

# Local Government Association Briefing

## Tackling modern slavery

### House of Commons

9 October 2018



#### KEY MESSAGES

- Modern slavery affects both rural and urban areas. It can happen on the streets we live in, in the communities we are part of, and in the businesses we use.
- Councils have a responsibility to tackle modern slavery in their communities and beyond, both as first responders to instances of modern slavery and as part of their procurement processes.
- The LGA has worked to raise awareness within authorities, and among the general public, of the risk modern slavery poses for our communities. This includes ensuring council officers understand how their work can disrupt modern slavery and are aware of their duties with regard to reporting and safeguarding.
- According to the National Crime Agency (NCA), nearly 800 National Referral Mechanism (NRM) referrals for 2017 and early 2018 of potential modern slavery victims were made by local authorities.<sup>i</sup>
- We know that work to tackle modern slavery has not developed in a uniform way across all local authorities or wider local partnerships. To address any ambiguities faced by councils the Government should publish the statutory guidance on responding to modern slavery.
- Many local authority supported cases go on to get no recourse to public funds (NRPF) status. Given the number of challenges, including the cost, that this poses for councils, the Government should review the use of NRPF as a whole.
- We are becoming increasingly concerned with the threat of county lines gangs to, often, the most vulnerable in our society. Councils need guaranteed long-term funding to ensure they can consistently protect and care for all children and young people, but especially those who may not have anybody else looking after them.
- Funding could become a significant barrier to being able to take forward further work on modern slavery. Councils have efficiently managed a reduction in core funding from central government of nearly £16 billion since 2010 through innovation, scale-backs and the decommissioning of non-statutory services.
- We now face a £7.8 billion funding gap by 2025.<sup>ii</sup> This impacts a wide range of services including safeguarding, community safety, housing and regulation, all of which play a role in tackling modern slavery.

# Briefing

## **BACKGROUND INFORMATION**

### **The role of councils in tackling modern slavery**

As first responders, councils have a significant role to play in tackling modern slavery. Their role can be divided into four different areas:

1. Identifying victims and referring them through the National Referral Mechanism (NRM)
2. Providing safeguarding services to child victims and some adult victims when they exit the NRM, as well as potentially providing housing services
3. Community safety and disruption activities through a range of local government departments
4. Working to ensure that the supply chains that councils procure from are free from modern slavery

This work will intersect with many different parts of a council, and a number of officers and councillors may encounter modern slavery whilst undertaking their everyday duties. Therefore much of the LGA's work has focussed on raising awareness not just of modern slavery, but also of the council role in tackling it. It is our ambition that whenever a council worker is aware of the potential risk of modern slavery, they know how to respond, in whatever scenario (this includes identifying victims, procurement, disruption, or safeguarding).

There are a wide number of issues that will have an impact on councils' ability to take forward further work on modern slavery, including, among others, issues around funding, different support systems for adults and children and situations where victims have no recourse to public funds.

There is also important work to be done by councils regarding procurement. We have provided guidance and bespoke support<sup>iii</sup> to councils. This work has generated a new, dedicated supply chain webpage<sup>iv</sup> to support and encourage councils to produce transparency statements on a voluntary basis. The latest figures suggest that 65 (1 in 5) councils have already done so.<sup>v</sup>

### **The LGA's work on tackling modern slavery**

The LGA started a new programme of work on this issue in January 2017 when the then Independent Anti-Slavery Commissioner, Kevin Hyland OBE, met the LGA's Safer and Stronger Communities Board. Members agreed that councils could play a key role in tackling modern slavery but highlighted that there was a lack of national guidance to draw from, as well as a lack of awareness of modern slavery and councils' role.

Together with the Independent Anti-Slavery Commissioner, we produced a guide for councils on tackling modern slavery<sup>vi</sup> over the course of 2017/18 we held five joint regional events to highlight good practice, share lessons learned and raise awareness. The events were focussed on a council's role in identifying and supporting victims and undertaking disruption activities.

In Parliament, the LGA wrote to the Public Accounts Committee regarding their inquiry into reducing modern slavery<sup>vii</sup> and provided written and oral evidence to the Environmental Audit Committee inquiry into hand car washes.<sup>viii</sup> We have also spoken about both our role and the role of councils to the APPG on Human Trafficking and Modern Slavery.

