

GLA51/21 Stakeholder Engagement

3 November 2016

Board Paper Reference – GLA51/21 - Stakeholder Engagement

1. Purpose of the Report

1.1 To update the board on the work of the liaison groups.

2. Recommendation

- 2.1 The Board is invited to note the minutes of the
- Labour Provider/Labour User held on 8 September 2016. The minutes are attached at Annex A.
- Worker /NGO Liaison Group held on 9 August 2016. The minutes are attached at Annex B.

Minutes Annex A

Title of meeting	Labour Provider and Labour User Liaison Group Meeting	
Date	08 September 2016	Time 11am
Venue	GLA, Nottingham	
Chair	Margaret Beels	Secretary Angela Tilley
Attendees	Margaret Beels (MB)	GLA
	Charlotte Woodliffe (CW)	GLA
	Darryl Dixon (DD)	GLA
	Angela Tilley (AT)	GLA
	Neil Court (NC)	GLA
	Nicola Ray (NR)	GLA
	lan Waterfield (IW)	GLA
	David Camp (DC)	Alliance HR/ ALP
	Jane Bladon (JB)	Staffline
	John Devine (JD)	Response Recruitment Ltd
	John Hardman (JH)	Hops Labour Solutions
	Kevin McCormick (KM)	KHS Personnel
	Lorna Bramwell (LB)	Staffing Group
	Philip Campbell (PC)	REC
	Sally Brett (SB)	TUC
	Shayne Tyler (ST)	Manor Fresh
	Sue Johns (SJ)	Butters Group
	Tom Easson (TE)	Ringlink
	Terry Waite (TW)	Vital Recruitment
Apologies	Paul Broadbent (PB)	GLA
	Chris Hartfield (CH)	NFU
	Colin Hall (CH)	50 Club
	David Segust (DS)	First Call Contract Services
	Fergus Morgan (FM)	2 Sisters Food Group
	Gavin Dring (GD)	2 Sisters Food Group
	Gemma Polanski (GP)	Troy Foods
	Jackie Newman (JN)	P D Hook Poultry
	Jon Tugwell (JT)	Fyffes
	Jonathan Mason (JM)	AG Thames Group
	Julie Giles (JG)	Staffing Group
	Richard Griffiths	British Poultry Council
	Rob Orme (RO)	Concordia
	Sian Thomas (ST)	Fresh Food Consortium

1. Introductions and Apologies

Margaret Beels (MB) welcomed the group; apologies as above.

2. Declarations of interest

Terry Waite, Lorna Bramwell, Sue Johns

3. Minutes of previous meeting

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The minutes of the previous meeting were agreed.

4. Action Schedule

Actions from 12 May 2016 meeting:

- 1. CW to revisit the best practice guidance regarding compliance inspections CLOSED.
- 2. PB to share consolidated year end figures with the group at the next meeting CLOSED.
- 3. Secretariat to circulate the presentation of Annual Reports and Accounts to the group CLOSED
- 4. Secretariat to obtain and circulate copy of e mail Tackling Hidden Labour Exploitation scheduled event CLOSED.
- 5. Mark Heath to circulate details of forthcoming University of Derby Training courses to the group In PROGRESS dates are still unknown
- 6. Mark Heath to circulate analysis of courses already completed CLOSED.
- 7. CW to send link to the Principal Authority Resume/sample application form to DC CLOSED.
- 8. The Group to consider the updated best practice guidance and any comments to be forwarded to CW by no later 17 June 2016 CLOSED no comments received.
- 9. CW to add to LU Best Practice Guidance the need for LU's to check whether their overseas LP's charge work finding fees. CLOSED NEW ACTION: Whole document to be reviewed by Neil Court to take into account GLAA.
- 10. NC to update group on progress of sub- meeting with group on best practice. ON AGENDA for discussion at this meeting
- 11. CW to arrange a meeting to review the licensing Standards CLOSED
- 12. NC to review LU Best Practise guidance and to incorporate GLAA changes NEW ACTION

5. Declaration of urgent business

None raised.

6. Update from Chief Executive – DD

In the absence of PB the update was given by DD

Annual Report

MB advised the annual report was not yet formally signed off and published. The report had been sent back to the GLA for review but it was likely to be October before it was published.

