.1 N/A

10 CONSULTATION

- 10.1 The Chief Executive, Section 151 Officer and Monitoring Officer have been consulted.

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Background papers	
Please contact the report author if you need to access this report in an alternative format	