

## **NHS Dudley Clinical Commissioning Group's Response to the Requirements of the Modern Slavery Act 2015**

This statement comprises the slavery and human trafficking statement of NHS Dudley Clinical Commissioning Group (the organisation) for the financial year ending 31st March 2017 in accordance with **Section 54, Part 6 of the Modern Slavery Act 2015**.

The organisation recognises that it has a responsibility to take a robust approach to slavery and human trafficking and is absolutely committed to preventing slavery and human trafficking in its corporate activities.

### **Definition of Offences**

#### **Slavery, servitude and forced or compulsory labour.**

A person commits an offence if:

- i. The person holds another person in slavery or servitude and the circumstances are such that the person knows or ought to know that the other person is held in slavery or servitude, or;
- ii. The person requires another person to perform forced or compulsory labour and the circumstances are such that the person knows or ought to know that the other person is being required to perform forced or compulsory labour.

#### **Human Trafficking**

A person commits an offence if:

- i. The person arranges or facilitates the travel of another person (victim) with a view to being exploited;
- ii. It is irrelevant whether the victim consents to travel and whether or not the victim is an adult or a child.

#### **Exploitation**

A person is exploited if one or more of the following issues are identified in relation to the victim:

- i. Slavery, servitude, forced or compulsory labour;
- ii. Sexual exploitation;
- iii. Removal of organs;
- iv. Securing services by force, threats and deception;
- v. Securing services from children, young people and vulnerable persons.

#### **Organisational Structure**

As an authorised statutory body, the CCG is the lead commissioner for health care services (including acute, community, mental health and primary care) in Dudley.

The Membership, Governing Body, Executive Team and all employees are committed to ensuring that there is no modern slavery or human trafficking in any part of our business activity and in so far as is possible to holding our suppliers to account to do likewise.

## **Our approach**

Our overall approach is governed by compliance with legislative and regulatory requirements and the maintenance and development of best practice in the fields of contracting and employment.

The CCG recognises safeguarding as a high priority for the organisation. In order to achieve this we ensure that we have arrangements in place to provide strong leadership, vision and direction for safeguarding. We make sure we have clear accessible policies and procedures in line with relevant legislation, statutory guidance and best practice.

## **The organisational structure, business and supply chain**

We have a clear line of accountability for safeguarding within the CCG.

The CCG's Accountable Officer has ultimate accountability for ensuring that the health contribution to safeguarding and promoting the welfare of children and adults is discharged effectively across the whole health economy through commissioning arrangements.

The Director of Nursing and Quality is the Governing Body executive lead for safeguarding, and has responsibility for providing leadership and gaining assurance in relation to safeguarding issues within the CCG and locality.

The CCG employs the expertise of Designated professionals for both children and adults. These roles are an integral part of the CCG's activity and support the delivery of the safeguarding adult and children agenda.

## **Procurement**

The CCG ensures that organisations commissioned to provide services have appropriate systems that safeguard children in line with section 11 of the Children Act (2004), and adults in line The Mental Capacity Act 2005, The Care Act 2014 and The Modern Slavery Act 2015.

With regards specifically to the Modern Slavery Act 2015, there is a specific question in our standard set in the pre-qualification questionnaire so that we can be assured of the approach of potential providers at the outset of procurement.

In addition, the CCG's contractual agreements (Standard NHS Contract) contain an obligation within clause SC1.2.2 for providers of services to *'perform all of its obligations under the Contract in accordance with'*:

*1.1.1 the terms of this Contract*

*1.1.2 the Law;*

*1.1.3 Good Practice'*

Further, under SC32 Safety and Safeguarding there is a requirement upon all of our providers to have in place programmes for safeguarding and to co-operate with the Commissioner in pursuance of these.

## **The policies in relation to Slavery and Human Trafficking**

Across the West Midlands there is a multi-agency policy and procedures for the protection of adults with care and support needs. This policy covers Modern Slavery and Trafficking. Across Dudley Organisations will report any concerns direct to the police or into adult safeguarding.

Any concerns are directed to the police or into adult or children's safeguarding.

### **The due diligence processes in relation to Slavery and Human Trafficking in its business and supply chains**

The CCG is committed to ensuring that there is no Modern Slavery or Human Trafficking in our supply chains or in any part of our business.

Safe recruitment principles are adhered to which includes strict requirements in respect of identity checks, work permits and criminal records. The pay structure is derived from national collective agreements and is based on equal pay principles with rates of pay that are nationally determined.

Systems are in place to encourage the reporting of concerns and the protection of whistle blowers.

With regards to providers and supply chains, we expect these entities to have suitable anti-slavery and human trafficking policies and processes in place. We will use our routine contract management meetings with major providers to hold them explicitly to account for compliance with the Act and we will implement any relevant clauses contained within the Standard NHS Contract for 2017/18.

The CCG's Safeguarding team have developed a Children and Adults Safeguarding Dashboard and Assurance Reporting Framework that the CCG's providers are expected to complete to ensure that they can themselves be assured that they have all measures in place but to also provide assurance to the CCG.

### **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**

The CCG is committed to social and environmental responsibility and has zero tolerance for Modern Slavery and Human Trafficking. Any identified concerns regarding Modern Slavery and Human Trafficking would be escalated as part of the organisational safeguarding process and in conjunction with partner agencies; such as the Local Authority and Police.

### **The 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**

The CCG aims to be as effective as possible in ensuring that modern slavery and Human Trafficking is not taking place in any part of our business or supply chains by:

- i. Effective interagency working with local authorities, the police and third sector organisations which includes appropriate arrangements for preventing and responding to modern slavery and Human Trafficking;
- ii. Signing up to the West Midlands multi-agency policy and procedures for the protection of adults with care and support needs;
- iii. Undertaking robust NHS employment checks and payroll systems;
- iv. Ensuring good communication through contract management meetings, with our commissioned providers in the supply chain and their understanding of, and compliance

with, our expectations in relation to the NHS terms and conditions. These conditions relate to issues including bribery, slavery and other ethical considerations.

- v. Requiring the CCG's providers to complete the Assurance Reporting Framework as stated in IRSG 12 - 100% Compliance with Safeguarding Reporting Framework

### **Training about Slavery and Human Trafficking**

Slavery and Human Trafficking is part of the organisation's Mandatory Safeguarding Children and Adults training programme.

**This statement is made pursuant to Section 54(1) of the Modern Slavery Act 2015 and constitutes our organisation's modern slavery and human trafficking statement for the current financial year.**