DC asked for clarification on annual accounts, the figure of 13 for licence revocations showed the direction of travel arrow as up. CW clarified the arrow should be pointing down not up.

Update on Change to Gangmasters and Labour Abuse Authority (GLAA)

MB advised that it now looked as if the GLAA would be awarded its new powers on 1 April 2017.

DD advised of delays in the development of the regulations, and that also Parliament was about to go into recess. He advised that currently internal policies were being looked at. Also staff were undertaking training in PACE, and there had been the appointment of Labour Abuse Prevention Officers (LAPO's) who would have the additional powers created by the change. DC said that with the new powers things could be more complicated and wanted an understanding of how the LAPO's would operate.

DD said for instance the LAPO's could identify several multiple offences and would be able to gather evidence for proof of offences. It was possible that the offences could also include HMRC or NMW offences for instance. It would then be decided which agency would take the lead in the investigations in relation to the offences. If it was just GLA offences other agencies such as NMW/EAS would not need to be involved.

DD advised that a statutory code of practice regarding how we will operate as the GLAA is expected in the next few months.

ST asked in view of the changes what guidance would be issued.

MB advised that the Home Office would produce clear guidance in the future.

DD clarified that PACE was only operative in England and Wales. In Scotland Gangmasters Licensing offences would continue to be investigated by GLA officers not LAPO's. GLA officers would also not be able to investigate Modern Slavery Offences or EAA offences or NMW offences in Scotland.

ST asked what if there is a cross border operation?

DD replied it would be dependent on where the operating was taking place but reiterated the GLA would continue to work in Scotland in the way it does now.

Performance and Insight

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DD reported that intelligence reports remained low. CW also advised this could be due to the fact that Companies House checks are no longer being treated as intelligence reports. She also advised that the information being provided may not be able to be acted on straight away. DD mentioned a spike in June where more intelligence had been provided by the industry and mentioned this was a good trend.

DD mentioned Compliance Inspections figures were down compared to previous years as were enforcement cases. This was due to cases being of a more complicated nature and therefore being more time consuming, however the focus was always on the most important cases with the higher risks.

Tier 1 Intervention

In the light of GLA acquiring additional responsibilities, more funding had been made available to develop the Intelligence team. The Intelligence team were often able to intervene in cases by contacting employers quickly to resolve issues surrounding payments etc. This resulted in a quicker resolution for the worker and any monies owed being recompensed quickly.

NC mentioned however that if there were regular reports for issues in respect of the same employer then it would then become a compliance investigation.

Licence Applications and Processing

DD reported that the number of licence applications initiated was down slightly on the same period for previous year. Refusals had been down in April but there had been three in May. Appeals received were down in comparison with the same period last year with the reason for the drop in appeals not being known.

It was reported that the timescale for inspections to be completed was within the target timescale. It was mentioned that those showing 70 plus days were where the inspections would be of a more complex nature.

NC said that initial inspections could identify for instance illegal trading which would then change the nature of the inspection which could possibly require enforcement action and could this delay the completion of the inspection.

DD confirmed the figures were working days.

NC said that Compliance Inspections were more complicated by the nature of issues being looked at, and would therefore take longer to complete. DC asked if the time taken was down to resources or a combination of a number of things? NC responded that it was mainly down to complexity of cases. This could involve liaising with other agencies and gathering the evidence of any offences being committed. This was all time consuming.

DD said that applicants could always contact Inspectors or Licensing for an update on the progress of applications.

CW said that Application Inspections were always turned around as quickly as possible by Licensing if there were no issues identified. If further enquiries or questions were needed to assist in making the licence decision this would naturally extend the time needed for the determination to be made.

DC said that it was a general perception with some of his members that it was taking longer for the GLA to make licence decisions.

MB said that GLA should ensure we are keeping applicants updated as much as possible where we are able and CW confirmed that this was done.

CW said that future new IT would hopefully allow applicants to be able to check in real time at what stage the application was.

NC also added that every case was subject to regular reviews with progress being monitored at fortnightly meetings. He also said that every effort was made to deal with inspections as quickly as possible but a serious CI would get priority.

