



UK Food Supply Chain Serious Incident Escalation and Management Protocol

Introduction

This Serious Incident Case Escalation and Management Protocol:

- Outlines the **recommended process for suppliers to report** to their retailer customers potential cases of modern slavery such as forced labour, human trafficking, debt bondage and other forms of serious worker exploitation in their UK operations and supply chains (serious incidents)
- And **how retailers will handle such cases** received from suppliers in order to drive consistent application of good practice.

Where a serious incident occurs within the supply chain of multiple retailers and/or suppliers, organisations are encouraged to collaborate to reduce duplication of activity and unnecessary burden for all parties; promote good practice and efficiency in the resolution of issues; provide confidence and assurance to all stakeholders that the matter is being managed in the best interests of those impacted.

Scope¹

The “food supply chain” includes retail, foodservice and hospitality businesses who sell directly to an end consumer (collectively referred to as retailers), brands and goods for resale and not for resale suppliers, farms, factories, logistics and distribution companies, service providers, contractors and labour providers (collectively referred to as suppliers).

We define a serious incident as a severe labour or human rights breach in a direct or indirect supply chain, which presents a serious risk to workers and/or surrounding communities. A non-exhaustive list of serious incidents that may be covered by this protocol are listed below with a link to the reporting channel to the appropriate UK public body. This includes all business critical issue titled listed on Sedex and the below listed Collaborative Action Required issue titles.

Issue	Report
Forced labour/ modern slavery indicators <i>e.g. appear to be under the control of others, don't have ID documents etc., see link for more examples</i>	Modern slavery helpline
Serious or organised crime	National crime Agency organised crime
Money laundering suspicious activity	National crime agency – money laundering
National Minimum Wage gross and coordinated underpayment of	National Minimum Wage
Unsustainable labour provider charge rates.	Gangmaster& Labour Abuse Authority
Tax evasion or tax avoidance with a serious negative impact on workers	Gangmaster& Labour Abuse Authority
Gross and coordinated payment of work finding fees	National Minimum Wage
Gross and coordinated holiday pay theft	
Coordinated evasion of pension auto enrolment obligations	Pensions regulator
Gross physical and / or mental mistreatment of workers	EASS helpline
Gross and coordinated immigration status crime	Immigration crime
Significant risk to the health and safety of workers <i>e.g., severe building structural damage, failure to appropriately manage fire, chemicals or machinery etc</i>	Health and Safety Executive
An employment agency (non-GLAA) exploiting the welfare and rights of workers, as listed above	Pay and work rights complaints
A labour provider (GLAA sector) exploiting the welfare and rights of workers, as listed above	Gangmaster& Labour Abuse Authority
The following SMETA Collaborative Action Required (CAR) issue titles:	

¹ The status of this document is advisory. Document management is coordinated by the Food Network for Ethical Trade (FNET). No competition law issues are foreseen with this Protocol, however it is the responsibility of each individual company to determine its own legal risk.

<ul style="list-style-type: none"> Recruitment fees and/or costs have been paid, contrary to law, and there is no plan in place to fully reimburse workers Where child labour has been found it has not been remediated in line with ILO guidance or local legal requirements where applicable (e.g. workers dismissed without remediation) 	
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End to End process



Stage 1:
Serious issue identification

Reports/notification of a serious issue can be received via multiple channels;

- Audits:** Business critical audit finding alerts, Collaborative Action Required (CAR) issue titles
- Enforcement or Intelligence bodies**
- Grievance mechanisms**
- Whistleblowing**
- Major accident or disaster**
- Media or investigative journalism**
- NGO or academic reporting**
- Site visits:** serious incidents witnessed during routine site visit

Once a report/notification of a potential serious issue is received, a prompt response is vital to protect the reporting person, any impacted individual(s), impacts to other workers who have not raised a grievance but may be in a similar situation should also be considered. As a guideline aim for a 24 hour timeframe for informing customers particularly for a SMETA business critical or any media allegation. In any event within 72 hours.

The recipient (supplier or retailer) of the initial incident information, should promptly assign a case manager to lead on the following steps. If a number of retailers or suppliers are contacted at once e.g., via the media or an NGO, where possible they should identify a lead company to act as case manager.

