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**Modern Slavery – the adult safeguarding interface**

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**Abstract**

**Purpose:**

The inclusion of modern slavery in the Care Act 2014 in England as a form of abuse means that the subject of modern slavery is now included in the remit of adult safeguarding. This article discusses the background to the Modern Slavery Act 2015 and its provisions.

**Methodology**

A policy analysis was undertaken in 2016 drawing on research and commentary related to the interface between modern slavery and adult safeguarding.

**Findings**

There is little material as yet focussing on adult safeguarding and modern slavery but the inclusion of modern slavery in this area of practice will require practitioner responses, organisational collaboration, and revised data collection and analysis. Newspaper accounts of criminal charges under the Modern Slavery Act 2015 may be important first evidence of the interface potentially between modern slavery and adults at risk of abuse and neglect that are the focus of adult safeguarding concern.

**Practical Implications:** Information about modern slavery may provide relevant background and contextual detail for adult safeguarding communities; furnishing links and resources for this new area of their work.

**Originality/value**

This article is likely to be of interest to policy makers, researchers, and practitioners in examining their new duties under the Care Act 2014 and the Modern Slavery Act 2015; and to wider public and private bodies considering their responsibilities in responses to modern slavery more broadly.

### **Policy Paper**

Key words: modern slavery, adult safeguarding, adults at risk, human trafficking.

## **Modern Slavery – the adult safeguarding interface**

### **Introduction**

In March 2015 the Modern Slavery Act (H.M. Government, 2015) was passed. Most of its provisions apply to England and Wales. In the same year The Human Trafficking and Exploitation (Scotland) Act 2015 was passed by the Scottish Parliament and the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 was passed by the Northern Ireland Assembly (see Brown 2016 for specific details). Notwithstanding this, victim support measures and law enforcement powers are very similar across the United Kingdom (UK) (see Malloch and Rigby, 2016). Under these laws modern slavery encapsulates all offences related to slavery, servitude and forced or compulsory labour, and human trafficking (as set out in the Modern Slavery Act 2015, Part 1 - Offences).

Commenting on the Parliamentary processes related to England and Wales, Craig (2015) observed:

One important victory was won with the government finally agreeing to include a clause requiring companies to take some responsibility for exploring whether slavery might be found in their supply chains. The Act in its final form indicates a series of issues which

companies with an annual turnover above a threshold (which has yet to be determined) would be required to include in their anti-slavery statements on a website. Contrarily, the government failed to respond to very strong and prolonged demands from inside and outside Parliament to protect overseas domestic workers from the abuse they suffer at the hands of wealthy employers.

It is in this context that this policy article is set; since adult safeguarding practitioners and leaders in national and local arenas in England, amongst others, have new responsibilities to consider modern slavery, to respond and co-operate in stopping the traffic and help people who are affected by it. As Clements (2016) noted, in England the initial Care Act 2014 Statutory Guidance (Chapter 14) (Department of Health 2014; see also revised Guidance from the Department of Health 2017) provided a much more expansive explanation of what is considered to be 'abuse' than was evident previously. Authorities were cautioned against limiting 'their view of what constitutes abuse or neglect' and this enlargement potentially includes the exploitations of modern slavery. Similar provisions followed with the implementation of the Social Services and Well-being (Wales) Act 2014, although under this Act a relevant partner of a local authority has a duty, if it has reasonable cause, to suspect and adult (or child) to be at risk of abuse or neglect, to inform the local authority. Moreover local authorities in Wales are able to apply for an Adult Protection and Support Order to enable a local authority authorised officer to secure entry to premises in order to speak in private with an adult suspected of being at risk to determine whether they are making decisions freely, whether they are at risk, and what care and support needs they may have (see Welsh Assembly 2015).