GLA Enforcement

DD said that there had been no change in volume of criminal cases in progress. Looking to the future it was likely more cases would be forwarded to CPS for consideration for prosecution, due to increase in investigations supported by the increase in staff. It was reported there had been one prosecution within the shellfish industry. The sentence had been community service, 18 months and 9 months respectively. CW said that a guilty plea had been entered as if it had gone to trial there could have been the possibility of a custodial sentence.

DC queried why the five cases reported as not proceeding had not done so? DD replied that the evidence had to be sufficient, that the standards for prosecution had been met and there would have to be an explanation as to why it was in the public interest to proceed. Given these criteria the decision would not always be for prosecution.

7. Labour Market Enforcement update – MB

MB had previously mentioned update on Immigration Act 2016. The budget update was that a further £-.5m had been allocated to assist in the future changes within the GLA. The GLA would however still be making a case for further funds to assist in the implementation of the Act.

8. Compliance Update - NC

It was reported that currently on going were 32 Application Inspections, 38 Compliance Inspections, 6 New Business inspections and 5 Change of Principal Authority applications. The time taken to complete inspections had previously been discussed.

Current findings – GLA Standards non compliance were reported as the following

Licensing Standard 1.1 – Fit and Proper

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- Issues around debt
- Convictions left off application forms
- Difficulty of obtaining information about foreign individuals for convictions or on-going criminal cases.

Licensing Standard 2.2 – Paying wages

- Issuing of Temporary NI Numbers for lengthy periods of time
- Payslips not being received.
- Labour Providers not advising workers of entitlements re benefits or holiday pay.
- Late payments being made by Labour User's to Labour Providers also had an impact.

Licensing Standard 6.3 - Safety at Work

- Personal Protective Equipment not being supplied as required
- Facilities for poultry workers not adequate
- Transport owned by the worker used for transport enabling agencies to not be responsible for requirements for PSV regulations.

JH advised of a practise of workers being brought into the UK, they would be advised by another worker of a bus company to use for transportation to the farm, with the driver charging a fee of £100. This would not fall under the labour provider or grower. He had advised farmers to provide licence plate numbers for transport to help avoid this situation.

Licensing Standard 7.1 Fees

Work finding fees and services were mentioned with regard to foreign workers seeking employment. Example of fees being charged were for seeing someone off at the airport, meetings with the workers being charged for and workers having to pay a fee to get work.

LP advised of an incident where a worker had paid someone and had just turned up with the driver with an expectation of a job. At this point what should he do? Was it acceptable to offer work in the circumstances or was this encouraging exploitation? Having challenged the driver he did not appear again.

MB said that the GLA should be notified if this was happening.

TE & ST both said that there was a feeling they couldn't address the issues of late payment successfully.

ST also mentioned that a trend for reductions in workforce available would put pressure on costs for labour, which in turn would lead to corners being cut.

TE also advised of increased costs to harvest crops which in turn would lead to less food being produced in this country. An increase in the growing of bio fuels which were less labour intensive to harvest was also on the increase.

DC mentioned a Labour Supply Chain Payment Charter which he was aware of and he agreed he would circulate to the group which might help with some of these issues.

DC asked if not having a NI number was a non-compliance.

CW explained it was not covered in the standards, the obligation was on the worker to obtain the NI number but that employing workers without NI numbers could be an indication of other non-compliances.

NEW ACTION POINT 1 – Current findings for non-compliance to be forwarded to Secretariat for distribution to the group - **NC**

NEW ACTION POINT 2 – How GLA responds to supply chain pressure – **DD**

NEW ACTION POINT 3 Labour Supply Chain Payment Charter to be forwarded to Secretariat for circulation to the group - **DC**

Update on progress of sub-meeting with group on best practise.

NC updated the group on sub-meeting with group on best practise. This had convened in January to share good practise issues. It was agreed LP/LU guidance was lacking in some areas. This would be reviewed to look at a new draft in the future. NEW ACTION 4 - **NC** to circulate draft by 23 November 2016.

9. Generalised Intelligence Sharing - Group.

JH said he was aware of job finding fees being charged to foreign nationals being recruited outside UK. The workers would for instance be advised they needed training to meet required level to get job and be charged for the training. He was asked to provide further information in respect of this to Intelligence.

MB said that anyone with this type of information should talk to the GLA Intelligence department about these issues.

