



Rights Lab Research Briefing 14: August 2020

Modern slavery risks for care-workers in England during COVID-19 pandemic

Rights Lab briefing on the findings of a study by Emily Brady and Dr Caroline Emberson, August 2020ⁱ

More challenging working conditions and a move to digital recruitment and monitoring have led to an increased risk of exploitative labour practices and new opportunities for mitigation.

Key research findings

Researchers found serious potential modern slavery risks in the care sector:

- 1. Pre-recruitment Financial Risk** – Increased recruitment activity and rise in use of migrant labour, with risk of work-visa debt.
- 2. Post-recruitment Financial Risk** – Wages being withheld, especially with regard to sick pay and travel time; delays in payment through retrospective reconciliation; increasing reliance on “pay-per-minute.”
- 3. Pre-recruitment Operational Risk** – Flexible employment practices in response to workforce availability, including waiving of full DBS checks; media perception of care homes discouraging potential staff, leading to labour shortages; reliance on unregulated temporary staffing agencies.
- 4. Post-recruitment Operational Risk** – Decreasing quality of working conditions, pressure for staff to live ‘locked in’ on-site; audit limitations; isolation of home carers, increased risk for BAME staff; obscured signs of exploitation and unacknowledged home care workload increases.

Some unprecedented positive impacts from COVID-19, however, have arisen, which have the potential to mitigate modern slavery risk - (1) increased inter-organisational co-operation; (2) increased community-oriented care approach; (3) perceived increase in the societal value of social care.

Why is this important?

The COVID-19 pandemic has placed a significant strain on the care sector. Much government and media attention has been paid to the increased risks being faced by social care, particularly regarding contracting COVID-19. Indeed, the death rate among social care staff was double that of the general working age population. Yet staff who work in social care may be at risk of modern slavery, as previous Rights Lab work has illuminated. The coronavirus pandemic, and the increased strain on the care sector, risks exacerbating these already present issues to increase modern slavery vulnerability. Risk factors include the shift to online, rather than in-person, recruitment and the increased precarity of care-work.

Recommendations for local authority commissioners

- Update COVID-19 guidance to acknowledge increased modern slavery risk in the care sector, and clearly link to resources to assist in reporting (such as government guidance).ⁱⁱ
- Pay home care ‘on plan’ to avoid funding deficits and the risk of delayed or non-payment of front-line staff
- Ensure training on modern slavery for managers, recruiters and frontline care staff is carried out consistently, and increase scope to include the digital sphere through e-learning.
- Adapt safeguarding training for care providers and safeguarding processes for frontline care staff to virtual spaces.
- Increase regulation of working conditions by random virtual spot-checks e.g. by contacting random care staff for anonymous feedback.
- Continue to communicate best practice between organisations.

Recommendations for the UK Government

- Offer increased financial support to the care sector to enable additional safeguarding methods and financial stability.

Research overview

Through analysis of primary interviews with key stakeholders and a review of the guidance and safeguarding documentation produced by organisations representing care procurers and providers, this project has identified several key factors that may increase modern slavery risk in the care sector as a result of COVID-19.

The methodology of this project was qualitative due to a shortage of detailed quantitative data as the COVID-19 pandemic rapidly developed. The project deliberately avoided interviewing frontline care staff to prevent adding to the current burden they are facing during a pandemic. The project involved:

1. **Semi-structured interviews** – Four interviews were conducted with various organisations that worked closely with frontline care providers. These included the Association of Directors of Adult Social Services (ADASS), the Carers Federation, the Local Government Association (LGA) and a local government commissioning representative.
2. **Desk-based analysis of COVID-19 guidance** – Various organisations representing care commissioners, providers and care workers provided COVID-specific guidance for staff and potential recruiters of care-workers on their websites. Researchers analysed this guidance to identify and assess the potential for modern slavery risk and potential remediation strategies.

Recruitment and financial irregularities

Before the COVID-19 pandemic, recruitment and retention in the adult social care sector was already low and financial fragility was a pressing issue. A collaborative statement by the ADASS and the LGA stressed, “It is important to acknowledge the existing fragility of the care market before it had to contend with the challenges arising from COVID-19.”ⁱⁱⁱ The drive to recruit enough staff to meet the existing need has been exacerbated by the pandemic, as frontline staff fall ill and/or self-isolate. The fact that recruitment has now gone ‘online,’ rather than face-to-face, may disguise the signals for which staff are trained to look.

