

## Guide to the Modern Slavery Act 2015

The Modern Slavery Act 2015 (“MSA”) imposes reporting obligations on all commercial organisations supplying goods or services which carry on their business or part of their business in the UK, and which have a total turnover exceeding £36 million in any financial year.

These reporting obligations require organisations to publish a slavery and human trafficking statement which sets out the steps that the organisation has taken to ensure that slavery and human trafficking is not taking place in its business and in its supply chains – subject to it still falling within the MSA criteria, the organisation’s statement should be updated and published annually – please see below for more information regarding the statement.

In addition to a failure to publish the statement, the corporate entity is liable to criminal prosecution if suspected of any of the following:

- Slavery, servitude and forced or compulsory labour
- Human trafficking, and/or
- Committing any offence with the intent to commit human trafficking.

Accordingly, the organisation should ensure it has in place the appropriate processes to enable it to remain vigilant to the risk of any of the above occurring within it. This responsibility ultimately falls to the senior management team of the organisation. It is therefore imperative that the modern slavery exercise is driven from the senior management team and cascaded as appropriate.

### The Statement

As far as the slavery and human trafficking statement is concerned, a summary of the key elements are as follows:

- The statement (which must have been approved by the approved by the Board and signed by a Director) should have been first published by September 2017; the Home Office has recently written to organisations to advise that those which do not have in place statements will be “named and shamed” which will likely have reputational connotations
- The statement must be on the organisation’s website (there should be link to it on the homepage) but can also be published on an external website – The Modern Slavery Registry is one of these external websites – there is no legal obligation on it to publish on any external website.
- The statement needs to specify what has been done by the organisation to demonstrate the steps it has taken in the last financial year to ensure modern slavery is

not taking place in its business/supply chains etc – the statement should be published within 6 months of the end of the financial year to which it relates.

- It is recommended that the statement covers the following 6 areas:
  - Organisation's structure and supply chains
  - Organisational policies
  - Assessing and managing risk
  - Training
  - Due diligence, and
  - Performance indicators

It is worth noting that the duty to produce a slavery and human trafficking statement does not require you to take any steps or guarantee that your supply chain is slavery free.

### Staffing Matters

The organisation should also ensure that it has in place robust policies and/or procedures. These policies and/or procedures should be underpinned by appropriate staff training programmes which can be delivered in a number of ways and tailored so they are role/audience specific.

### Forthcoming Review

An independent review of the MSA was published in May 2019 for the purpose of assessing the effectiveness of the MSA and suggest improvements. The published report can be found here: <https://www.gov.uk/government/publications/independent-review-of-the-modern-slavery-act-final-report>

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