

Decision Maker	Leadership Team meeting 8 th December 2021	 THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
Date of Report	30 November 2021	
Forward Plan ref:	06017/21/K/A	
Report title	Kensington and Chelsea Modern Slavery Statement Update 2020 – 2021	
Reporting officer	Sue Harris, Executive Director, Environment and Communities Mike Curtis, Executive Director for Resources	
Key decision	Yes	
Access to information classification	Public	
Wards	All	

1. EXECUTIVE SUMMARY

- 1.1. The Council is committed to tackling modern slavery and exploitation and has experience delivering effective responses and innovation in this area gained via its role leading the European Commission funded European Communities Against Trafficking Project from 2012 to 2014.
- 1.2. On 17 September 2020 the Council produced its first annual Modern Slavery Statement for the period April 2019 – March 2020. The Modern Slavery Statement is required to be updated and re-published annually and should cover the previous financial year. The Council's Community Safety and Procurement Teams have collaborated to review and update this second annual Modern Slavery Statement, exploring the procurement and employment practice progress and developing an approach to improve due diligence of supply chains to mitigate the risk of modern slavery and exploitation.

- 1.3. On 16 April 2021 the Council published its five-year Strategy 'Ending Modern Slavery: Our Strategy for a Coordinated Community Response 2021-2026'. The Strategy outlined the Council's aims of identifying victims, preventing exploitation, supporting victims and bringing exploiters to justice. The proposals contained in the second annual Modern Slavery Statement align to the theme of exploitation being prevented and is an area of work integral to the local strategic approach.
- 1.4. Commercial organisations with an annual turnover of over £36M must prepare a Modern Slavery Statement covering the prior financial year. As the Council is not a commercial organisation, there is not a requirement to publish such a Statement, however, approximately 140 Councils across England have voluntarily chosen to publish Modern Slavery Statements particularly with a focus on increasing transparency in supply chains. The UK Government published its inaugural Modern Slavery Statement in March 2020. In 2021 ministerial departments have published individual Modern Slavery Statements.

2. RECOMMENDATIONS

- 2.1. That the Leadership Team approve the Council's second annual Modern Slavery Statement for the period April 2020 – March 2021 (Appendix 1).

3. REASONS FOR DECISION

- 3.1. Whilst the Council would not knowingly exploit employees or procure goods or services implicated in modern slavery, there is a risk of this occurring without its knowledge. Operation Fort, a major police operation starting in 2015, identified modern slavery operating in the supply chains of major businesses, such as Marks and Spencer, Tesco and Homebase.
- 3.2. It emerged that traffickers had supplied up to 400 victims to established labour agencies in the UK over several years. The agencies were unaware of the criminal gang's control over these vulnerable men, or that they were paid into bank accounts controlled by the traffickers. Operation Fort sent a clear message that no organisation is safe from exploitation.
- 3.3. As an organisation and an employer, the Council has a responsibility to carry out due diligence within its own organisation and examine its supply chains to mitigate the risks of modern slavery and exploitation.
- 3.4. According to the Modern Slavery Act 2015, a Modern Slavery Statement is a statement of the steps the organisation has taken during the financial year to ensure that slavery and human trafficking is not taking place in any of its supply chains, and in any part of its own business. The Statement must cover the previous financial year, be signed by a director, be refreshed annually and should be in a prominent location on the organisation's website and easily accessible through a link from the homepage.

