

<b>Title of document</b>	<b>Modern Day Slavery Statement 2019/2020</b>	
<b>Date</b>	May, 10 <sup>th</sup> 2019	
<b>Expected outcomes</b>	The Board of Directors to approve the annual modern day slavery and human trafficking statement for 2019/2020 and supporting policy	
<b>Recommendation</b>	Approve the CSH Surrey's Annual Modern Day Slavery Statement 2019/2020	
<b>Executive Summary</b>	<p>The Modern Slavery Act 2015, s54 requires UK organisations with a turnover of 36 million or more to publish its slavery and human trafficking statement annually. There is an obligation to publish the annual modern slavery statement within six months of the end of the financial year, meaning that organisations with a financial year of 1 April to 31 March should publish their statement no later than the end of September each year.</p> <p>The attached paper sets out CSH's legal obligations, the risks for not doing so and the proposed statement to be published on both its intranet and public facing extranet. It also sets out a draft policy for consideration and agreement.</p>	
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<b>Produced for</b>	Executive Meeting	
<b>E &amp; D impact Assessment Summary</b>	No proposed impact	

## Central Surrey Health's Obligations under the - The Modern Slavery Act

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### 1. Introduction

The Modern Slavery Act 2015, s54 requires UK organisations with a turnover of 36 million or more (the threshold is determined by the definition within the Companies Act) to publish its slavery and human trafficking statement annually. There is an obligation to publish the annual modern slavery statement within six months of the end of the financial year, meaning that organisations with a financial year of 1 April to 31 March should publish their statement no later than the end of September each year. See glossary of terms as defined by the Modern Slavery Act 2015.

The legislation sets out that the statement must include information about—

- (a) the organisation's structure, its business and its supply chains;
- (b) Its policies in relation to slavery and human trafficking;
- (c) its due diligence processes in relation to slavery and human trafficking in its business and supply chains;
- (d) the parts of its business and supply chains where there is a risk of slavery and human trafficking taking place, and the steps it has taken to assess and manage that risk;
- (e) its effectiveness in ensuring that slavery and human trafficking is not taking place in its business or supply chains, measured against such performance indicators as it considers appropriate;
- (f) the training about slavery and human trafficking available to its staff.
- (g) A slavery and human trafficking statement, must be approved by the board of directors (or equivalent management body) and signed by a director (or equivalent);
- (h) If the organisation has a website, it must
  - publish the slavery and human trafficking statement on that website, and
  - include a link to the slavery and human trafficking statement in a prominent place on that website's homepage.

### 2. Failure to comply

If a business fails to produce a slavery and human trafficking statement for a particular financial year the Secretary of State may seek an injunction through the High Court requiring the organisation to comply. If the organisation fails to comply with the injunction, they will be in contempt of a court order, which is punishable by an unlimited fine.

In practice failure to comply with the provision will mean the organisation has not produced a statement, published it on their website (where they have one) or has not set out the steps taken

by the organisation in the relevant financial year. This can include setting out that it has taken no such steps, or is just beginning investigations. Legal compliance does not turn on how well the statement is written or presented (provided that it sets out the steps taken or that no steps have in fact been taken).

There is an expectation that organisations build on their statements year on year and for the statements to evolve and improve over time. However, a failure to comply with the provision, or a statement that an organisation has taken no steps, may damage the reputation of the business. It will be for consumers, investors and Non-Governmental Organisations to engage and/or apply pressure where they believe a business has not taken sufficient steps.

### **3. Good Practice**

The statement will be assessed by the public, investors, the media and other external parties. They will expect to see year-on-year improvements outlining practical progress on how they are tackling the risks and incidence of modern slavery in their operations and supply chains.