Several interviewees raised concerns that migrant workers were disproportionately at risk. One respondent, the Chief Executive Officer of the Carers Federation, drew parallels with the situation in Italy after the 2008 financial crash, when there was an uptick in exploitation of migrant workers as live-in carers for elderly relatives. Given the anxiety expressed by members of the public in putting relatives in residential care during the pandemic, combined with the prohibitive expense of most legal live-in care, an increase in informal labour markets is a concern.^{iv}

Analysis of guidance revealed that there is an increased risk of staff not being paid appropriately for their labour, in particular

with regard to sick pay and travel time. The shared guidance ‘*Social care provider resilience during COVID-19: guidance to commissioners*,’ produced by the ADASS, the LGA, and the Care Provider Alliance (CPA), suggests that reduced cashflow may affect how quickly staff are paid for their work, which may lead to labour exploitation.^v

In just one example of a wider permissive attitude that suggests the potential for exploitation, the LGA has advocated for the slight relaxing of DBS checks because of the pressure of large-scale staff absences.

‘Flexible’ employment

In 2017 research by the Rights Lab found that the “changing nature of the provision of adult social care - from the employment of care-workers directly by local authorities to more ‘flexible’ employment relationships involving a range of intermediaries – may jeopardise the safety of care-workers and the employment standards they could expect to enjoy.”^{vi}

The pre-pandemic shift towards casualisation and reliance on unregulated temporary staffing agencies was already a risk factor for modern slavery. With the advent of COVID-19 and the strains it has placed on the sector, it is an increasing concern. The leader of the Quality Market Management Team at Nottinghamshire County Council expressed concerns about temporary staffing agencies to Rights Lab researchers, commenting; “A lot of them are dodgy. They’re out for money, they don’t care who they supply, they think care homes will be happy with any bogs on the floor just making the numbers up.”^{vii}

For home carers, the pandemic has resulted in an increased isolation from their normal support networks. Centres that would normally have provided respite care have been closed. This can not only have negative mental health impact, but may lead home carers to seek out cheap or unpaid labour to alleviate the severe pressure of their caring responsibilities.

Improved collaboration

Despite the crisis, several interviewees noted that they felt the pandemic had actually increased inter-organisational resource sharing, leading to a more collaborative and supportive care sector than the highly fragmented service pre-COVID-19. In addition, many noticed an increased sense of community goodwill and support of care staff, which speaks to an increase in the public’s perceived value of social care, and the social care sector.

Nevertheless, there is a clear link between increased modern slavery risk and the COVID-19 pandemic in the care sector. Whilst the true impact of the coronavirus outbreak will likely remain unknown until significant time has passed, these initial research findings need to be acknowledged and addressed.

ⁱ ‘Assessing the vulnerability of English care-workers to modern slavery risks during the COVID-19 pandemic’ - Emily Brady & Dr Caroline Robinson, August 2020. www.nottingham.ac.uk/research/beacons-of-excellence/rights-lab/mseu/mseu-resources/2020/august/care-workers-and-covid-19.pdf

ⁱⁱ Home Office, “Modern Slavery and COVID-19: what to look out for and how to get help” <https://www.local.gov.uk/sites/default/files/documents/Modern%20slavery%20and%20COVID-19%20what%20to%20look%20out%20for%20and%20how%20to%20get%20help.pdf>

ⁱⁱⁱ LGA and ADASS, “Temporary Funding for Adult Social Care Providers during the COVID-19 crisis”. Available at: <https://local.gov.uk/sites/default/files/documents/Provider%20fees%20-%20summary%20of%20the%20approach%20proposed%20by%20local%20government%20-%20ASC%20final.pdf> p1-2.

^{iv} <https://www.theguardian.com/society/2020/may/04/coronavirus-fears-leading-families-to-remove-relatives-from-uk-care-homes>

^v “Social care provider resilience during COVID-19: guidance to commissioners,” <https://www.local.gov.uk/coronavirus-information-councils/social-care-provider-resilience-during-covid-19-guidance-commissioners>

^{vi} Dr Caroline Emberson and Dr Alex Trautrim, “Modern slavery risk in the adult care sector,” 6th November 2019. https://www.nationalcareforum.org.uk/wp-content/uploads/2019/12/MSEU-Briefing_Modern-slavery-risk-in-adult-social-care_FINAL.pdf

^{vii} Interview with team manager of the Quality Market Management Team at Nottinghamshire County Council.