



Adult Social Care: Guidance on tackling illegal rates of pay, the repayment of recruitment fees and unsafe working conditions

This briefing provides a summary of guidelinesⁱ produced in 2023 by the Rights Lab for local authority providers, procurers and commissioners of adult social care on how to introduce modern slavery risk assessment and due diligence processes to help prevent and address labour exploitation, including criminal forms such as modern slavery.

Guidance overview

Working with local authority representatives, the Local Government Association, and the Association of Directors of Adult Social Services, Dr Caroline Emberson of the University of Nottingham's Rights Labⁱⁱ has produced a practical guide to support local authority commissioning officers as they establish modern slavery risk assessment and due diligence processes across the range of adult social care service provision.

This briefing provides an overview of this practical guide and aims to mobilise Directors of Adult Social Services and their social care teams to introduce modern slavery risk assessment and due diligence processes to help prevent and address criminal forms of labour exploitation on the part of social care providers, labour intermediaries and other perpetrators.

Why is this guidance important?

The UK anti-slavery charity, Unseen, reported a 1024% increase in the number of cases of potential victims in care work to the Modern Slavery helplineⁱⁱⁱ, up from 15 cases involving 63 people in 2021 to 708 people in 106 separate cases in 2022.^{iv}

A growing number of calls to the national Modern Slavery helpline, reports in the mainstream media, intelligence from the Gangmasters' and Labour Abuse Authority, all tell the same story: the risks of modern slavery in care are real.

Migrant workers have found themselves in sub-standard accommodation, working excessive hours and even asked to repay immigration and

recruitment fees when they resign – a situation which has been likened by some to debt bondage.^v

Some live-in placement agencies have attempted to exploit particularly novice care-workers by applying accommodation offset deductions to their wages.

Recommendations for Directors of Adult Social Services

As you build towards a public health approach to modern slavery prevention and detection, consider the following actions:

- **Recommendation 1:** Adopt a cross-functional team approach to the introduction of modern slavery risk assessment and due diligence procedures across adult social care procurement and commissioning.
- **Recommendation 2:** Raise awareness of the risks of criminality among social care providers, labour intermediaries and direct payment recipients.
- **Recommendation 3:** Use your adult safeguarding board to ensure multi-agency risk assessment conferencing processes support effective monitoring, evidence gathering and information sharing.
- **Recommendation 4:** Introduce training and build modern slavery risk assessment into roles and responsibilities across your adult social care team.

- Recommendation 5:** Ensure connections exist between your adult social care team and local authority modern slavery lead/ slavery and exploitation teams.

Research overview

The guidelines were produced from data gathered over a nine-month period in 2023 during which key personnel from one two-tier and two unitary authorities in Portsmouth, East Riding and Nottinghamshire attended three action-planning workshops.

These workshops drew upon the expertise of local authority directors, officers and other social care professionals including Adult Social Care Directors and Deputy Directors; Strategic Service Leads; Commissioning Managers; Procurement Officers; Principal Social Workers; Heads of Safeguarding and Mental Health; Service, Contracts and Performance; Quality and Market Managers; Operations Managers, Safeguarding and Deprivation of Liberty Standard Managers; Contract and Quality Assurance Leads; Operations Review and Project Officers; and Strategic Resourcing Managers. Workshop action plans were followed up by collaborative meetings with key local authority personnel from all three participating local authorities and the overall process was supported by an associate member of the Association of Directors of Adult Social Services.

Key findings

Workshop participants identified the need to take immediate action in the following areas:

Partnership and multi-agency working

Participating council's highlighted the need for a multi-agency approach to modern slavery risk assessment and due diligence, in cooperation with anti-slavery partnerships often headed up by local police forces.

Engaging providers

Councils advocated an incremental approach to provider engagement. They took opportunities to use 'teaser' or 'spotlight' sessions to showcase their modern slavery initiatives at provider days, or by setting up a modern slavery awareness stall at a marketplace event.

Assuring quality procurement

Drawing upon Government modern slavery guidance, one local authority shared its experience of introducing additional clauses in its standard review questions for suppliers and planned to introduce more sophisticated risk assessment criteria in its largest contracts.

Expanding your due diligence

Another local authority recognised the need to include modern slavery risk within its strategic risk management register. Other pilot authorities identified actions both to evaluate and review

modern slavery risk within their existing contract portfolios and to build this risk assessment into their selection criteria for future contracts.

Contract assurance

The risk of modern slavery can arise at various points in the management of a contract. Local authorities planned to include modern slavery criterion expressly throughout their contract management processes as part of the pre-selection and tendering procedures, at the point of contract review and for subsequent performance monitoring, for example in the form of in-house or external provider auditing.

Defining pathways

Authorities identified the need to think about risk identification, sharing information with other bodies, and the referral pathways through which concerns can be highlighted. This should be an explicit part of adult safeguarding procedures.

Handling internal communications

Our project highlighted the need to involve human resources, legal and safeguarding teams at an early stage, as well as to secure buy-in from senior management and be prepared for staff changes and re-organisations.