### **4. Recommendations**

The executive team is asked to approve the recommendation for the issue of the attached “annual slavery and human trafficking statement for publishing on both the CSH intranet and Extranet

#### Appendix Glossary of terms (as defined by the Modern Slavery Act 2015):

- **Modern Slavery** is a term used to encapsulate both offences in the Modern Slavery Act: slavery, servitude and forced or compulsory labour; and human trafficking. The offences are set out in section 1 and section 2 of the Act, which can be found at:  
<http://www.legislation.gov.uk/ukpga/2015/30/section/1/enacted>  
<http://www.legislation.gov.uk/ukpga/2015/30/section/2/enacted>
- **Definition of Slavery and Servitude** Slavery, in accordance with the 1926 Slavery Convention, is the status or condition of a person over whom all or any of the powers attaching to the right of ownership are exercised. Since legal 'ownership' of a person is not possible, the key element of slavery is the behaviour on the part of the offender as if he/ she did own the person, which deprives the victim of their freedom. Servitude is the obligation to provide services that is imposed by the use of coercion and includes the obligation for a 'serf' to live on another person's property and the impossibility of changing his or her condition.
- **Definition of Forced or Compulsory Labour** Forced or compulsory labour is defined in international law by the ILO's Forced Labour Convention 29 and Protocol. It involves coercion, either direct threats of violence or more subtle forms of compulsion. The key elements are that work or service is exacted from any person under the menace of any penalty and for which the person has not offered him/her self voluntarily.
- **Definition of Human Trafficking** An offence of human trafficking requires that a person arranges or facilitates the travel of another person with a view to that person being exploited. The offence can be committed even where the victim consents to the travel. This reflects the fact that a victim may be deceived by the promise of a better life or job or may be a child who is influenced to travel by an adult. In addition, the exploitation of the potential victim does not need to have taken place for the offence to be committed. It means that the arranging or facilitating of the movement of the individual was with a view to exploiting them for sexual exploitation or non-sexual exploitation. The meaning of exploitation is set out here:  
<http://www.legislation.gov.uk/ukpga/2015/30/section/3/enacted>.
- **Behaviour constituting modern slavery** Identifying potential victims of modern slavery can be a challenge because the crime can manifest itself in many different ways. There is a spectrum of abuse and it is not always clear at what point, for example, poor working practices and lack of health and safety awareness seep into instances of human trafficking, slavery or forced labour in a work environment. However, businesses have a responsibility to ensure that workers are not being exploited, that they are safe and that relevant employment (include wage and work hour), health and safety and human rights laws and international standards are adhered to,

including freedom of movement and communications. There will be cases of exploitation that, whilst being poor labour conditions, nevertheless do not meet the threshold for modern slavery – for example, someone may choose to work for less than the national minimum wage, or in undesirable or unsafe conditions, perhaps for long work hours, without being forced or deceived. Such practices may not amount to modern slavery if the employee can leave freely and easily without threat to themselves or their family. Organisations do still nevertheless have a legal duty to drive out poor labour practices in their business, and a moral duty to influence and incentivise continuous improvements in supply chains.

- *Definition of Child Labour* Child labour is defined by international standards as children below 12 years working in any economic activities, those aged 12 - 14 engaged in more than light work, and all children engaged in the worst forms of child labour (ILO). The term “child labour” is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. Whether or not particular forms of “work” can be called “child labour” depends on the child’s age, the type and hours of work performed, the conditions under which it is performed and the objectives pursued by individual countries. Children can be particularly vulnerable to exploitation, but child labour will not always constitute modern slavery. It will still be necessary to determine whether, based on the facts of the case, the children in question are being exploited in such a way as to constitute slavery, servitude and forced or compulsory labour or human trafficking. For example, it is possible for children to undertake some ‘light work’ which would not necessarily constitute modern slavery. ‘Light work’ is defined by article 7 of ILO Convention No. 138. Children do have particular vulnerabilities which should be considered when determining whether modern slavery is taking place. The Modern Slavery Act 2015 specifically recognises that it is not necessary for a child to have been forced, threatened or deceived into their situation for it to be defined as exploitation.
- *The Worst Forms of Child Labour* The worst forms of child labour are very likely to constitute modern slavery. The worst forms of child labour are defined by article 3 of ILO Convention No. 182 as: a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

## **CSH Surrey's Annual Modern Day Slavery Statement 2019/2020**

### **INTRODUCTION**

This statement is made pursuant to s54 of the Modern Slavery Act 2015 and sets out the steps that Central Surrey Heath (Surrey)(CSH Surrey) has taken, and is continuing to take, to make sure that modern slavery or human trafficking is not taking place within our business or supply chain during the year ending 31 March 2020.