10. Items for Discussion

10.1 Update on Communications Group – DD

At their last meeting on 17 August 2016 the group had discussed the Immigration Act and the issues that it could present as it was progressed. They had looked at who the GLA would need to be communicating to. How to give an awareness of the new roles within the GLLA was also a topic for discussion.

The GLA will consider how to broaden out the group so that they capture the wider sectors. Looking at the use of webinars and the website were mentioned as a means of communicating.

Information about pop ups would be sent out in the future. GLA needed help with securing venues for East of England (28 January 2017) West Midlands (31 January 2017).

NEW ACTION POINT 5 - J Riley - To identify venues to hold East of England and West Midlands pop up events.

10.2 NGO - Worker Liaison group report - MB

Communications and Pop Up events had been discussed.

It was mentioned that union colleagues can also act as channels for non-union workers when the workers need assistance. SB from the TUC had been invited to meeting today for an insight into the group.

Brexit was discussed and how this would impact on workers. It was at the current time uncertain what would be the impact on workers but it was mentioned it could give further opportunity for exploitation.

It was mentioned that there was an opportunity for charities who worked with homeless people to collect information and pass to the GLA where they had identified labour exploitation.

The forthcoming Modern Slavery Day on 18 October 2016 was discussed with mainline train stations having Migrant Help (national charity who offer support to vulnerable migrants across the UK) assistance available. The BBC documentary "Making of a Slave" would also be broadcast to help raise awareness of modern day slavery.

10.3 Post Brexit Update and Impact of Change in Prime Ministers and Home Office Ministers – MB

MB said that the Modern Day Slavery agenda will extend to the Immigration Act provisions. Efforts were still being made to arrange meetings with the new Home Office ministers.

TW asked if it was possible to put something on the GLA website for workers to give assurance that currently nothing had changed post Brexit.

ACTION POINT 6 – Statement for workers no change currently post Brexit to be put on GLA website. - **DD**

10.4 Licensing Standards Review – NR & CW

NR reported that GLA had reviewed each of the standards, looking whether, (e.g. in the light of ILO standards) changes needed to be made, including changes to the

scoring system. She also said that the current standards were working well and it was about making sure they were up to date.

CW said that two papers had been produced for the Home Office but at present the introduction of the GLAA was taking priority. NR had chaired a meeting with LPs and LUs on 18 July 2016 but if anyone had any further ideas about the Licensing Standards to let us know. She mentioned it would be NR reviewing the standards so they could contact her. She also mentioned that changes to the standards required the consent of the Secretary of State and accordingly Home Office consent was needed for the consultation.

10.5 Workers Paying fees - DC

This item had already discussed at Point 8 and Point 9.

10.6 Business Impact Target - DD/DC

DD clarified that the assessment of impact would be submitted to the regulatory impact committee. The Better Regulation Executive guidance is not yet complete.

10.7 GLAA Sectors - DD/DC

DC asked how will the GLAA cover all sectors?

The response was that the Director of Labour Market Exploitation will develop the strategy which will prioritise the work when recruited. The Director's Chief of Staff will attend the GLA Board strategy day on 22 September 2016 to discuss Labour Enforcement.

This remains an ongoing discussion with the Home Office regarding appropriate levels of resourcing but that there would be no dilution of GLA licensing, compliance and enforcement.

10.8 Modern Slavery Transparency Statements – DD/DC

DC reported that statements could be stored on a website, being run by NGO Unseen, who were offering a free modern slavery helpline. He stated that any websites should be free to use.

10.9 Any Other Business

JH mentioned that they were in general seeing shortages in labour available which in turn could lead to more exploitation.

TE mentioned that LU may want to get details of inspections that had been carried out. CW responded that the details of inspections were confidential between the GLA and the provider. The LU could however request sight of the decision letter from the LP.

PC mentioned that post Brexit continuing to recruit European candidates could be more difficult.

CW said that in order that agenda items could be received in a timely manner it was proposed that the terms of reference would be updated as follows:

- Draft Agenda to be issued 4 weeks before meeting to participants
- Participants will be requested to provide any further items at least two weeks before the meeting
- Final agenda provided one week before meeting

All present agreed to proposal.

