

## Modern Day Slavery Policy

<b>Health and Social Care Act 2008 (Regulated Activities) Regulations 2014</b>	<b>13, 17, 19</b>
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### CQC Single Assessment Framework Topics

#### **Safe Topic Areas:**

Learning culture

Safeguarding

Safe and effective staffing

#### **Effective Topic Areas:**

Workforce well-being and enablement

#### **Well-led Topic Areas:**

Shared direction and culture

Capable, compassionate and inclusive leaders

Freedom to speak up

Workforce equality, diversity and inclusion

Governance, management and sustainability

**Please see the 'Quality Statements' section for full guidance**

# Scope

This policy covers modern day slavery and human trafficking in accordance with the Modern Day Slavery Act 2015. This can include slavery, servitude, forced labour, compulsory labour and human trafficking.

Modern slavery and human trafficking are criminal offences under the Modern Slavery Act 2015. The act includes the crimes of knowingly holding a person in a position of slavery, servitude, forced or compulsory labour and/or facilitating their travel with the intention of exploiting them during or soon after.

This policy sets out the steps the organisation has taken to ensure that slavery and human trafficking is not taking place in any part of our organisation or supply chains. This policy applies to all people working for the organisation including employees, agency workers, contractors, suppliers and partnership organisations.

The policy links directly to the 'Safeguarding Adults Policy' and the 'Safeguarding Children in an Adult Setting Policy' and the organisation is committed to ensuring all aspects of its services work to protect people from modern slavery.

This policy and procedure are provided for the regulated activity of personal care.

# Equality Statement

Our organisation is committed to equal rights and the promotion of choice, person-centred care and independence. This policy demonstrates our commitment to creating a positive culture of respect for all individuals. The intention is, as required by the Equality Act 2010, to identify, remove or minimise discriminatory practice in the nine named protected characteristics of age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is also intended to reflect the Human Rights Act 1998 to promote positive practice and value the diversity of all individuals.

# Key Points

- Modern slavery is a crime which results in abuses of human rights, robs people of self-determination and often includes abuse and violence.
- Human trafficking is the illegal movement of people through force, fraud or deception with the intention of exploiting them, typically for the purposes of forced labour or sexual exploitation.

- Forced or compulsory labour is "all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily."
- Staff will be provided training in modern slavery, especially what to look for and how to raise concerns.
- The organisation endeavours to behave with honesty, integrity and acts fairly and ethically in its relationships and dealings with its:
  - Service users and their families,
  - Suppliers,
  - Commissioners, and
  - Stakeholders
- When staff believe there is a possibility of a modern slavery situation, whether within the company or when working with a supplier or contractor, please refer to the reporting concerns section of this policy.

## Policy Statement

Modern slavery is a crime which results in abuses of human rights, robs people of self-determination and often includes abuse and violence.

A focus on tackling modern slavery not only protects adults at risk, vulnerable workers, helps prevent and remedy severe human rights violations, but it can bring a number of business benefits as well. These include:

- Protecting and enhancing an organisation's reputation and brand,
- Protecting and growing the organisation's customer base as more consumers seek out businesses with higher ethical standards,
- Improved investor confidence,
- Greater staff retention and loyalty based on values and respect, and
- Developing more responsive, stable and innovative supply chains.

The organisation's recruitment policies and procedures comply with all UK law and regulations, and staff are contracted to the organisation in line with full compliance key legislation.

## The Policy

The organisation meets all relevant standards, regulations and legal requirements, and where possible aims to exceed them. Staff will be provided training in modern slavery, especially what to look for and how to raise concerns.

The organisation endeavours to behave with honesty, integrity and acts fairly and ethically in its relationships and dealings with its:

- Service users and their families,
- Suppliers,
- Commissioners, and
- Stakeholders.

It extends its own values to relationships with these parties, working only with companies that uphold high standards of ethical conduct and fair practices in key area of regulation and legislation including:

- Environmental Management
- Modern Day Slavery
- Sustainability
- Anti-Corruption and Bribery
- Equality Act 2010
- Health and Safety

The organisation's 'Whistleblowing Policy' encourages employees to report any concerns and provides means for them to do so with anonymity. This is reinforced in the organisation's 'Whistleblowing Policy.'