Modern slavery encompasses slavery, servitude, human trafficking and forced labour. CSH, Surrey has a zero tolerance approach to any form of modern slavery. We are committed to acting ethically and with integrity and transparency in all business dealings and to putting effective systems and controls in place to safeguard against any form of modern slavery taking place within the business or our supply chain.

CSH Surrey fully supports the Government's objectives to eradicate modern slavery and human trafficking.

This statement details the steps taken by the CSH to counter Modern Slavery, complying with the provisions of the 2015 Act.

### **ABOUT THE ORGANISATION AND ITS SUPPLY CHAIN**

CSH is an organisation set up by the Health and Social Care Act 2012 to organise the delivery of NHS services in England. The organisation is Surrey's largest and longest established NHS community services provider. It has been running NHS health services in the homes, clinics, hospitals and schools of Surrey since 2006. CSH Surrey is one of the 11 health and social care providers who are known as the Surrey Heartlands Health and Care Partnership and are working together to improve care across Surrey Downs, North West Surrey and Guildford & Waverley areas.

CSH Surrey provides a wide range of adult community health services in the areas of mid and north west Surrey, and children's NHS community services across the whole of Surrey. The children's service - Children and Family Health Surrey - is delivered through a partnership with Surrey's mental health provider, Surrey and Borders Partnership NHS Foundation Trust, and another community provider and community interest company, First Community Health and Care.

CSH's vision is to be a 'pioneering and innovative organisation that empowers our c1500 co-owners to consistently deliver exceptional care for a healthier community'.

Within CSH Surrey, strong partnerships – inside and out – and motivated employees drive the delivery of better care. CSH Surrey is a values-driven, people business with a passion for quality and innovation. As a not-for-profit social enterprise, CSH Surrey exists to benefit its local

communities and any surplus is re-invested back into improving services and into local communities through its Community Fund.

Safeguarding and improving the wellbeing of our population is central to our values and principles.

## **OUR POLICIES ON SLAVERY AND HUMAN TRAFFICKING**

CSH Surrey is aware of our responsibilities towards patients, their families, carers, co-owners (employees) and the local community and expect all partner suppliers to the organisation to adhere to the same ethical principles. We are committed to ensuring that there is no modern slavery or human trafficking in our supply chains or in any part of our business. Our internal policies replicate our commitment to acting ethically and with integrity in all our business relationships.

Currently all awarded suppliers sign up to our terms and conditions of contract which contain a provision around Good Industry Practice to ensure each supplier's commitment to anti-slavery and human trafficking in their supply chains; and that they conduct their businesses in a manner that is consistent with CSH Surrey's anti-slavery policy. In addition, an increasing number of suppliers are implementing the Labour Standards Assurance System (LSAS) as a condition of contract for tenders within high risk sectors and product categories and indeed this has been referenced in the Government's Modern Slavery Strategy. Many aspects of the LSAS align to the seven reporting areas that the Government has outlined and should appear within any slavery and human trafficking statement.