Adult safeguarding across the UK has been largely 'victim' focused with high levels of interest in risk factors, assessment, interventions and access to justice. (The term adult protection is more commonly employed in Scotland.) It has considered and addresses prevention but these aspects are

largely relationship focused or related to health and social care provider systems. Furthermore most responses are nationally focused. Modern slavery, by contrast, both challenges adult safeguarding to think globally but also suggests new ways of conceptualising and addressing prevention, risk factors and responses. A recent systematic review focusing on healthcare responses to human trafficking, but not mentioning adult safeguarding, highlighted:

... the importance of interviewing possible victims in private, using professional interpreters, and building trust. For provision of care, key themes included the importance of comprehensive needs assessments, adhering to principles of trauma-informed care, and cultural sensitivity. Further prominent themes were the necessity of multi-agency working strategies and well-defined referral pathways (Hemmings et al 2016).

The aim of this article is consider modern slavery in the context of adult safeguarding in England and to set out some of the broader features of modern slavery that are encapsulated in the new legislations. As Androff (2010, p213) suggested, some forms of contemporary slavery have received more attention than others; particularly sexual slavery and child slavery. This means adult safeguarding communities of interest may benefit from consulting widely and listening carefully about the subject when developing their responses to the Acts at local and national levels.

The article is structured into four sections. The first outlines the background to the Modern Slavery Act 2015. We next focus on one facet of modern slavery, the notion of supply chains, and the ways in which responses to these are being developed. Following this we discuss the ways in which human trafficking – fundamental to supply chains – is emerging in as a policy concern with its overlaps and connections with adult safeguarding. We conclude with some early examples of adult safeguarding activity as it interfaces with modern slavery; such examples are likely to become more commonplace

and more diverse as practice, systems and responses develop and as the numbers of cases detected continue to rise (Salvation Army 2016).

## **Background**

The Care Act 2014's initial *Care and Support Statutory Guidance* included under its sections on abuse and neglect the following types; physical abuse, domestic abuse, sexual abuse, psychological abuse, financial abuse, modern slavery, discriminatory abuse, neglect and acts of omission, and self-neglect and/or domestic violence (Department of Health 2014 para 14.17). Such a broad definition was new since slavery and human trafficking had hitherto been deemed mainly criminal justice and police matters and to be rare in the contemporary UK. However, prior to Care Act 2014, Sharapov (2014a) had found that:

On rare occasions where councils did recognise trafficking as relevant to their operations, it was interpreted as an issue of safeguarding vulnerable children and adults.

Modern slavery is a global trade, reaping huge profits for traffickers and organised crime networks, generating massive human rights violations, and causing serious problems for governments and law enforcement. Almost 150 years following the general abolition and criminalisation of slavery (all countries, with the exception of North Korea, have domestic legislation which criminalises some forms of modern slavery) millions of men, women and children are either enslaved or trafficked for labour and exploitation against their will. Moreover, as refugee and migrant crises develop from drivers such as civil war, famine, internal strife and the breakdown of order, the numbers potentially vulnerable to exploitation increase.

As a result, a criminal market has been created which exploits the vulnerabilities of people desperate to relocate in search of better circumstances or tricked into exploitative relationships, who may be traded for cash, sometimes accompanied by a promise of a better life. The Home Office (2016, p44) reported that *'Vulnerable people are often targeted as being easier to coerce into a situation where they can be manipulated'*. The criminality driving this market has grown to be a large source of activity and income for many forms of transnational organised crime and is changing the nature and activity of criminals themselves. This was first highlighted, and has since been echoed by others, in 2000 during the opening statement of Pino Arlacchi, Under-Secretary-General to the United Nations, at an International Seminar on Trafficking in Human Beings, who stated that reports indicated the transition of some trafficking groups from their traditional cargo of drugs to human beings, in a search for high profits at lower risk (Arlacchi 2000). Furthermore, modern slavery as a crime and transnational security risk does not exist in isolation and significant security threats hide in the chaos created by illegal movements of people on a large scale, not least terrorism.

By its nature, modern slavery and its associated criminal networks are hidden from sight and victims rarely identify themselves or volunteer their stories. This leads to an environment in which there is scant information, few resources and insufficient data available for the development of effective strategies and limited understandings derived from research about the prevention, mitigation, disruption and interdiction of trafficking crimes for policymakers, academics and law enforcement bodies alike. While we lack reliable quantitative data to produce accurate statistics, it is estimated by the International Labour Office (ILO) that there are currently 21 million people in forced labour in the world today (ILO, 2016) with figures from the United Nations Office on Drugs and Crime (UNODC) indicating that human trafficking generates over US\$ 150 billion in criminal revenue annually, with more than 1.1 million new victims each year. In addition, this crime has significant intended and unintended effects on the economy, sustainable development, safety, cohesion, culture and well-being of populations around the world. It is these reasons and the increasing

statistics that have driven the need globally to better define, understand and address the crime as it evolves dynamically and affects all societies.