NEW ACTION POINT 7 – Terms of reference to be updated and distributed. - CW

11. Date of Next Meeting

23 November 2016

Draft Minutes

Annex B

Title of meeting Worker/NGO Liaison Group

Date 9 August 2016 **Time** 11:30

Venue Marsham Street

Chair Linda Dickens Secretary Linda Boyle

Attendees Linda Dickens, Board Member – Chair (LD)

Barckley Sumner, UCATT
Bridget Henderson - Unite (BH)

David Carrigan - Citizens Advice (EW)

David Gill – USDAW (DG)
Diana Holland - Unite (DH)
John Powell - Migrant Help (JP)
James Tullett,- Migrant Help (JT)

Kasia Zagrodniczek - Eastern European Advice Centre (KZ)

Patricia Stapleton - Focus on Labour Exploitation (PS)

Steve Kemp, GMB (SK)

Lidia Estevez Picon The Connection at St Martin's (LEP) as an

observer

Margaret Beels, Chair GLA (MB) Paul Broadbent, CEO GLA (PB)

Linda Boyle, Enforcement Officer, GLA (LB)

Apologies Andrew Wallis - Unseen UK (AWa)

David Dickens -The Fishermen's Mission (DD)

Sally Brett - TUC (SB)

Yvonne Hall - Palm Cove Society (YH)

Diana Holland - Unite (DH)

Andrew Wileman, Salvation Army

1. Welcome and introductions

Professor Linda Dickens welcomed attendees to the 4th meeting of the Worker/NGO Liaison Group. Attendees introduced themselves.

2. Apologies

See above.

3. Minutes of the previous meeting

Minutes of the meeting held on 16 May 2016 were agreed.

4. Actions arising from previous meeting

1. Details of relevant worker bodies had been provided to and discussed with GLA. Item closed.

2. Pop-up events:

LD gave an overview of the GLA 'pop-up' events held earlier in the year. An email had been sent out providing details of the organisations that had attended the events. Item closed.

Ten pop-up events will take place on a regional basis between January – March 2017, one per week for ten weeks.

PB explained that he is seeking in future to allocate responsibility for regional liaison to particular GLAA staff.

JT asked if the regions were to be based on the old Local Authority areas. PB stated that they would be more or less aligned to the areas.

BH asked how the details of the pop-up events were communicated. PB stated that this was achieved via direct contact and a GLA Newsletter which was distributed using a contacts database. He invited the group to forward to Jane Riley (jane.riley@gla.gsi.gov.uk) details of any new contacts so that she can add them to the database. **New action All**

PB stated that it was probably too much to expect workers to attend these seminars as to do so the worker may need to take time out of work; however he asked for assistance in identifying ways to canvass workers. PS suggested that migrant rights and support groups should be approached.

PB to circulate the list of dates/regions to the group and asked for assistance in identifying suitable venues. **New action – PB/AII**

3. Involving unions in raising awareness of GLA. PB had had discussions with SB as to how to work with the unions and how to reach workers via the different levels within the unions. He stated that SB is to spend some time with the GLAA to work alongside GLAA staff. Action ongoing.

4. Other Actions remain open:

- FLEX Sharing survey questions (PS)
- BH to contact Belgian and Dutch colleagues re logistics and warehousing.

5. a) Developments re Immigration Act 2016/GLAA

PB explained that the target date of 01.10.16 was still being worked towards but was proving challenging. He confirmed that the PM continued to champion the work around Modern Slavery. Some discussion took place regarding the PMs announcement that £33 million of overseas development aid would be allocated to modern slavery and the task force of which she made mention. PB stated that the new Minister responsible for Modern Slavery was Sarah Newton, a South West MP.

It was noted that a slight increase in budget had allowed the GLA intelligence section to increase its staff who are seeking to identify the risks around non GLA regulated sectors. More serious cases of exploitation identified will still need to be referred to the Police/NCA for consideration of action.

PB confirmed that the recruitment of the Director of Labour Market Exploitation is taking place and that he sees the function of the GLAA to support this role.

PB stated that 6 Labour Abuse Prevention Officers (LAPO) had been recruited internally and are currently undergoing training so that they can use the new powers.

PS questioned whether the Immigration Act conflicted with the Modern Slavery Act in respect of the criminalisation of victims. PB explained there are checks and balances to ensure there is no 'conflicting pressures'.