We operate a number of internal policies to ensure that we are conducting business in an ethical and transparent manner. These include:

1. **Recruitment policy**. We operate a robust recruitment policy (ie safer recruitment process linked to safeguarding of children, young people and adults – in line with the Protection of Freedom Act, 2012), including conducting eligibility to work in the UK checks for all directly employed co-owners and Disclosure and Barring Scheme clearance, etc, (including bank workers), and agencies on our approved list/ frameworks are audited to provide assurance that pre-employment clearance has been obtained for agency staff, to safeguard against human trafficking or individuals being forced to work against their will.
2. **Equal Opportunities**. We have a range of controls to protect co-owners from poor treatment and/or exploitation, which comply with all respective laws and regulations. These include provision of fair NHS, Agenda for Change pay rates, fair terms and conditions of employment, and access to training and development opportunities
3. **Safeguarding policies and partnerships**. We adhere to the principles inherent within both our safeguarding children and adults policies. These are compliant with the CSH Surrey multiagency agreements and provide clear guidance so that our co-owners are clear on how

to raise safeguarding concerns about how colleagues or people receiving our services are being treated, or about practices within our business or supply chain.

CSH Surrey is a key partner in Surrey Safeguarding Boards. CSH Surrey safeguarding team work across the partnership to safeguard children and adults, strengthening our collective response to modern day slavery and child sexual exploitation.

All professionals that come into contact with adults and children in their everyday work need to be able to identify those who may have been trafficked and be competent to know how to act to support and protect them from harm.

CSH Surrey safeguarding policies and training provision assists professionals to identify and take appropriate action where concerns about modern day slavery and exploitation arise. Further detail is available on our website: <http://intranet/safeguarding/Pages/Modern-Day-Slavery.aspx>

4. **Raising Concern's (Whistleblowing) policy.** We operate a raising concern's policy so that all co-owners know that they can raise concerns about how colleagues or people receiving our services are being treated, or about practices within our business or supply chain, without fear of reprisals

5. **Standards for Commissioned Services**

All NHS commissioned services are required to adhere to safeguarding standards, set within the national NHS contract.

In addition, CSH Surrey has specific quality standards in place regarding safeguarding. This includes but is not limited to:

- Safe recruitment standards
- Training that includes Modern Slavery, Trafficking and Child Sexual Exploitation
- Policies to support effective safeguarding practice
- Leadership within the service for safeguarding children and adults

The CSH Surrey safeguarding team supports and assures that all of our NHS commissioned services to have effective safeguarding arrangements in place, including their responses to risks of Modern Slavery.

6. **Our approach to procurement and our supply chain includes:**

- Ensuring that our suppliers are carefully selected through our robust supplier selection criteria/processes - see below
- Requiring that the main contractor provides details of its sub-contractor(s) to enable CSH Surrey to check their credentials
- Randomly request that the main contractor provide details of its supply chain
- Ensuring invitation to tender documents contain a clause on human rights issues



- Ensuring invitation to tender documents also contains clauses giving CSH Surrey the right to terminate a contract for failure to comply with labour laws

CSH Surrey co-owners must contact and work with the Procurement department when looking to work with new suppliers so appropriate checks can be undertaken.

Supplier adherence to our values. We are zero tolerant to slavery and human trafficking and thereby expect all our direct and indirect suppliers/contractors to follow suit.

Where it is verified that a subcontractor has breached the child labour laws or human trafficking, then this subcontractor will be excluded in accordance with Regulation 57 of the Public Contracts Regulations 2015. CSH Surrey will require that the main contractor substitute a new subcontractor.

The 2018/19 review of CSH Surrey's Non-pay spend and associated supply chains identified the following general areas of potential risk:-

- Not all existing suppliers in these categories have been written to confirm compliance with the Act and provide additional information on their organisation, their supply chains, the areas of risk – see below for action to mitigate

However, the Procurement team ensures that due diligence is undertaken for all new and ongoing suppliers of goods and services to the organisation and their associated Supply Chains by sourcing through the following complaint routes:

1. Competitive Partnership Procurement Procedures are in compliance with EU guidance, which requires suppliers to confirm they comply with the Modern slavery act. To support partnerships proposals, suppliers are required to respond to bids with information on:
  - (a) the organisation's structure, its business and its supply chains;
  - (b) Its policies in relation to slavery and human trafficking;
  - (c) its due diligence processes in relation to slavery and human trafficking in its business and supply chains;
  - (d) the parts of its business and supply chains where there is a risk of slavery and human trafficking taking place, and the steps it has taken to assess and manage that risk;
  - (e) its effectiveness in ensuring that slavery and human trafficking is not taking place in its business or supply chains, measured against such performance indicators as it considers appropriate;
  - (f) the training about slavery and human trafficking available to its staff.

