



# MODERN SLAVERY ACT 2015

**Birds** | Solicitors

TRANSPARENCY IN THE SUPPLY  
CHAIN

A Guide to Compliance

## What Are The Compliance Obligations?

The introduction of section 54 of the Modern Slavery Act 2015 Act has placed a burden on certain companies to produce and publish **an annual slavery and human trafficking statement** from the financial year ending on or after 31st March 2016.

Any company to which the obligation applies must report on what investigations they have made and steps they have taken in the previous financial year to ensure that slavery and human trafficking is not taking place within its supply chain or any part of its business as soon as reasonably practicable after the end of each financial year.

This is an on-going obligation designed to eradicate modern slavery and human trafficking within the supply chains of large companies.

The Government can enforce compliance with the section by the use of injunctive civil proceedings.



## To Which Organisations Do The Obligations Apply?

The obligations apply to every commercial organisation that supplies goods or services and has a total turnover of **not less than £36 million**.

Commercial organisations include companies or partnerships which carry on business or part of a business in any part of the United Kingdom wherever that company or partnership is incorporated or formed and incorporated charities.



## The Slavery and Human Trafficking Statement

The slavery and human trafficking statement must set out the steps that the organisation has taken during the previous financial year to ensure that slavery and human trafficking is not taking place within any part of its business or any part of its supply chain.

If nothing has been done to investigate or identify any such issues, a statement to that effect has to be made.

Such statements have to be approved by the Board of Directors and signed by a Director or approved by members of a limited liability partnership and signed by a designated member or general partner.

The statement has to be published on the organisation's website with a link in a prominent place on the Home page. In the unlikely event that the organisation does not have a website, a copy of the statement must be provided to anyone who requests a copy within 30 days of that request.



The Government has issued Guidance but has not set out any specific template for the form of such statements.

Certain issues must be covered including:

- an outline of an organisation's structure, business and supply chains;
- the organisation's policies and due diligence processes in relation to slavery and human trafficking;

- an identification of any parts of its business and/or supply chains where there is a risk of slavery and human trafficking;
- any steps that have been taken to assess and manage that risk;
- an assessment of the organisation's effectiveness in ensuring slavery and trafficking are not taking place in its business or supply chains measured against performance indicators it considers appropriate; and
- information about training concerning slavery and human trafficking that is available to the organisation's staff.



## What Are The Ramifications of Non-Compliance?

Many companies will not be familiar with these obligations and the ramifications of non-compliance both in terms of the sanctions that may be imposed and the potential damage to the organisation's

reputation if they fail to comply with the requirements.

The abhorrent practices of modern slavery and human trafficking have come increasingly to the attention of Governments and the general public over the last few years and this is an area where there is likely to be an increased public scrutiny of big organisations.

The Government will be monitoring compliance and any publicity that an individual company of this size is not complying with the obligations to root out such practices is likely to reflect badly for the organisation.

Other Non-Governmental Organisations will also be monitoring compliance and reporting to Government.

On the other hand, companies that are compliant and can demonstrate robust policing of policies and procedures to eradicate modern slavery and human trafficking within the supply chain are likely to benefit from the positive public perception of their products or services.



## What Help Can Birds Solicitors Provide To Your Organisation?

**Birds Solicitors** can offer assistance and advice to any organisation considering how to deal with these new compliance requirements.

The firm has been at the forefront of the increased awareness of modern slavery and human trafficking in the criminal justice system and further afield. We have been responsible for overturning numerous wrongful convictions of victims of human trafficking who should not have been prosecuted given the obligation on the State not to prosecute victims of human trafficking forced into criminality as a result of their trafficked status.



In addition, we advised UNICEF in relation to its representations to Government on elements of the Modern Slavery Act 2015 relating to children as the Bill passed through its various stages into law.

We have provided training on behalf of the Law Society on modern slavery and human trafficking and assisted in drafting the Law Society practice note for solicitors

to assist them in identifying and dealing with the issues that arise in such cases.

We regularly provide training to solicitors, barristers and various NGOs in this area through various lectures and recorded podcasts including the most recent Anti-Trafficking Symposium.

We were invited to provide specialist evidence in relation to child victims of trafficking in the criminal justice system to the independent review chaired by Lord Laming published by the Prison Reform Trust in May 2016. Our recommendations for reform were included in the final report.

Our extensive and varied experience in this developing area of law makes us ideally suited to advise organisations on their obligations under the Modern Slavery Act 2015.

We can assist any organisation in ensuring that it can identify areas of the business where modern slavery and human trafficking are a risk, advise on the necessary due diligence that the organisation should consider implementing and provide comprehensive training to all relevant staff.



**Birds Solicitors** can tailor a package of advice and assistance to any organisation including:

- Advising as to whether the Act applies to the organisation;
- Devising anti-slavery policies and procedures to formulate a Best Practice guide for the organisation;
- Devising appropriate risk assessment processes and due diligence on the business and its supply chain;
- Undertaking investigation as to whether the policies and procedures are being implemented throughout the business and its supply chain;
- Providing training on modern slavery and human trafficking: legal definitions, identification of risks and potential slavery issues within the organisation or its supply chain, the compliance obligations and penalties;
- Offering support throughout the year to ensure that “best practice” is followed and the organisation remains compliant; and
- Drafting the annual slavery and human trafficking statement.

## Birds Solicitors Modern Slavery Compliance Team

Our Modern Slavery Compliance team consists of:

**Philippa Southwell** is recognised as one of the leading lawyers in the area of modern slavery and human trafficking and has been recognised as such in the Law Society Excellence Awards 2014 and 2015.

**Steven Bird** has experience both in the specific area of modern slavery and human trafficking but also in regulatory and compliance matters across various disciplines including financial investigations by banks and the Financial Conduct Authority.

**Allan Briddock** has been providing advice to organisations as to their obligations under the Modern Slavery Act 2015 since the obligations came into force.

### Contact:

#### **Birds Solicitors**

61 Wandsworth High Street

London SW18 2PT

Tel: 0208 874 7433

[www.birds.eu.com](http://www.birds.eu.com)

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Any enquiries should be addressed in the first instance to Philippa Southwell at [p.southwell@birds.eu.com](mailto:p.southwell@birds.eu.com) or to Steven Bird on [s.bird@birds.eu.com](mailto:s.bird@birds.eu.com)