In June 2018 the LGA supported the launch of the Clewer initiative's Safe Car Wash app. Members of the public can download the app for use when they visit a hand car

wash. The app provides users with a series of questions to help determine if there might be modern slavery underway in the hand car wash. If the indicators point towards there being modern slavery then users are asked to call the modern slavery helplines. Within the first month of the app's release 11 modern slavery cases in car washes were opened from callers who had been using the app. The 11 cases indicated 69 potential victims of labour exploitation.<sup>ix</sup> More information on car washes can be found in the Modern Slavery Helpline's report on hand car washes.<sup>x</sup>

### **Improving support for victims**

The safeguarding of child and adult victims of modern slavery is carried out under different legislation, meaning that there are different support systems for both child and adult victims.

Across England and Wales, councils' children's services teams are under significant pressure. Councils currently start 500 child protection investigations every day,<sup>xi</sup> and children's services face a £3 billion funding gap by 2025.<sup>xii</sup> All child victims of modern slavery go through local authority safeguarding procedures when they are identified and referred into the NRM. Despite the current pressures children's services are under, no extra funding has been allocated to deliver this support.

By contrast, adults with a reasonable grounds decision receive specialist support through the Government-funded Salvation Army contract to provide support for victims of modern slavery. On leaving the NRM, victims may receive support through local adult safeguarding or housing services. The disparity in centrally funded specialist support for victims is of concern.

We must take a whole system approach to supporting children and younger people. Parents, teachers and youth workers are all well-placed to help provide guidance and support as a young person transitions to adulthood. If we don't invest fully in children and youth services, we will not be able to support young people to move out of exploitative situations. Only with the right funding and powers can councils continue to make a difference to people's lives by supporting families and young people and help tackle modern slavery in our local communities.

Adult victims may be identified as having care and support needs which require support through local adult safeguarding procedures. Where the council has reasonable cause to suspect that an adult in its area who has needs for care and support (whether these are being met or not), is experiencing or is at risk of abuse or neglect, and is unable to protect themselves from the abuse or neglect due to their needs, councils have a legal duty to that adult under the Care Act 2014. Specifically, Section 42 of the Care Act 2014 requires a local authority to undertake an enquiry in order to establish whether any action needs to be taken to prevent or stop abuse or neglect. Paragraph 14.17 of the Care and Support Statutory Guidance specifies that abuse or neglect includes modern slavery.<sup>xiii</sup>

The Care Act 2014 sets out local responsibilities and roles for assessing and supporting adults in need of care and support. It outlines that councils should carry out a 'needs assessment' where it appears that an adult may have care and support needs. Key to this assessment is meeting eligibility criteria around how 'a physical or mental impairment or illness' impacts on being able to achieve certain specified outcomes such as getting dressed or preparing food and whether this then has a significant impact on wellbeing. Many victims of modern slavery will therefore not meet the thresholds to access Care Act support in local areas. Similarly to children's services, adult social care services across councils are facing a £3.5 billion funding gap by 2025.<sup>xiv</sup>

#### *Availability of suitable affordable housing*

Victims may also come into contact with housing or homelessness services, either before entering or when leaving the NRM and could be vulnerable to homelessness and rough sleeping. The Homelessness Reduction Act 2017 contained a number of new provisions around support for those threatened with homelessness, in order to prevent homelessness from occurring. Key to this is the new duty on councils to provide advice and information to any person in their local area who is threatened with homelessness. This should include information and advice on:

- preventing homelessness;
- securing accommodation when homeless; and
- outlining the help that is available from the council or others and how to access that help.

Councils are then expected to agree a homelessness plan, carrying out an assessment where an eligible applicant is homeless or at risk of becoming homeless regardless of priority need. It also extends the period during which someone might qualify as being threatened with homelessness from 28 days to 56 days. Earlier this year the Government also announced a number of additional resources to help prevent rough sleeping.<sup>xv</sup>

The availability of affordable housing is a real concern to councils. This includes the limited availability of social housing for potentially vulnerable groups, including victims of modern slavery.

### **No recourse to public funds (NRPF)**

The NRPF Network is a network of local authorities and partner organisations that focus on the statutory duties to migrants with care needs who have no recourse to public funds (NRPF). It provides a number of useful resources on issues around immigration, NRPF and modern slavery to help councils meet their statutory duties.<sup>xvi</sup>

Councils have reported difficulties in providing support when victims have NRPF or an uncertain immigration status as well as a lack of resources. This can apply to both child and adult victims. The NRPF Network outlines that a person's nationality or immigration status does not prevent a local authority from following its safeguarding procedures, from undertaking an enquiry, or from taking any necessary action to stop abuse or neglect. Where the person has NRPF, the safeguarding plan will need to explore what housing options are available. This could include:

- housing available through the NRM;
- consideration within the needs assessment to establish whether accommodation can be provided under the Care Act 2014; and/or
- consideration as to whether section 1 of the Localism Act 2011 will require the local authority to provide housing in order to prevent a breach of human rights or to comply with the EU Anti-Trafficking Directive.