2. Procurement through national government frameworks
3. All contracts and associated purchase orders are raised on the CSH Surrey Terms and Conditions which are based on NHS standard Terms and Conditions which suppliers are mandated to comply with. These conditions state that:

10.1.28 it shall: (i) comply with all relevant law and guidance and shall use Good Industry Practice to ensure that there is no slavery or human trafficking in its supply chains; (ii) notify the organisation immediately if it becomes aware of any actual or suspected incidents of slavery or human trafficking in its supply chains;

10.1.29 it shall at all times conduct its business in a manner that is consistent with any anti-slavery Policy of the Organisation and shall provide to the Organisation any reports or other information that the Organisation may request as evidence of the suppliers compliance with this clause 10.1.29 and/or as may be requested or otherwise required by the Organisation in accordance with its anti-slavery Policy.

The Procurement team upholds the Chartered Institute of Procurement and Supply (CIPS) Code of Professional Conduct.

## **7. TRAINING**

Advice and training about modern slavery and human trafficking is available to co-owners through our mandatory safeguarding children and adults training programmes, our safeguarding policies and procedures, and our safeguarding leads.

## **8. OUR PERFORMANCE INDICATORS**

We will know the effectiveness of the steps that we are taking to ensure that slavery and/or human trafficking is not taking place within our business or supply chain if:

- No reports are received from our co-owners, patients, their families, carers (the public), or law enforcement agencies to indicate that modern slavery practices have been identified.

## **STEPS TO STRENGTHEN OUR RESPONSE TO MODERN DAY SLAVERY**

The following actions will be implemented in 2019/2020:

- To strengthen and raise further awareness of modern day slavery prevention and our organisation's commitment by included this as an essential and compulsory element of co-owner induction training.
- Review all training to ensure were applicable co-owners have further access to training on how to identify those who are victims of modern slavery and human trafficking. This

training will include the latest information and will help staff develop the skills to support individuals who come into contact with our health services.

- To include progress to our Executive Management team and our Board in our performance management quarterly matrix report.
- To continue to scope an understanding of the risks involved with modern slavery and human trafficking in our supply chains – this will include establishing a risk register with supply chain partners and undertaking any “due diligence” necessary reminding them of our requirements associated with the Act and if there are any suppliers who we are concerned about due to non-compliance these suppliers will be written to confirm compliance needed for the Act with a strict deadline to achieve this compliance (includes their sub supply chains)
- Add a provision to any tender documentation which includes the mandatory exclusion of any bidder who has been convicted of an offence under section 1, 2 or 4 of the Modern Slavery Act 2015.
- Seek assurance that all required providers have a modern day slavery statement detailing their plans and arrangements to prevent slavery in their activities and supply chain.
- Strengthening our awareness and information on our CSH Surrey Intranet and our public website.
- Raise awareness of this published statement by notifying organisations that we regularly engage.
- Audit all policies to ensure that there is a clause about Modern day slavery

This statement is made pursuant to section 54(1) of the Modern Slavery Act 2015 and constitutes our slavery and human trafficking statement for the financial year ending 31 March 2020.

#### **BOARD OF DIRECTORS APPROVAL FOR THIS STATEMENT**

The Board of Directors has considered and approved this statement and will continue to support the requirements of the legislation.

**Signed on behalf of the Board of Directors:**



Chair

22/05/19  
Date

Steve Flanagan  
Chief Executive



22/05/19  
Date