Training and resources

Specialist training resources and general awareness training are needed on what to do if the signs of modern slavery are spotted. One local authority developed a specialist resource to encourage professional curiosity among adult social care procurers and commissioners, both for local authority adult social care colleagues and the staff of external providers.

Managing direct payment risk

While much adult social care provision may be managed through institutional residential care and nursing home care or supervised domiciliary care agencies, the local authority personnel we worked with also highlighted the need to assess modern slavery risk faced by the isolated staff employed to meet the needs of those in receipt of personal budgets and personal assistants paid for by self-funders.

Community involvement

Modern slavery can often be hidden in plain sight. You may wish alert your local community to the risks and keep them informed about what you are doing.

Implications and recommendations

Social care, alongside construction and hand car washes, has been identified by the Strategic Coordination Group, chaired currently by Margaret Beels, the Director of Labour Market Enforcement, as a sector where the high risk of labour exploitation, include severe forms such as modern slavery, requires a focused inter-agency approach.

Working within an over-arching, public health approach to modern slavery that is prevention led, data-driven and multi-agency, we make the following recommendations:

- **Adopt a cross-functional team approach to the introduction of modern slavery risk assessment and due diligence procedures across adult social care procurement and commissioning.** Local authorities are key players in efforts to establish cross-functional, multi-agency approaches to modern slavery risk assessment and due diligence. Key actors are likely to include local authority procurement, commissioning, and direct payment officers; safeguarding adults' boards; local anti-slavery partnerships, integrated care systems; integrated care boards and other first responder organisations.
- **Raise awareness of the risks of modern slavery among social care providers, labour intermediaries and direct payment recipients.** You will need to consider how best to raise awareness about the modern slavery risks posed in the adult social care sector among your other local authority colleagues, in the adult social care team, among the managers and care staff within those organisations which provide care services on your behalf, and among those people who use these services – especially those who might be isolated workers paid for out of personal health budgets, direct payments or the clients' own funds.
- **Ensure strong connections exist between your adult social care team and local authority modern slavery lead/ slavery and exploitation team.** Based within community protection, you may wish to set up a Slavery and Exploitation Team to deal with referrals about possible exploitation. This approach enables the development of a structure through which professionals can refer known or suspected victims of exploitation, slavery and human trafficking and share their knowledge about situations where suspicious activity has been highlighted. Alternatively, some authorities have appointed both a strategic and operational point of contact for modern slavery. The operational lead scopes out any initial concerns with the respective agencies, gathers wider intelligence, including from organisations such as energy suppliers, to generate a picture of the potential exploitation and co-ordinates the local

authority's response. You will need to weigh up the likely benefits and drawbacks of each approach for your circumstances.

- **Use your adult safeguarding board to ensure multi-agency risk assessment conferencing processes support effective monitoring, evidence gathering and information sharing.** You will need to develop and test policy and procedures for the referral and assessment of suspected cases of modern slavery. As a local authority, this will support you in meeting your current statutory obligations as a First Responder under the National Referral Mechanism.
- **Introduce training and build modern slavery risk assessment into roles and responsibilities across your adult social care team.** In addition to generalised, awareness raising training for internal and external adult social care staff, you may also wish to consider the development of more specialised courses targeted at those who procure and commission adult social care services.

The full guidelines, entitled 'Establishing modern slavery risk assessment and due diligence in Adult Social Care: A commissioning officer's guide' can be found at:

<https://nottingham.ac.uk/Research/Beacons-of-Excellence/Rights-Lab/resources/reports-and-briefings/2023/October/Establishing-modern-slavery-risk-assessment-and-due-diligence-in-adult-social-care-A-commissioning-officers-guide.pdf>.

For further information, please contact Dr Caroline Emberson at caroline.emberson@nottingham.ac.uk.

Other resources you may find useful:

Local Government Association (2022) [Council guide to tackling modern slavery](#) (including the 'maturity matrix').

OECD (2018) [Due diligence guidance for responsible business conduct](#).

SHIVA (2022) [A self-assessment scorecard and supporting guidance for local authorities](#).

ⁱ Emberson, C. (2023). Establishing modern slavery risk assessment and due diligence in Adult Social Care: A commissioning officer's guide. Rights Lab University of Nottingham. Available at: <https://nottingham.ac.uk/Research/Beacons-of-Excellence/Rights-Lab/resources/reports-and-briefings/2023/October/Establishing-modern-slavery-risk->

[assessment-and-due-diligence-in-adult-social-care-A-commissioning-officers-guide.pdf](#).

ⁱⁱ <https://www.nottingham.ac.uk/research/beacons-of-excellence/rights-lab/index.aspx>

ⁱⁱⁱ <https://www.modernslaveryhelpline.org/>

^{iv} <https://www.unseenuk.org/modern-slavery-in-the-care-sector-problems-and-solutions/>

^v Das, S. (2022) [Revealed: Migrant care workers in Britain charged thousands in illegal recruitment fees](#). The Observer, 18 June; Das, S. (2022) [Live-in care workers 'have pay docked by agencies to cover accommodation'](#). The Observer, 31 July; Booth, R., (2023) [UK care](#)

[operators accused of 'shocking abuse' of migrant workers](#). The Guardian, 10 July.