

## **Care Quality Commission: Modern slavery and human trafficking statement**

### **Introduction from David Behan, Chief Executive**

Modern slavery can take place in a wide range of employment sectors, including health and social care. People using health and social care services may also be victims of modern slavery or human trafficking. Health and social care organisations also have a role in identifying victims of modern slavery and human trafficking who come to them for care or treatment.

Modern slavery and human trafficking is incompatible with the Care Quality Commission's (CQC's) values which include being caring and acting with integrity. We fully support the government's objective to eradicate modern slavery and human trafficking. We recognise the responsibility that we have – both as the independent quality regulator of health and adult social care in England, and as a large organisation that employs more than 3,000 staff and procures external services.

We are not legally obliged to publish a statement on modern slavery and human trafficking under the Modern Slavery Act 2015. However, as a public sector body we are legally required to operate in ways that are compatible with the Human Rights Act 1998. The rights under this Act include the right for people to be free from slavery and forced labour under Article 4.<sup>i</sup> We also have a duty to report criminal activity. Publishing this statement – and taking the actions contained within it – helps us to fulfil these duties.

### **Definition of modern slavery and human trafficking**

The Modern Slavery Act 2015 consolidated and clarified previously existing law that related to slavery and human trafficking. The Act categorises offences of 'slavery, servitude and forced or compulsory labour', and 'human trafficking'. These crimes include knowingly holding a person in a position of slavery, servitude, forced or compulsory labour, or facilitating their travel with the intention of exploiting them during or soon after.

Although human trafficking often involves an international cross-border element, it is also possible to be a victim of modern slavery or human trafficking without crossing a national border.<sup>ii</sup>

### **Our role and purpose**

CQC was established by the Health and Social Care Act 2008 which is also the legal mandate that gives us our duties and powers. We are independent, but we report to Parliament through the Department of Health and Social Care.

Our purpose is to make sure health and social care services provide people with safe, effective, compassionate, high-quality care and we encourage care services to improve.

To fulfil our purpose, we **register** care providers and we **monitor**, inspect and rate services. We **take action to protect people** who use services and we **speak with our independent voice**, publishing our views on major quality issues in health and social care.

We are governed by our Board of directors. Further information about our role, purpose and structure can be found on our website: <http://www.cqc.org.uk/about-us>

### **Why modern slavery and human trafficking is relevant to CQC**

- There is much evidence that victims of modern slavery and human trafficking are vulnerable to both poor physical and mental health.<sup>iii</sup>
- All health services have a significant role to play in supporting victims of modern slavery and human trafficking. As the regulator we have a role in checking that these services have systems and processes in place to identify abuse and safeguard people from harm. This responsibility extends to people who are enslaved or trafficked who should be afforded the same high-quality care as any other person, and be protected from abuse when necessary.
- In our regulatory role we may come across modern slavery operating within the services that we regulate or in other related services, such as recruitment agencies or contractors used by regulated services. We have a responsibility to protect these victims of modern slavery or human trafficking and to make sure that the crime of modern slavery or human trafficking is reported. We know that there is a strong link between services that support their staff well and high-quality care<sup>iv</sup>. Therefore in health and social care settings where staff are victims of modern slavery, it is more likely that there will be a lower quality of care quality. Our work to protect staff who are victims of modern slavery and to act in relation to concerns about services will therefore also help make sure that people receive high-quality care.
- As an organisation employing over 3,000 staff, with total annual funded costs in 2017/18 of £224.8 million, we have a responsibility to ensure our supply chains and business activities are free from ethical and labour standards abuses.

### **Procurement and our supply chain**

- When we procure goods and services we follow UK and EU legislation and UK Government policies. We also apply CQC's contract terms and conditions in respect of modern slavery and human trafficking. These are in line with government policy thresholds and are related to the value and type of goods, services and commodities required.
- Organisations are exempt from producing a modern slavery and human trafficking statement under the Modern Slavery Act 2015, if their financial turnover is under £36 million. While it is not a mandatory requirement, we encourage these exempt organisations to voluntarily produce a modern slavery and human trafficking statement and to submit this as part of their bids.
- Where we have added clauses about modern slavery and human trafficking to contracts, we monitor compliance with these clauses as part of our key performance indicators and contract management.

- The prevention of modern slavery and human trafficking is included in CQC's commercial strategy which is reviewed regularly.
- All CQC's procurement staff are trained to apply good practice in the prevention of modern slavery and human trafficking and promotion of social value as key tests in the procurement process. Contract managers receive training on how to monitor compliance with our terms and conditions at the point of contract handover.
- We acknowledge that the best way to determine if a supplier and its supply chain are adhering to standards on preventing modern slavery and human trafficking is by rigorous, testing at the tendering stage and auditing of key suppliers where the legislation is at play.