The organisation is committed to ensuring modern slavery is identified and reported wherever the organisation, or its staff, believe there is evidence of a supplier or contractor undertaking the practice.

## Definitions

*Modern slavery* is the illegal exploitation of people for personal or commercial gain, and covers a wide range of abuse and exploitation including:

- Sexual exploitation,
- Domestic servitude,
- Forced labour,
- Child related crimes such as child sexual exploitation, forced begging, illegal drug cultivation, organised theft, benefits fraud
- Forced marriage and illegal adoption (if other constitutional elements are present)
- Criminal exploitation, and
- Organ harvesting.

Victims of modern slavery can be any age, gender, nationality and ethnicity. They are tricked or threatened into work and may feel unable to leave or report the crime through fear or intimidation. They may not recognise themselves as a victim.

*Human trafficking* is the illegal movement of people through force, fraud or deception with the intention of exploiting them, typically for the purposes of forced labour or sexual exploitation. Men, women and children are forced into a situation through the use (or threat) of violence, deception or coercion.

Victims may enter the UK legally or on forged documentation or secretly under forced hiding, or they may even be a UK citizen living in the UK who is then trafficked within the country but should not be confused with people smuggling, where the person has the freedom of movement upon arrival in the UK.

There is no 'typical' victim of human trafficking and modern slavery. Victims can be men, women and children of all ages, ethnicities, nationalities and backgrounds. It can however be more prevalent amongst the most vulnerable members of society, and within minority or socially excluded groups.

Some of the vulnerable groups frequently targeted by traffickers include:

- People with low income or with debts
- Women and children
- People with learning disabilities
- People with substance misuse issues
- People with mental health problems
- Ethnic minorities, refugees and illegal immigrants
- Young people running away from home or care

*Forced labour:* According to the International Labour Organisation (ILO) Forced Labour Convention, 1930 (No. 29), forced or compulsory labour is: 'all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily.' There are 11 indicators of forced labour– abuse of vulnerability, deception, restriction of movement, isolation, physical and sexual violence, intimidation and threats, retention of identity documents, withholding of wages, debt bondage, abusive working and living conditions, and excessive overtime.

## An Ethical and Compliant Employer

The organisation is committed to being an ethical employer of staff and compliant with all relevant UK regulations and legislation. The organisation aims to ensure that staff working for the service

are treated fairly and provided with appropriate terms and conditions which are compliant with UK laws, e.g. Minimum Wage Act 1998.

Our aim is to ensure the services we provide people are safe, high-quality and align with the Human Rights Act and Equality Act 2010.

The organisation will treat all people who come into contact with its services, including staff, positively and in line with their human rights.

The organisation requires its staff and managers to:

- Respect service users, and colleagues, human rights.
- Not expose people, including staff, to the risk of abuse, improper treatment, and neglect.
- Protect people from risk of harm.

Studies have found that organisations that treat their staff poorly are more likely to deliver poor quality care to the people who use their services, through no fault of the victim.

The company has a suite of policies and procedures which support fair and legal human resource practices, which include the following areas:

### Employee's code of conduct

Staff are required to follow the appropriate code of conduct for their profession or role, e.g. 'Code of Conduct for Healthcare Support Workers and Adult Social Care Workers in England,' Skills for Care. Through policies and procedures and requiring staff to contractually comply with appropriate codes of conduct, the organisation makes clear to employees the actions and behaviours expected of them when providing care and representing the company.

The organisation aims to maintain the highest standards of employee conduct and ethical behaviour. Line managers investigate any alleged breaches, and staff are required to make a declaration of outside interests where appropriate. This includes other paid employment.

### Recruitment

Our recruitment processes are transparent, audited and reviewed regularly to ensure that they comply with safer recruitment standards and UK law.

This includes robust procedures in place for the vetting of new employees in line with the Health and Social Care Act 2008, (Regulated Activities) Regulations 2014 and best practice. The organisation aims to ensure that all staff have a right to work in the UK, and that they confirm their identities, past work history, skills, and qualifications.

### Agency workers

Where the need arises to source resources from alternative partners, we will verify their practices before accepting workers from that agency.

## Pay

Through our human resources policies, we ensure we pay all employees fairly and equitably. We make payments directly into an appropriate, personal bank account to ensure staff receive the appropriate pay for their work.

## Business planning

Our business plans include a section on safeguarding. This makes reference to human trafficking and includes the steps services will take to manage that risk.