Stage 2:
Address any immediate welfare needs and ensure safe space for the reporting party and any identified impacted individual(s)

The safety and protection of the reporting party and impacted individuals is the priority. This includes safeguarding and ensuring:

- The safety and security of any impacted individual(s), witnesses, or whistle-blowers. If there is an imminent risk to the safety of an associated party, the case manager must notify the relevant authorities immediately. Where one victim has been identified, there may be others, so consider the wider implication of reporting on those who might not have come forward yet. Contact [modern slavery helpline](#) if unsure.
- The wishes (self-determination) and best interests of any impacted individual(s), witnesses, or whistle-blowers are central to action.
- All impacted individuals, witnesses or whistle-blowers are treated with dignity and respect, listened to carefully and taken seriously
- A timely response is provided at each stage
- All impacted individuals, witnesses, or whistle-blowers have access to appropriate, accessible, and quality services, support and information.

Consider the risk to the individual throughout. This first account of a potential serious issue should be based on the disclosures as made by the reporting party. Where appropriate, clarification should be sought quickly to enable the recipient/case manager to effectively risk assess and triage the information shared.

Stage 3:
Risk assess
and notify
relevant
stakeholders

The case manager should review the information available and carry out an initial risk assessment to identify the severity of the potential issue, considering the risk to workers, local communities and brand reputation.

Recipients of a potential serious issue are encouraged to raise concerns with relevant supply chain stakeholders at the earliest opportunity. The specific details of each case must be kept confidential, and detail shared on a strictly 'need to know' basis. This should be explained so each party has clarity on what the expectation is. Place the safety, welfare, and confidentiality of any at-risk persons as the primary and paramount factor, recognising that any impacted individual(s) may be in an extremely vulnerable situation and in a highly traumatised state.

Consider the following:

- Is this issue likely to impact other businesses/supply chain actors?
- Do we have the authority/permission to notify other stakeholders of this incident? E.g., are the authorities and/or reporting party comfortable with the information being shared?
- Can other retailers/suppliers be involved in an investigation? E.g., If there is a risk of potential exploiters at supplying site/labour provider, the supplying site should not be engaged.
- If involving the ETI, can they make NGO and trade union members aware?
- Does the retailer/supplier have the level of objectivity required to respond to the potential issue? E.g., if this is happening in your own operations would there be a benefit to an independent individual/organisation objectively viewing situation

The case manager will determine how it wishes to communicate the matter to their retailer customers/suppliers/other supply chain partners. A supplier of multiple crop types will need to consider alerting other marketing desks as may be appropriate. This may vary depending on the facts of the case, but the recommended approach is a single email to all parties to ensure consistency of message and timing. This email should include a summary of facts with the timeline of events to the best of the case manager's knowledge, in as much detail as may be appropriately released. Information provided in confidence will be treated as such by all parties and will not be shared beyond the relevant retailers, suppliers, other supply chain partners, appointed facilitating third-party, specialist, or auditor, without the explicit approval of the original recipient.

Alternatively, case managers can share the serious incident information with one of the following who may be able to help support facilitation of multi-stakeholder engagement:

- For serious issues in global (non UK) supply chains and/or issues involving freedom of association **Ethical Trading Initiative (ETI)**: collectiveaction@eti.org.uk
- For serious incidents in FNET members UK or overseas production sites **Food Network for Ethical Trade (FNET)**: technicallead@foodnetworkforethicaltrade.com
- For serious incidents that occur in global seafood supply chains, **Seafood Ethics Action Alliance (SEAA)**: seaa@seafish.co.uk
- For serious incidents that concern the recruitment and employment of UK seasonal horticultural or poultry workers, **UK Seasonal Worker Scheme Taskforce**: SWTaskforce@stronger2gether.org.
- For serious incidents involving labour providers **Association of Labour providers** <https://www.labourproviders.org.uk/>

Retailer commitments:

- Following receipt of a notification of a serious incident, relevant retailers will aim to collaborate in their response rather than pursuing individually and duplicating activity. 'Relevant' retailers, as referred, are those retailers supplied directly or through other levels of the supply chain by the particular supplier.
- Retailers are all well equipped to keep cases confidential and often have direct links

Stage 3:
continued

Retailer commitments Continued :

- into enforcement bodies and other stakeholders which can help ensure better outcomes, especially when consulted at an early stage
- Where an enforcement body has already been notified, retailers accept that for suppliers to better protect the safety of individuals and not prejudice inquiries and potential prosecutions, their supply chain will maintain confidentiality over all information relating to the incident until advised they can share this information by the involved authorities.
- Retailers will coordinate internally to ensure consistency of message and action between all departments such as ethical trade, procurement/buying, legal, PR etc.