A report from the Institute for the Study of International Migration at Georgetown University, United States of America, highlighted the many powerful barriers which exist regarding access to primary data which hinder the scope and utility of current research (Goździak and Bump 2008). Specifically, this report stated that the main obstacle to conducting empirical qualitative research on human trafficking is related to problems in gaining access to trafficked individuals (ibid, p. 10). The scarcity of quantitative studies stems from both the unavailability of datasets on trafficking of people and/or difficulty in gaining access to the existing databases (ibid, p. 29). One exception is the quantitative research conducted by the Walk Free Foundation for its Global Slavery Indices (Walk Free, 2016). In 2016, the Global Slavery Index estimated the number of people in modern slavery in 167 countries to be 45.8 million people and provided a ranking of slavery conditions in a country based on key variables. However, this research has been widely criticised for failures in applied methodologies, unverified assumptions, logic errors and the global extrapolation of an exceptionally small dataset (sample survey in 19 countries and limited secondary data) which rendered the data controversial, and possibly invalid (ibid, p. 12; p. 112). A further initiative was launched in 2016 by the campaigning charity Stop the Traffik with its STOP APP (<http://www.stophetraffik.org/uk/page/the-stop-app>, accessed 8 March 2017), which aims to coordinate the gathering and sharing of data on trafficking; it remains to be seen how accurate this initiative will be.

### **The importance of supply chains**

Specifically, the Modern Slavery Act 2015 introduced penalties and sentencing rules, ensured that offences are subject to the asset recovery regime under the Proceeds of Crime Act 2002, introduced

bespoke slavery and trafficking compensation orders, and provided for the confiscation of vehicles, ships and aircraft used for the purposes of trafficking. Moreover, in what was the first legislation of its kind globally, Section 54 (Part 6) of the Modern Slavery Act, the Transparency in Supply Chains provision, addressed the role businesses should play in preventing slavery in their supply chains and organisations. The inclusion of this rests on the argument that addressing supply chain compliance, especially in global companies with multinational supply chains often rooted in small local businesses in developing countries, may be an effective tool to combat modern slavery. This is because businesses may be able to leverage economic power to influence existing markets and create new ones, where workers enjoy decent work, human dignity and are free from coercion and the exploitation associated with modern slavery (U.S. Department of State, 2015).

The Transparency in Supply Chains provision required, from 31st March 2016, that all commercial organisations and franchises with a minimum turnover of £36 million which supply goods or services and conduct business or part of a business in the UK, must produce a slavery and human trafficking annual statement setting out the steps they have taken to ensure there is no taint of slavery in their own business and supply chains in the financial year. If an organisation has not taken steps to do this, its statement should explicitly say so and if a business fails to produce a statement, the Secretary of State may seek an injunction through the High Court requiring it to comply. While the Act does not require businesses to provide a guarantee that their supply chains are slavery free, it created an impetus for them to avoid the poor publicity and reputational damage that would ensue from apparent insouciance over such a strongly rebarbative practice. It is therefore seen as a spur for businesses to act responsibly and change their policies and practices if necessary. Nevertheless, exposing and identifying vulnerable or exploitive practises continue to prove exceptionally difficult and thus businesses are now joining the data sparse environment. Non-governmental organisations, such as Stop the Traffik (STT), have particular expertise in working with industries to understand better and identify the threat from modern slavery in supply chains. STT has produced reports

focusing on plantation based industries, such as tea and cocoa, where there is often a continued high risk of trafficked labour, and has worked with industry partners in these areas. In conjunction with its subsidiary Finance Against Trafficking, STT highlighted the risks in supply chains of the major FTSE 100 companies in a report *Forced Labour, Human Trafficking & the FTSE 100* (Barry and Palmer 2015). This identified significant difficulties in supply chain analysis, even with compliant companies, with the greatest being the identification of the upper branches of supply chains where trafficked labour may be embedded (ibid). The involvement of traditional criminal intermediaries and 'middlepersons' in the labour supply (labour brokers, employment agencies or recruiters), who cover the tracks of criminal procurement of labour by using tactics of fear, intimidation, deception and forced confiscation of identity documents, makes the task exceptionally difficult.