4. BACKGROUND

- 4.1. Modern slavery is a violation of human rights and is defined within the Modern Slavery Act 2015. The Act categorises offences of Slavery, Servitude and Forced or Compulsory Labour and Human Trafficking and includes:
- **Forced labour** – Coerced, deceived or forced into working for little or no pay
 - **Sexual exploitation** – Coerced, deceived or forced into providing sexual services
 - **Domestic servitude** – Coerced, deceived or forced into working within a home environment for little or no pay
 - **Criminal exploitation** – Coerced, deceived or forced into criminal activities (including begging, stealing and growing or selling drugs)
 - **Forced or sham marriage** – Coerced, deceived or forced into marriage
 - **Organ harvesting** – Coerced, deceived or forced into removing internal organs for another person's gain
- 4.2. Modern Slavery is often hidden in plain sight, making it hard to identify victims/survivors. Victims/survivors may be of any age, gender or ethnicity. Exploiters often target the most vulnerable in society, such as people who are homeless or escaping conflict, poverty or abuse. Exploiters may be organised criminal groups or individuals who identify an opportunity to take advantage of a person's vulnerability. Victims/survivors may be unable to escape because of fear for their own lives or the lives of their family. They may also not escape because the exploiter has trapped them in debt, or they don't know who to turn to or trust.
- 4.3. Estimations of the scale of modern slavery suggest there are 100,000 victims in the UK. Data from the local multi-agency partnership, Modern Slavery & Exploitation (MSE) Group, suggests there were at least 56 victims of modern slavery identified as being recruited or exploited in Kensington and Chelsea in 2020. Due to modern slavery being a 'hidden' crime, along with the barriers for victims/survivors coming forward and the systems used to record cases, it is difficult to provide exact data on the number of cases.
- 4.4. On [17 September 2020 the Leadership Team approved](#) the Council's inaugural Modern Slavery Statement and committed to publishing a Statement annually. On [16 April 2021 the Leadership Team agreed](#) the Strategy 'Ending Modern Slavery: Our Strategy for a Coordinated Community Response 2021-2026'. The second annual Modern Slavery Statement contributes towards part of the response outlined in the Council's Strategy to tackle modern slavery and exploitation.

- 4.5. The Council has been proactively responding to modern slavery since it launched the European Commission funded European Communities Against Trafficking project in 2012. It adopted a coordinated community response to modern slavery, acknowledging that it is everyone's responsibility to tackle the crime and work together to prevent it from happening.
- 4.6. The 2020 - 2021 Modern Slavery Statement (Appendix 1) reflects the actions the Council has taken over the past year since publishing the first Statement in 2020. Progress this year has included the Council introducing a supplier code of conduct, ensuring managers use approved managed services for recruitment, and updating contract and commissioning terms and conditions to reflect the Council's values and response to modern slavery.
- 4.7. This year the Council will source specialist training on ethical procurement and modern slavery in supply chains, continue to develop due diligence practices, review and map the Council's supply chains, identify high risk supply chains and support suppliers to mitigate the risks of modern slavery.

5. OPTIONS, ANALYSIS AND PROPOSALS

	Option	Benefits	Disadvantages	Recommendations
1	Under s.54(4) of the Modern Slavery Act 2015, organisations can publish a Modern Slavery Statement to state they are taking no steps to tackle modern slavery in their business or supply chains.	The Council does not have a statutory duty to publish a Modern Slavery Statement and it will save officers' time each year by not delivering the action plan or writing the annual Statement.	In 2020 the Council has demonstrated its commitment to mitigate the risks of modern slavery in its supply chains by publishing its first Statement. If it did not continue with its commitment, business and supply chains may be left vulnerable to exploitation, therefore not protecting vulnerable workers. This could also impact on the Council's reputation, particularly as the Council has demonstrated in its first Modern Slavery Statement that it is aware that modern slavery is a risk.	This option is not recommended.
2	The Council continues to publish an annual Modern Slavery Statement	It demonstrates a continued commitment to tackling modern slavery and exploitation in	The Council can proactively mitigate the risk, but it is not possible to ensure there is no modern slavery and exploitation in the supply chains. Therefore, there is	This option is recommended.

	<p>outlining the steps the Council has taken in the previous year to mitigate the risks of modern slavery in its business and supply chains.</p>	<p>business and supply chains; and therefore the Council's commitment to protect vulnerable workers, in line with the Council's values.</p> <p>By continuing to take the proactive steps laid out in the action plan the Council can mitigate the risks of modern slavery and exploitation happening in its business and supply chains.</p> <p>The Council will be complying with the five-year Strategy 'Ending Modern Slavery: Our Strategy for a Coordinated Community Response 2021-2026'.</p>	<p>always a risk of reputational damage if exploitation is uncovered.</p>	
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5.2 Options one is not recommended for the reasons provided. Option two is recommended.

6. CONSULTATION AND COMMUNITY ENGAGEMENT

6.1 The multi-agency Modern Slavery and Exploitation (MSE) Group, which is coordinated by council officers, has been consulted on the second Modern Slavery Statement 2020 – 2021. The MSE Group reports to the Violence Against Women and Girls Strategic Board. Members include Metropolitan Police, local NHS trusts and Non-Governmental Organisations.