## Safeguarding

We take our responsibilities to safeguard the welfare of vulnerable adults and children very seriously. We aim to protect service users from harm through a range of activities, e.g. integrating our safeguarding policies and procedures with the local authority's, as well as implementing and monitoring our policies and procedures to ensure they remain appropriate and up to date.

## Training and development

The organisation has a programme of mandatory induction and training that all staff and managers must complete appropriate to their role. All staff receive 'Safeguarding Adults and Children in an Adult Setting' training, which includes relevant topics, e.g. Prevent. Staff are assessed for their competence in areas such as safeguarding through staff supervisions and spot checks/observations. Where staff are identified as requiring additional support and training then this is provided and agreed/monitored through a personal development plan.

## Whistleblowing

This encourages all its staff and managers, who have serious concerns about any aspect of our work to come forward and voice their concerns. It lays out a process for doing so, which adheres to the Public Interest Disclosure Act 1998. This means that employees can make disclosures without fear of reprisal or victimisation.

## Complaints system

The complaints policy and procedure supports service users, family and other stakeholders to complain about our services. Complaints are used to learn from our actions and to develop plans to continuously improve our services. The organisation encourages service users, families and other stakeholders to report any concerns/complaints which are fully investigated under our complaints policy and procedure, and outcomes fed back to the person raising the concern/complaint.

# Compliance Requirements for Supply Chains

The following guidance sets out how we will have transparency in our supply chains and organisation.

Commercial organisations in any sector, which supplies goods and services and carries on a business or part of a business in the UK, with a turnover of £36 million or more, must produce a Modern Slavery Statement for each financial year.

The Modern Slavery Statement must set out what steps the organisation has taken during the financial year to ensure modern slavery is not occurring in their supply chains and in their own organisation.

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 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.

## Organisations Below £36 Million

Where there is no requirement to produce a statement, organisations are encouraged to voluntarily produce a Modern Slavery Statement, especially where they are contracting with organisations above the threshold. Organisations with a turnover of less than £36 million may be asked to provide such a statement to commissioners of services, suppliers etc on their 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.

The organisation will review the company's position regarding an annual statement as the company grows and in line with any changing risk factors which may present as the business strategy changes.

It will use these to assess the associated risks with the supply chains regarding modern day slavery and take appropriate action with its suppliers where concerns are identified, which may include:

- Action plans for remedial improvement
- Severance of contracts
- Changes in procurement practice



- Other actions as required by the findings

## Procurement Process and Ethical Purchasing Practices

The organisation will work with integrity, ethically and fairly with its suppliers and contractors to ensure that no undue pressure is placed on them to reduce costs or timing to such a point that this forces suppliers to use unethical, unlawful or unfair employment practices to meet the needs of the contract with the organisation.

Procurement practices will be audited on an annual basis and at each point of the procurement process to consider modern slavery. A report will be prepared for the board by the Registered Manager or other relevant managers, with an action plan developed to improve procurement practices and minimise the risk of modern slavery.

All suppliers will be contractually required to comply with modern slavery policies, procedures and the Modern Slavery Act 2015 as a supplier to the organisation.

Each stage of the procurement process will include questions and information regarding modern slavery, and compliance with the 2015 Act.

## Mapping Supply Chains

On an annual basis the manager in charge of procurement of new contracts and the manager of existing contracts will undertake a mapping exercise of the organisation's suppliers to identify any high-risk suppliers.

The mapping exercise will be reported to the Registered Manager and board who will agree an action plan to minimise/mitigate risk to the organisation through modern slavery practises of its suppliers.

## High-risk Suppliers

Any high-risk suppliers identified within Mapping Supply Chains or an audit of the procurement processes will be contacted and due diligence undertaken on their compliance with the Modern Slavery Act, including:

- Policies and procedures,
- Annual statements,

- Recruitment and employment practices, and
- Actions in place to resolve areas of concern or poor practice.

Where suppliers do not have in place appropriate systems of work, we will contractually require them to adhere best practice in modern slavery:

- Annual report/audit.
- Policies and procedures.
- Training on organisation policies, procedures and reporting mechanisms.
- Due diligence.

Where suppliers do not agree to working with us to ensure compliance with the Modern Slavery Act, the organisation will cease trading with the company and find alternative suppliers to meet the supply gap.