### **Trafficking and professional practice in the UK**

A training programme on responses to modern slavery across professionals was recently evaluated by Cordis Bright (2106) for the Welsh Government. This was seen to be effective partly as a result of the investment in systems in Wales to identify and respond to possible cases. However, Ross et al (2015) recently conducted a survey of NHS professionals; mainly in the London area. The healthcare professionals surveyed said they would welcome information and training on human trafficking. Ross et al (2015) recommended that the content of training programmes should include how to identify and respond to human trafficking, what questions to ask, risk assessment, and referrals to support providers and criminal justice systems. Interestingly this study found that such training was seen as particularly relevant to practitioners in maternity services, mental health, paediatrics and emergency medicine, as well as professionals working in areas where victims of human trafficking are encountered, or where shelter and support are on offer. For those working in adult safeguarding Ross et al's (2015) conclusions that more needs to be known about the experiences of NHS primary

care practitioners, and which training programmes are effective in improving the identification and referral of potential human trafficked individuals, have resonance in light of adult safeguarding experiences that adult safeguarding related training in the NHS is less often taken up than in local authorities. Mollach et al (2012) warned:

Provision of care and assistance may be excellent as provided by dedicated services, but problems continue with lack of awareness of this issue by professionals and court systems surrounding victims of domestic servitude and forced labour. (p35)

Moreover modern slavery and human trafficking requires a different scope and understanding from areas that are familiar to adult safeguarding communities. They span the evolution of transnational organised crime and its impact on communities. This suggests a need for approaches and methodologies which can be used to identify, prevent and mitigate impacts at local and global levels. While practitioners will face questions when working with individuals, at more strategic levels managers, data collectors and analysts will need to think what quantitative and qualitative data are relevant and required to research and respond to modern slavery and the role, *modus operandi*, and network structures of transnational organised crime in facilitating its incidence in key multinational industry supply chains. It is possible that the largely individual focus of adult safeguarding may benefit from such approaches, particularly around financial abuse and the ways in which organised crime may be engaged in targeting adults at risk (Mills et al 2013).

Modern slavery often represents 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. As noted above, it exists in formal and informal labour markets of both lawful and illicit industries, affecting skilled and unskilled

workers from all educational backgrounds. These dimensions will need to be raised on an inter-agency basis.

### **Early responses relating to adult safeguarding**

The Ann Craft Trust (2014) recently commented on the criminal prosecution of members of the Rooke family in respect of Craig Kinsella:

The imprisonment and torture of Craig Kinsella highlights a shocking trend of serious and violent hate crime against people with learning disabilities and vulnerable adults. The imprisonment and sentences handed out to David Rooke and his son should be applauded, however this shocking crime brings into sharp focus a clear need for greater education around protecting those most at risk in our society.

Terms such as abuse, violence, torture, hate crime and slavery as used by the Ann Craft Trust indicate the many interpretations of such behaviour but also the overlap between modern slavery and adult safeguarding.

Likewise a recent criminal case in Nottingham was reported as '*Woman with learning difficulties, 24, kept as a slave and forced to sleep in a duck pen by couple who beat and threatened to soak her in water*' (Mail Online 2015). A later case was reported of trafficking by gang-masters from Lithuania that involved vulnerable people:

The Subatkis twins were used as forced labour and their experience is typical of a growing pattern of exploitation in the UK made possible by a supply chain that relies of layers of sub-contracting in which traffickers can thrive. The pair were employed at the 2 Sisters factory

via the Staffline recruitment agency, as signed up by Ratautas. They were vulnerable young men, brought up partly in care in Lithuania. Edvinas has learning disabilities and Edgarus is of limited education. (Guardian 2016)

While such vulnerable situations may be anticipated by adult safeguarding practitioners, Lemos & Crane (2014) have also highlighted the risk of homeless people being targeted by those engaged in forced labour and other abuses.