Media: In certain circumstances, associated supply chain parties may be asked/required to provide a response to media. This should be determined on a case-by-case basis. The BRC will coordinate any media release on behalf of and in agreement with, associated retailers, collaborating with enforcement bodies, suppliers, retailers, other supply chain parties and appointed third parties as may be relevant. Where a supplier leads on media communications, retailers will offer their support. BRC will appropriately reflect the positive contribution made by suppliers who have identified issues within their business and/or supply chains, and have engaged appropriately with enforcement authorities. Collaborating organisations may also provide separate responses to the media if contacted directly.

Stage 4:
Investigate
the issue

The case manager must ensure a fair and transparent investigation is conducted, taking a victim centre-approach to always ensure the protection of the individuals.

To inform what type of investigation consider the following:

- Is there sufficient information available to investigate?
- Is there an ongoing investigation by an authority body? No actions should be taken without explicit permission from the authorities first.
- Do we have the expertise internally to investigate this potential issue?
- Is a collaborative investigation with other retailers/suppliers appropriate?
- Is the retailer/supplier sufficiently experienced/competent to handle the investigation themselves?
- Whose input or account of the situation is needed?
- Are the available grievance mechanisms effective?
- Has a similar issue been raised at this retailer/supplier/supply chain actor before?
- Has there been a recent visit, audit or third-party social audit carried out? Were there any concerns raised?

Decision: Not suitable for collaborative response

Follow own internal investigation protocol.

The specific details of each case must be kept secure with very limited numbers of trained personnel knowing the full details of any one case.

See [Stronger Together UK Businesses Toolkit](#) for an example incident management template.

Decision: Collaborative investigation required

1. **Consider appointing a third party facilitator** to co-ordinate the investigation. A conversation with a customer or ETI/FNET/Sea Alliance/SWS taskforce/ALP may help with evaluating if a third party is required, or identifying which organisation may be best placed to act as the third party facilitator and support with drafting an outline plan for investigation. Agreement on how the third party facilitator will be funded should be agreed during or immediately after the first collaborative call. Costs should be shared appropriate to means.
2. **Agree a plan for the investigation**
The facilitator (internal or a third party) will coordinate:
 - An initial collaborative call with all relevant supply chain parties to present the

Stage 4:
Continued

- known facts and identify next steps. The case manager from the original recipient party will attend the call to present the outcomes of initial notification and data gathering. In some cases, additional retailer only/supplier only/individual party calls may be required depending on the nature of the potential serious issue. Confirmation of the 'investigation lead'. This should be the original recipient of the report/notification, unless a clear conflict of interest is identified. Where this occurs, all engaged stakeholders will be consulted to vote for an alternative 'lead'.
- Actions and information required from relevant supply chain parties, including timeframes
 - Organise, including confirmation of funding and appointment of a specialist/auditor, or an independent assessment (such assessments should not occur whilst a criminal investigation phase is active and only after the enforcement authority has advised that it is appropriate to do so)
 - Agreement on following actions, including media engagement where necessary
 - Meeting minutes, actions and progress tracker
 - Post incident review to highlight gaps in process, root cause and corrective action required by relevant parties.

3. Conduct investigation:

An investigation will be carried out to determine:

- The evidence that the reported claims are substantiated or unsubstantiated.
- Identification of the root cause of the issue
- Re-assessment of the severity/risk: scale, likelihood, brand reputation risk

Note: An appointed Third Party is not empowered to make binding decisions that create commercial impacts for supply chain parties.

Once the investigation is complete

The facilitator will coordinate with the 'investigation lead':

- Receipt and dissemination of investigation reports
- Provision of support, as may be deemed necessary or helpful to relevant supply chain parties
- Discussion of remediation

Evaluation and review of lessons learned to refine and develop good practice and to establish similar processes in other country supply chains.

Stage 5:
Instigate the
corrective
action plan

The 'investigation lead'/case manager is responsible for formalising a corrective action plan which includes:

- **A remediation plan to support any impacted individual(s);** This can include working with local authorities or competent local organisations to provide assistance/support. The ETI [Access to Remedy](#) provides helpful supporting guidance.
- **Preventative measures** to address the root cause of the issue and prevent reoccurrence.
- **Clear timescales** to close corrective actions.

Remediation is the resolution of issues. According to the [United Nations Guiding Principle 22](#) remediation can come in many forms, including apologies, restitution, rehabilitation, restoration, financial or non-financial compensation, punitive sanctions, injunctions, and guarantees of non-repetition. Depending on how a retailer/supplier/other supply chain actor is linked to the human rights violations, will determine the role in remedying issues and ensuring that future violations are prevented.

