

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to: CABINET
Report of: CORPORATE DIRECTOR - PLACE
Date of Decision: 13 February 2018
SUBJECT: BIRMINGHAM CITY COUNCIL'S RESPONSE TO MODERN SLAVERY AND HUMAN TRAFFICKING
Key Decision: Yes
Relevant Forward Plan Ref: - 004543/2018
If not in the Forward Plan: Chief Executive approved
(please "tick" box) O&S Chairman approved
Relevant Cabinet Members: Cllr Tristan Chatfield –Community Safety & Equalities
Relevant O&S Chairs: Cllr Mohammed Aikhlaq, Corporate Resources and Governance
Wards affected: All

1. Purpose of report:

- 1.1 This report details Birmingham City Council's response to the Modern Slavery Act 2015 and Birmingham City Council's role as a designated First Responder under the National Referral Mechanism (NRM). The NRM is a victim identification and support process for those considered to be potential victims of modern slavery.
- 1.2 This report provides Cabinet with a copy of the *Declaration of Intent* (Appendix 1), which outlines the Council's strategic approach to tackling Modern Slavery and Human Trafficking and will serve as a guide on which to base and develop a more practical ground-level approach.
- 1.3 This report provides Cabinet with an outline of the Act and its implications for the Council and details the Council's response so far.
- 1.4 To provide Cabinet with a copy of the Birmingham City Council Transparency Statement (Appendix 2), which is the Council's response to Section 54 of the Act 2015. This document outlines what the Council is doing to tackle modern slavery and trafficking in their supply chain.
- 1.5 To provide Cabinet with the opportunity to undertake a pledge to make the City of Birmingham a Slavery Free Community. (Appendix 4). It should be noted Birmingham City Council examined the work of other Cities in regard to this, and chose to adopt the pledge model devised by Nottinghamshire.

2 Decision(s) recommended:

That Cabinet:

- 2.1 Notes the outcome of the report and agrees to implement the various recommendations set out at 2.2 – 2.4.
- 2.2 Accepts the *Declaration of Intent* (Appendix 1), as BCC's response to Modern Slavery and Human Trafficking, and forwards it to full Council for debate.
- 2.3 Accepts the *Birmingham City Council Transparency Statement* (Appendix 2), and agrees to implement the various actions outlined within it.
- 2.4 Agrees to adopt a pledge to make the City of Birmingham a Slavery Free Community. (Appendix 4).

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3. Consultation

3.1 Internal

The Leader, Deputy Leader and the Cabinet Members for Children, Families and Schools; Housing and Homes; Health and Social Care; Commercialism, Commissioning and Contract Management; Jobs and Skills; Transport and Roads and Clean Streets, Recycling and Environment, have been consulted on the issues and proposals and agreed for a report to be submitted to Cabinet with a recommendation for onward debate at City Council.

3.2 External

While no direct external consultation has been carried out Birmingham City Council has been working with or in partnerships with Key Agencies including:-

- Home Office Modern Slavery Unit,
- Birmingham Community Safety Partnership,
- West Midlands Police,
- West Midlands Police and Crime Commissioner,
- West Midlands Fire Service,
- The West Midlands Anti-Slavery Network.
- Birmingham Safeguarding Children Board,
- Birmingham Safeguarding Adult Board,
- The Salvation Army
- National Crime Agency
- Regional Organised Crime Unit for the West Midlands. (ROCU.)

- Hope for Justice
- Adavu
- Midland Heart
- Black Country Women's Aid
- Birmingham City University

4. Compliance Issues:

4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?

This approach is consistent with the *Vision and Priorities 2017 to 2020 report* and the *Council Business Plan and Budget 2017+*.

4.2 Financial Implications

There are no immediate financial implications for Birmingham City Council other than officer time. Should any of the Council's front line staff or Elected Members identify victims of Modern Slavery then the Council would have a duty of care to support that victim until they were transferred to the relevant body (i.e. Salvation Army, Red Cross, Hope for Justice) to look after them.

Front line staff requiring high level training have been identified, and it is anticipated that this will be facilitated with W M Police and financial implications will therefore be minimal. It is proposed that the cost of the initial training will be met from the Budget of the Council's Modern Slavery Co-ordinator who is currently funded by the Community Safety Partnership.

A call received by non-English speaking victim via either The National helpline or the Salvation Army Confidential Referral helpline will result in them being called back by a translator who is able to converse with them in their native tongue. Therefore there will be no financial implication for Birmingham City Council in regard to this.

The Charity *Hope For Justice* provide material in a range of languages to direct victims to their helpline therefore there is no need for BCC to provide this service.

Consequently there will be no financial implication for Birmingham City Council in regard to this.

4.3 Legal Implications

The *Modern Slavery Act 2015* is Government Legislation and Birmingham City Council as a Statutory Authority is duty bound to accept it and to follow its instructions.

There is some ambiguity in the wording of the Act as to whether the Council as a Local Authority is required to observe the relevant sections of the Modern Slavery Act 2015 which are Sections 43, 52 and 54 and produce a Transparency Statement.

In the spirit of openness and transparency and in order to establish good practice in the public sector the Council have produced a *Transparency Statement* (Appendix 2) outlining the Council's measures designed to tackle modern slavery and trafficking in their supply chain.

4.4. Public Sector Equality Duty

A copy of the Public Sector Equality Duty statement is appended together with the equality analysis. (Appendices 5A and 5B)

Modern Slavery and Human Trafficking is a crime against humanity and Birmingham City Council has both a legal and moral obligation to work in partnership with other appropriate authorities to eradicate it.

We believe that by seeking to tackle it in the manner set out in this report Birmingham City Council will be more than adequately fulfilling its Public Sector Equality Duty in this matter.