- 6.2 The Modern Slavery Statement contributes towards the theme of exploitation being prevented in the Council's Strategy 'Ending Modern Slavery: Our Strategy for a Coordinated Community Response 2021 - 2026'. The Strategy was co-produced through consultation from September to November 2020 with survivors of modern slavery, representatives from community, voluntary and faith groups, multi-agency professionals, businesses and an online quiz for residents. Within the consultation it was suggested the Strategy should include that it is socially unacceptable to buy goods that are not free from exploitation, this was reflected in the Strategy's objective of exploitation being prevented, with the recommendation for all commercial and non-commercial organisations to produce a Modern Slavery Statement.
- 6.3 The Community Safety, Procurement and Human Resources Teams were all involved in the review and update of the Statement.
- 6.4 Councillor Will and Councillor Weale were both consulted.

7. LEGAL IMPLICATIONS

- 7.1. The Council does not have a statutory duty to publish a Modern Slavery Statement, as provided for in paragraph 1.4. However, in Section 5 of the report it is recommended that the Council does so in order to demonstrate a continued commitment to tackling modern slavery and exploitation.
- 7.2. Section 52 of the Modern Slavery Act imposes a duty on the Council to notify the Secretary of State about suspected victims of slavery. This is outlined in the Council's Modern Slavery Statement 2020/2021 at paragraph 1.6 and states that, for adults, Adult Social Care and the Housing department are 'First Responders' for the National Referral Mechanism (NRM) and are trained on how to make NRM referrals. Children who are potential victims of modern slavery are safeguarded by Family Services.
- 7.3. Paragraph 1.7 of the Council's Modern Slavery Statement 2020/2021 confirms the Council has published its modern slavery strategy: [Ending Modern Slavery: Our Strategic Coordinated Community Response 2021-2026](#).
- 7.4. The Council has made a commitment [in September 2020](#) to ensuring the publication of a second annual Modern Slavery Statement.

8. FINANCIAL, PROPERTY, IT AND ANY OTHER RESOURCES IMPLICATIONS

- 8.1. The Council's Community Safety and Procurement Teams have collaborated to review and update the second annual Modern Slavery Statement, exploring the procurement and employment practice progress and developing an approach to improve due diligence of supply chains to mitigate the risk of modern slavery and exploitation. It demonstrates a continued commitment to tackling modern slavery and exploitation in business and supply chains; and therefore, the Council's commitment to protect vulnerable workers, in line with the Council's values.

- 8.2. Strategic Procurement comments provided by Nawaz Habib, Senior Commercial Manager, nawaz.habib@rbkc.gov.uk
- 8.3. Preparing the annual Modern Slavery Statement and implementing the action plan are anticipated to be undertaken predominantly by existing staffing resources. The most significant item requiring external expertise is delivery of the *responsible procurement and modern slavery within supply chains* training – the cost of this will be met from existing procurement budgets.
- 8.4. Finance comments provided by Hitendra Godhania, Finance Business Partner, hitendra.godhania@rbkc.gov.uk

9. HUMAN RESOURCES IMPLICATIONS

- 9.1. The annual Modern Slavery Statement and implementing the action plan will be delivered through existing staffing resource. Training costs for the delivery of the *responsible procurement and modern slavery within supply chains* is expected to be delivered externally initially, to be reviewed thereafter.
- 9.2. Human Resources comments provided by John O' Rourke, HR Operations Team. john.orourke@rbkc.gov.uk

10. EQUALITIES IMPLICATIONS

- 10.1. An Equality Impact Assessment has been produced and accompanies this Key Decision as Appendix 2. The assessment identifies no negative implications and describes the positive impact of the Modern Slavery Statement on many protected characteristics, including age, disability, gender reassignment, race, sex and sexual orientation. The Modern Slavery Statement will uphold the Human Rights Act and United Nations Convention on the Rights of the Child by seeking to mitigate the risk of people being exploited through the Council's supply chains.

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Mandatory clearance requirements for all Key and Executive Decision reports

Cleared by Corporate Finance (officer's initials)

[HG]

Cleared by Director of Law (officer's initials)

[JG]

Cleared by Communications (officer's initials)

[HI]

Appendices:

Appendix 1 – Modern Slavery Statement 2020 – 2021

Appendix 2 – Full Equalities Impact Analysis (EqIA)