The Modern Slavery Act (2015) guidance provides social workers and other professionals with details of how to identify and support victims and their obligations under the processes of reporting as part of the duties of public bodies (for information on the reporting requirements see Home Office 2016). It consolidated and updated criminal legislation on human trafficking, slavery, forced labour, cannabis farming, organ harvesting, forced begging and domestic servitude. The maximum custodial sentences for the most serious offences were increased from 14 years to life imprisonment. One particular point of interest is that understanding of modern slavery seems to be becoming better known among the general public in the UK; Sharapov (2014b, p.7) has suggested that this may be the result of greater public recognition of domestic violence:

The increasing public awareness of domestic violence, for example, has contributed towards its re-definition from a private matter into a social and criminal problem in need of formal social and legal control. The general public can be one of the most powerful interest groups if motivated towards positive actions but a real so, to greater and lesser degrees, participants in the supply and demand contexts of humans trafficking.

Those responsible for safeguarding adults in England must be alert to the exploitation inherent to modern slavery.

In local or regional adult safeguarding policies and procedures or other materials, this responsibility has been highlighted. Buckinghamshire Adult Safeguarding Board (2014), for example, recently stated:

For people who have particular vulnerabilities, especially learning disabilities or mental health needs they can be additionally able to be manipulated and are sometimes easily drawn into these situations, and find it even more difficult to get out even if they realise the way they are being treated is unacceptable.

Similarly the Crown Prosecution Service (2015) has reminded its staff that victims of crimes such as modern slavery need to be kept engaged throughout the entire criminal process. It observed:

Often, victims are targeted for these crimes because of their extreme vulnerabilities (e.g. learning or physical disabilities), so prosecutors are encouraged to use special measures, and be inventive in doing so, wherever they can. This could include live link evidence or identification, and it is particularly important that we strengthen our relationships with prosecutors and police from different countries to ensure that this can take place, whatever the circumstances of the case.

Lastly, awareness of modern slavery needs translation into systems and organisational relationships.

One recommendation made by the Human Trafficking Foundation (2015) was that:

... a multi - agency specialist working group, including Local Authority Adult Safeguarding Leads and NGOs (non-governmental organisations), develop a 'Case Transfer Protocol' which can be adopted into existing guidance so that moving on from the Government-funded scheme becomes a safer and more streamlined process. To

complement this we recommend a telephone based advice service be developed for front-line professionals to access knowledge and resources. (p6)

Such a recommendation was made following case examples of the ways in which people (in Care Act 2014 terms 'adults at risk') who had been subjected to trafficking and to abuse are not always well supported by agencies even if they are in contact with services (see, for example, the case illustration of 'Maria' reported by the Human Trafficking Foundation (2015) p30). We will also need to collect evidence of the effectiveness of such developments if they occur and of other responses, including the ways in which local safeguarding authorities work with the National Referral Mechanism (NRM) - the process by which an individual is formally identified as a victim of modern slavery and support is offered (see National Crime Agency, no date). Safeguarding authorities may also be able to inform data collection about people who are not identified as victims officially or whose official support has come to an end.

## **Conclusion**

The inclusion of modern slavery in the lexicon of adult abuse presents challenges to adult safeguarding leaders, managers and practitioners. Much stress is being laid on the need for local agency collaboration but there is a fresh emphasis on prevention internationally. There is also a new focus on interrupting supply chains in respect of trafficking and ensuring that all businesses (some of which will be care providers) consider their own responsibilities to prevent modern slavery. This latter point may be a new departure for adult safeguarding communities of interest since it chimes with notions of care quality and the responsibilities placed on care providers. For practitioners there is a need to be familiar with the new legislation and its requirements; for Safeguarding Adult Boards, a similar need to take on the new requirements and to ensure agency collaboration including

support for victims, and for researchers and educationalists a need to move on from definitional debates to assess the effectiveness of interventions and responses.

## Acknowledgements and disclaimer

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