Even if no further action is taken following the safeguarding enquiry, the Network states that a person should be provided with information about housing options if they have NRPF.

When an individual receives a positive conclusive grounds decision (that they are a victim of trafficking or modern slavery) they have 14 days' to exit the support provided through the Salvation Army, but extensions are considered on a discretionary basis by the Home Office. During this period, victims are expected to decide whether to return to their country of origin or apply for discretionary leave to remain. A successful discretionary leave to remain application will allow the person to have recourse to public funds. If the person receives a negative conclusive grounds decision, then their support will only continue for two days.

However, the NRP Network has said: *“There are often gaps between the Salvation Army support stopping and the person being able to access benefits following a grant of discretionary leave to remain, leaving victims homeless and destitute...Recent case law...makes it clear that support should continue following a positive grounds decision whilst the person’s discretionary leave application is pending, but does not explicitly state where responsibility lies for providing this. With extensions of NRM support currently being time limited and dependent on the discretion of the Home Office, there will be instances when it falls to the local authority to provide support.”*<sup>xvii</sup>

Councils also report that many victims may simply not feel able to present themselves as victims because of immigration issues and concerns around their future in the UK.

The Government should review the use of NRP as a whole, particularly given many local authority supported cases go on to get this status.

It is vital that all agencies, including the police and the immigration system, are working together to ensure that information is properly shared across the partners involved in tackling modern slavery. This will help deliver a joined up response that appropriately provides prevention, disruption and support activities for victims.

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<sup>i</sup> <http://nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics>

<sup>ii</sup> <https://www.local.gov.uk/about/news/councils-face-almost-ps8-billion-funding-black-hold-2025>

<sup>iii</sup> [https://www.local.gov.uk/sites/default/files/documents/LGA\\_Modern%20Slavery%20Transparency%20in%20supply%20chains%20statements%20-%20Aide%20Memoire\\_May%202018.pdf](https://www.local.gov.uk/sites/default/files/documents/LGA_Modern%20Slavery%20Transparency%20in%20supply%20chains%20statements%20-%20Aide%20Memoire_May%202018.pdf)

<sup>iv</sup> [www.local.gov.uk/modern-slavery-supply-chains-transparency-statements](http://www.local.gov.uk/modern-slavery-supply-chains-transparency-statements)

<sup>v</sup> <https://www.local.gov.uk/transparency-supply-chain-tisc-msa-s54-council-statements-portal>

<sup>vi</sup> [www.local.gov.uk/modern-slavery-council-guide](http://www.local.gov.uk/modern-slavery-council-guide)

<sup>vii</sup> <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/public-accounts-committee/reducing-modern-slavery/written/78387.html>

<sup>viii</sup> <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/environmental-audit-committee/hand-car-washes/written/83142.html>

<sup>ix</sup> <https://www.theclewerinitiative.org/news/2018/7/25/how-the-safe-car-wash-app-is-making-a-difference>

<sup>x</sup> <https://www.modernslaveryhelpline.org/uploads/20180713080158101.pdf>

<sup>xi</sup> <https://www.gov.uk/government/statistics/characteristics-of-children-in-need-2016-to-2017>

<sup>xii</sup> <https://www.local.gov.uk/about/news/councils-face-almost-ps8-billion-funding-black-hold-2025>

<sup>xiii</sup> <http://guidance.nrpfnetwork.org.uk/reader/practice-guidance-adults/victims-of-trafficking-and-modern-slavery/#121-safeguarding-duty>

<sup>xiv</sup> <https://www.local.gov.uk/about/news/councils-face-almost-ps8-billion-funding-black-hold-2025>

<sup>xv</sup> <https://www.local.gov.uk/about/news/lga-responds-rough-sleeping-initiative-funding>

<sup>xvi</sup> <http://guidance.nrpfnetwork.org.uk/reader/practice-guidance-adults/victims-of-trafficking-and-modern-slavery/#121-safeguarding-duty>

<sup>xvii</sup> <http://guidance.nrpfnetwork.org.uk/reader/practice-guidance-adults/victims-of-trafficking-and-modern-slavery/#123-local-authority-support>