PB stated that with the inception of the GLAA that it would be impossible to resource all incidents across all sectors/companies. There had been some discussion whether focus will be geographical or thematic. Suggestions were put forward as to where the focus could be which will be fed into the GLA national problem profile.

A discussion took place regarding the possible broadening of the membership of this group to reflect the broadening remit of the GLAA. I t was noted that a number of organisations present already covered areas wider than the current GLA regulated sector. UNISON was mentioned as a union active in the social care sector.

b) Implications of Brexit

A discussion took place in respect of the impact of BREXIT. LD outlined areas of potential impact identified by the GLA Board. It was agreed that it was too early to identify what implications there may be affecting workers' rights and that this should be monitored and returned to on future Agenda.

DG stated that he is working with union representatives to get a message of reassurance out to members who can be a means of getting messages out more widely to co-workers, their family members and wider local communities. LD noted that if union members and reps were alert to this potential, then in reverse this could be a way in which intelligence might feed into GLA.

6 CEO Quarterly Report and Performance & Insight Report

The reports had been circulated prior to the meeting.

PB explained that a GLA to GLAA transition board chaired by MB is managing the forthcoming changes. IT and budgets remain challenging.

He explained that the identification of high risk sectors is not an exact science due to the absence of hard data. A national threat assessment is being compiled and the Director of LME intelligence hub will also identify key strategic patterns and trends. Other businesses that may be vulnerable to their labour being exploited include construction, catering, cleaning, car washes and textiles.

PB gave an overview of the success of Operation Hornsman, a Europe-wide operation to address labour exploitation. He discussed the benefit of proactive messaging via media as a tactic to disrupt criminal activity.

A discussion took place in respect of the decrease in application and compliance inspections which may be as a result of seasonal variations.

PB reminded the group of the importance of intelligence. He stated that the new Head of Operations for the GLAA will be in post on 01.09.16 and that he will be tasked with:

- 1. Ensuring the formal handing over of investigations to Police where the GLA are unable to investigate.
- 2. Tasking & Coordination
- 3. Intelligence to explore the untapped sources
- 4. GLAA operational performance

A discussion took place regarding how intelligence may be provided from organisations and how they are more likely to be able to reach the 'hard to reach' communities.

DG noted that his organisation, USDAW, sends out half a million magazines which was an opportunity for the GLAA to publicise what it does and provide details as to how information can be passed to the GLAA. The potential of using Union magazines and other union publications for this purpose would be explored.

New Action GLA to provide details to DG for inclusion in brochure

7. Worker exploitation: Current data and trends

This had been touched upon in earlier discussions.

PB discussed trends and confirmed that the high risk areas sit around payment of NMW and failure to pay holiday pay.

8 Ascertaining workers' views

LD confirmed that this will be a standing agenda item so that the 'voice of the worker' is heard and that FLEX was assisting in exploring the options. She stated that others within the Worker/NGO group could provide value to the development of worker surveys and reaching the vulnerable groups.

LEP mentioned work with which she was involved identifying labour exploitation of homeless individuals.

9 Review of GLA Licensing Standards

MB explained that a review of the Licensing Standards was 'work in progress' and overdue and being taken over by the Immigration Act changes. PB stated that there will be consultation on any changes in the standards which in his view needed updating to more accurately reflect modern slavery and labour exploitation practice. The Worker/NGO liaison group would be one of the groups consulted with when the process begins.

LD stated that review of the Standards was an opportunity to bring different key stakeholder groups together, as had been requested at an earlier meeting with members of this group coming together with members of the Labour User/Provider group.

The Standards would also be discussed with the Home Office and a further update will be provided at the next meeting.

New action: MB/PB to provide an update on the developments regarding licensing standards at the next meeting.

10. Any other business

JT advised the group that Migrant Help were providing a presence at key mainline train stations during Anti-Slavery Week and he invited members to co join with them. They will be at Victoria Station (17th) Bristol Temple Meads (18th) Birmingham New Street (19th) Liverpool (20th) and Edinburgh (21st) and will be seeking to target commuters and raise awareness.

PB advised the group of 3 video releases on BBC 3 re Modern Slavery where 3 volunteers were treated as slaves for 24 hours.

11 Date of next meeting

1 November 2016, 1130. 2, Marsham Street, London.

LD reminded the group that it was open to them to suggest items for future meeting agenda.