## **Our people**

- We confirm the identities of all our new employees and their right to work in the UK. We also pay all our employees above the National Living Wage.
- Our flexible workforce office, which manages our use of sessional workers such as specialist advisors and 'bank' (temporary) inspectors, also undertakes recruitment checks of identity and employment records.
- All staff have access to a CQC e-learning programme that is designed to raise awareness of modern slavery and human trafficking. Our learning and development academy promotes this programme through a range of staff engagement routes.
- Our bullying and harassment policy, grievance policy and Speak Up policy support staff to raise concerns about poor working practices. Our work with recognised trades unions, along with our CQC staff network and equality networks also give staff ways of raising concerns. Our Freedom to Speak Up Guardian has established a network of Freedom to Speak Up ambassadors across CQC to signpost colleagues to options available to raise issues and to promote and encourage speaking up at CQC. We have a network of Dignity at Work Advisors to provide staff with support around issues of dignity and respect, alongside a range of occupational health services including a confidential employee assistance programme.

## **Our regulatory work**

We have started to strengthen our approach to modern slavery and human trafficking across all aspects of our regulatory work and this will continue throughout 2018/19 and 2019/20.

- During 2018/19 we will produce a guide for our National Customer Service Centre staff so that they understand the signs of modern slavery and human trafficking, their role and what to do if a concern is raised.
- We have started to undertake work to support our inspection staff around modern slavery and human trafficking, in particular:
  - We have updated our safeguarding handbook for inspectors to include information about protecting victims of modern slavery and human trafficking.

The next version of the handbook will be published by the end of 2018/19 and will include how, through our regulatory work, we should check whether health services are protecting modern slavery and human trafficking using their services and providing high-quality care to victims. Our approach to these checks will be dependent on our assessment of the risks within a service.

- We are working with the Independent Anti-Slavery Commissioner to produce a brief guide to modern slavery and human trafficking for inspection staff. This will focus on modern slavery operating within the health and social care sector. This will publish later in 2018/19. In addition to the signs of modern slavery and human trafficking, it will cover how CQC staff should respond if they have concerns that modern slavery or human trafficking may be taking place in a health or social care setting. The guide will include protocols for obtaining advice, support and for reporting concerns.
  - Our safeguarding champions and equality and human rights leads help to promote our role in combatting modern slavery and human trafficking to inspection teams. We will assess whether inspectors need additional learning and support based on feedback from inspectors.
- Where we have concerns that modern slavery or human trafficking may be taking place in a health or social care setting, we will refer any known victims through our established safeguarding referral routes. These victims could be staff working in a service or people using a service. We will refer modern slavery or human trafficking safeguarding concerns to agencies that are first responders under the National Referral Mechanism for victims of human trafficking or modern slavery.
  - In addition, when we come across any organisation where we have concerns that they are engaged in modern slavery, we will share our concerns with agencies that have the remit to investigate and take enforcement action under the Modern Slavery Act 2015. We will do this through existing protocols that we have already established. This referral route will be included in our brief guide to inspectors.
  - The use of modern slavery might result in breaches of the regulations that we enforce. We will respond to these breaches in line with our enforcement policy.<sup>v</sup> We may then take enforcement action that could include changes or cancellation of a registered person's registration. Action to address modern slavery within a registered provider might also have an impact on the people using their services, for example if many staff in an adult social care service are victims of slavery. In these cases, we will work closely with other agencies to coordinate enforcement action and responses through agreed protocols to protect people using services.
  - Our national advisor for safeguarding provides specialist support to any CQC staff members who have concerns about victims of modern slavery or human trafficking. Our national enforcement team provides advice to inspection staff on referring organisations where we have concerns that modern slavery may be operating to other agencies with the remit to investigate and take action under the Modern Slavery Act 2015. These teams work closely together on these cases.

## **Working with others**

In addition to joint working on specific cases through referral and information sharing, we also:

- Share our concerns about modern slavery and human trafficking in a particular local area with partner organisations. We do this confidentially in information-sharing meetings, providing this will not prejudice criminal investigations, the outcome of individual cases or pose a risk to the safety of individuals.
- Look at modern slavery and human trafficking issues in joint inspections with other organisations, where it is appropriate to do so. For example in joint targeted area inspections of services and arrangements for children in need of protection. We carry these out jointly with Ofsted, HMI Constabulary and HMI Probation.<sup>vi</sup>
- Additionally, we will work with other national organisations that have a role in combatting modern slavery and human trafficking, when it is appropriate to do so. We will work with the Independent Anti-Slavery Commissioner and the Director of Labour Market Enforcement on issues of mutual concern where we identify that this is the most effective way of delivering the responsibilities around modern slavery that are within our regulatory remit.

### **Developing our work on modern slavery**

- Future work to develop our approach to modern slavery and human trafficking in our regulation is described in the section 'Our regulatory work' and 'Working with others'.
- We will review and update this statement and associated work plan before April 2020 and then annually thereafter.

**David Behan, Chief Executive, June 2018**

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<sup>i</sup> [Equality and Human Rights Commission: The Human Rights Act](#)

<sup>ii</sup> Definition from the [National Crime Agency](#)

<sup>iii</sup> [Public Health England, \*Modern slavery and public health\*, December 2017](#)

<sup>iv</sup> Care Quality Commission: [Equally Outstanding](#)

<sup>v</sup> Care Quality Commission (CQC): [Enforcement policy](#)

<sup>vi</sup> [Ofsted, CQC and others, \*Guidance on joint inspections of arrangements and services for children in need of help and protection\*](#)