Birmingham City Council have examined best practice in regards to providing assistance to non-English speaking victims seeking help, and believe that the procedure adopted by The National helpline, the Salvation Army Confidential Referral helpline and the Hope for Justice helpline, of having a translator call victims back, affords the best method of discharging any equality duty.

5. **Relevant background/chronology of key events**

Modern Slavery and Human Trafficking is one of the most serious crimes, and a grave violation of human rights.

Modern slavery is complex and can take many forms. Adults and children alike can become victims of labour, sexual and criminal exploitation, domestic servitude and organ harvesting. Perpetrators often use force, fear or fraud to recruit victims. Trafficking is the action of recruiting, moving or receiving a person by coercion or deception for the purpose of exploitation such as prostitution, slavery or forced labour.

In the UK it is estimated that tens of thousands of people are victims of this vile activity, and that world-wide the figure is close to 43 million.

Current legislation in regard to Modern Slavery

5.1. The Government's approach to tackling modern slavery has been influenced by a number of international laws, conventions and protocols which the UK has adopted.

5.2. In March 2015 the Coalition Government enacted the Modern Slavery Act 2015. The Act includes a number of provisions for Local authorities:

- Section 52 of the Act places a duty on them to identify and refer modern slavery child victims and consenting adult victims through the National Referral Mechanism (NRM).
- Councils also have a duty to notify the Home Secretary of adults who do not consent to enter the NRM. (There are different forms for the NRM for adults and children and another form for adults who do not consent to enter the NRM called the MS1 form.)
- Section 43 of the Act states that specified public authorities (including councils) have a duty to cooperate with the Independent Anti-Slavery Commissioner.

5.3. The Modern Slavery Strategy is particularly focussed on the law enforcement response, though councils' role in safeguarding and caring for children and tackling child sexual exploitation is particularly mentioned, and outlines the expectation that Police and Crime Commissioners would reflect the local threat within their policing plans and strategies.

5.4. The Council's role in tackling Modern Slavery can be separated into four distinct areas:

- A. Identification and referral of victims
- B. Supporting victims – this can be through safeguarding children and adults with care and support needs and through housing/homelessness services
- C. Implementing community safety services and disruption activities
- D. Ensuring that the supply chains the Council procures from are free from modern slavery.

The Council's response so far:

5.5 The City Council's lead is the Corporate Director - Place, and a cross-directorate strategic group has been established to help tackle Modern Slavery. The group is chaired by the Service Director of Housing and aims to ensure that the City Council fulfils its statutory duties.

5.6 In September, 2017 a post of Modern Slavery Co-ordinator was created which is funded by Community Safety Partnership and ends on 31st March 2018. Work so far has included:-

- Contact with a wide range of Partner Agencies with a view to enlisting and engaging with them to help tackle Modern Slavery.
- *A Declaration of Intent* (Appendix 1).
- *A Transparency Statement* (Appendix 2.)
- A conference to raise awareness of this issue within Birmingham. The event was held on 16th January 2018 and attended by 200 delegates from across all sectors of the city.
- West Midlands Police attend meetings of the Cross Directorate Modern Slavery Group and it is hoped that over time the Group will be enlarged to become a multi-agency city-wide body tasked with tackling Modern Slavery for the City.
- Members of the Council's group attend a meeting of the Birmingham Prevent & Pursue Panel run by West Midlands Police, which is in effect an Operational Group aimed at disrupting and tackling Modern Slavery across the city.
- A Modern Slavery Safe House has been established to provide support for up to three victims. Additional funding via a Big Lottery funding bid is close to being secured which will pay for a full time caretaker.
- A Modern Slavery Training House has been created to provide staff with a first-hand experience of the physical reality they are likely to encounter if they uncover Modern Slavery.
- An implementation/delivery plan has been created in conjunction with and based upon the WM Police Liberate Plan.
- Front-line staff have been identified for future training and a training plan is being developed.

- The Council has been awarded £175,000 from the Home Office Modern Slavery Unit (via MHCLG) in order to create a BCC Pathways Programme. This Programme will provide support for victims with a positive conclusive grounds decision exiting NRM support and wishing to settle in Birmingham. (See Appendix 3.)

6. Evaluation of alternative option(s):

6.1 There are no alternative options as the *Modern Slavery Act 2015* is Government Legislation and Birmingham City Council as a Statutory Authority is duty bound to accept and to enact its instructions

7. Reasons for Decision(s):

7.1 To discharge the Council’s duties under the Modern Slavery Act 2015.

Signatures

Date

Cabinet Member, Community Safety & Equalities
Cllr Tristan Chatfield

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Corporate Director - Place:
Jacqui Kennedy

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List of Background Documents used to compile this Report:

- Modern Slavery Act 2015*
<http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>
- Tackling modern slavery: A council guide* - <https://www.local.gov.uk/modern-slavery-council-guide>
- The Modern Slavery Strategy* - <https://www.gov.uk/government/publications/modern-slavery-strategy>
- The West Midlands Police *Liberate Plan* – http://foi.west-midlands.police.uk/wp-content/uploads/2017/10/9143_17_Liberate_The_Plan.pdf
- West Midlands Police help line - <https://www.west-midlands.police.uk/your-options/modern-slavery>
- Home Office information about modern slavery - <https://www.gov.uk/government/collections/modern-slavery>

List of Appendices accompanying this Report (if any):

1. Declaration of Intent (Appendix 1)
2. Birmingham City Council’s Transparency Statement (Appendix 2)
3. Executive Summary – BCC Pathways Programme (Appendix 3)
4. Pledge to make the City of Birmingham a Slavery Free Community (Appendix 4).
5. 5A. Public Sector Equality Duty Statement and 5B. Equality Analysis

Report Version

Date

5 February 2018