## Reporting Concerns

When staff believe there is a possibility of a modern slavery situation, whether within the company or when working with a supplier or contractor, they must in the first instance report it to their manager who will then take it forward by reporting it to Unseen and/or other appropriate services as listed below:

- Website: [Unseen - Modern Slavery Helpline](#) or tel: 08000 121700, or
- The [Gangmasters and Labour Abuse Authority](#) on 0800 432 0804. Leave a voicemail and someone will call you back. Or email [intelligence@glaa.gsi.gov.uk](mailto:intelligence@glaa.gsi.gov.uk) with as much information as possible.
- Report an immigration crime to the Home Office by filling in an [online report form](#). Or call the Immigration Enforcement hotline on 0300 123 7000.
- The National Crime Agency, Modern Slavery Human Trafficking Unit (MSHTU) plays a key role in the prevention of serious and organised crime including Modern Slavery. [NCA - Modern Slavery Human Trafficking Unit](#)
- Suspicion/concerns can also be reported to the Police on 101. In an emergency call the Police on 999.
- If staff have a concern that the organisation has not raised a modern slavery issue appropriately, they must contact the modern slavery helpline, the local authority safeguarding team or the Care Quality Commission.
- Local Authority Safeguarding Team .
- Social Care Direct 0345 6037630
- The Care Quality Commission.
- Tel: 03000 616161.
- [Online contact form](#).

- Email: [enquiries@cqc.org.uk](mailto:enquiries@cqc.org.uk).
- The management team will support staff in raising concerns and will provide access to external agencies and organisations to ensure staff have full access to advice and information.
- Staff can raise concerns anonymously through the 'Whistleblowing Policy' where they wish to remain unknown and through the 'Grievance Procedure' where this is most appropriate.

## References and Further Reading

[Modern Slavery resources and guidance](#)

[Unseen - Modern Slavery Helpline](#)

[Gangmaster Labour Abuse Authority Helpline](#)

[Report-immigration-crime](#)

[Regulatory-policy-position-on modern-slavery-and-unethical-international-recruitment, CQC](#)

[Transparency in supply chains – a practical guide, The Home Office](#)

[Modern slavery and public health, Public Health England](#)

[Frequently Asked Questions - Modern Slavery](#)

[Modern Slavery Act 2015](#)

[What to include in a modern day slavery statement](#)

[Modern Slavery Human Trafficking Unit, National Crime Agency](#)

[The Anti-Slavery Commissioner](#)

## Quality Statements

### Learning culture

We have a proactive and positive culture of safety based on openness and honesty, in which concerns about safety are listened to, safety events are investigated and reported thoroughly, and lessons are learned to continually identify and embed good practices.

## Safeguarding

We work with people to understand what being safe means to them as well as with our partners on the best way to achieve this. We concentrate on improving people's lives while protecting their right to live in safety, free from bullying, harassment, abuse, discrimination, avoidable harm and neglect. We make sure we share concerns quickly and appropriately.

## Safe and effective staffing

We make sure there are enough qualified, skilled and experienced people, who receive effective support, supervision and development. They work together effectively to provide safe care that meets people's individual needs.

## Workforce well-being and enablement

We care about and promote the well-being of our staff, and we support and enable them to always deliver person-centred care.

## Shared direction and culture

We have a shared vision, strategy and culture. This is based on transparency, equity, equality and human rights, diversity and inclusion, engagement, and understanding challenges and the needs of people and our communities in order to meet these.

## Capable, compassionate and inclusive leaders

We have inclusive leaders at all levels who understand the context in which we deliver care, treatment and support and embody the culture and values of their workforce and organisation. They have the skills, knowledge, experience and credibility to lead effectively. They do so with integrity, openness and honesty.

## Freedom to speak up

We foster a positive culture where people feel that they can speak up and that their voice will be heard.

## Workforce equality, diversity and inclusion

We value diversity in our workforce. We work towards an inclusive and fair culture by improving equality and equity for people who work for us.

## Governance, management and sustainability

We have clear responsibilities, roles, systems of accountability and good governance. We use these to manage and deliver good quality, sustainable care, treatment and support. We act on the best information about risk, performance and outcomes, and we share this securely with others when appropriate.

[Key questions and quality statements - Care Quality Commission](#)