Stage 5:
Instigate the
corrective
action plan

The 'investigation lead'/case manager will regularly review progress made against the corrective action plan. All stakeholders will agree how the corrective action plan will be closed off. This will be determined on a case-by-case basis. For example, this might be a follow up on site assessment by the same third-party used for the investigation, to ensure all actions have been effectively implemented. The 'investigation lead'/case manager will escalate to relevant stakeholders if no agreement /remediation has been reached within the agreed timelines or reasonable period.

Retailers commit that there will be no standard policy to immediately delist or suspend trade with that supplier because of that specific reason where the supplier has:

- alerted their customers;
- is cooperating with authorities;
- is actively implementing corrective actions
- and is not found to be controlling, or complicit in, the offence.

If a supplier has not, or is not cooperating with authorities, is failing to implement required corrective actions, or is found to be controlling, or complicit in, the offence; retailers may then individually decide to take appropriate commercial actions including suspending trade or delisting the supplier. All commercial decisions made by affected retailers must be based on their own due diligence and review of available evidence. Any reduction in orders or delisting must be done in a responsible manner and in accordance with [Groceries Supply Code of Practice](#).

Any feedback or complaint by a supplier on the application of this protocol may be made to the lead retailer, appointed facilitating third party or to the BRC or Food Network for Ethical Trade (FNET), as the supplier deems appropriate. A formal response will be provided where one is requested. The aim is to revise this protocol based on further feedback, as we learn together how to best collaborate on the escalation and management of these serious issues.



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Appendix 1: Guidance to help inform which collaborative organisation could help support facilitate collaborative investigation

Which organisation is right to approach?

Is there alignment with strategy and priorities?

CRITERIA

- Relevance to the organisation
- Relevance for members' salient risks and supply chains, priorities and expertise.
- Indicative of broader structural issues in the sector e.g., higher prevalence of child labour or recruitment fees.
- Affected workers are in highly vulnerable situation(s).

Approaching organisation:

Is there an opportunity to develop collective action?

CRITERIA

- Relevance for a sufficient number of members (tbc) and/or strategic work (case studies, experience)
- Involvement of external stakeholders (e.g., NGOs, trade unions, media, legal)
- Clarity of action needed to be taken by members.

Approaching organisation: Are they best placed to do the work?

CRITERIA

- Relevance of existing internal expertise, capacity (budget, resource) & strategic work
- Will the work complement (not duplicate) that of other organisations.
- Ability to collaborate with relevant expert and in-country stakeholders.
- Leverage within membership to enable progress.

WHO?

- **British Retail Consortium (BRC):** retailer-only issues, media & government related
- **Seafood Ethics Action Alliance (SEAA):** For serious incidents that occur in global seafood supply chains.
- **Ethical Trading Initiative (ETI):** For serious issues in global (non UK) supply chains and/or issues involving freedom of association
- **Food Network for Ethical Trade (FNET):** For serious incidents in FNET members UK or overseas production sites
- **UK Seasonal Worker Scheme Taskforce:** For serious incidents that concern the recruitment and employment of UK seasonal horticultural or poultry workers,
- **Association of Labour providers:** For serious incidents involving labour providers



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Appendix 2 Example of how the RACI might work where the issue is identified via the supplier. We recognise that issues may arise direct to retailer, via a third party Just Good Work ,SWS grievance mechanism or via a supplier and that responsibilities will differ depending on route.

Stage	Supplier	Retailer	Third Party Organisations
Stage 1 Serious issue identification	<ul style="list-style-type: none"> On receiving a report/ notification of a potential serious issue assign a case manager to lead investigation 		
Stage 2 Address any immediate welfare needs and ensure safe space for any impacted individual(s)	<ul style="list-style-type: none"> The safety and protection of the reporting party and impacted individuals is the immediate priority. If there is an imminent risk to the safety of an associated party, the case manager must notify the relevant authorities immediately. 	Retailers accept that notification of a case may not be immediate depending on the circumstances of the investigation.	
Stage 3 Risk assess and notify relevant stakeholders	<ul style="list-style-type: none"> The case manager should review the information available and carry out an initial risk assessment to identify the severity of the potential issue, considering the risk to workers, local communities and brand reputation. Where a red flag has been raised of a potential internal modern slavery incident suppliers should complete investigation and only contact a customer once they have concluded the issue is serious and have reported to the authorities, as sometimes flags have innocent root causes. The case manager should notify relevant retailer customers at the earliest appropriate opportunity. For media related inquiry/allegation or any supply chain issue, suppliers should inform the customer prior to conducting an investigation. As a guideline aim for a 24 hour timeframe for informing customers particularly for a SMETA business critical or any media allegation. In any event within 72 hours. The format may vary depending on the facts of the case, but the recommended approach is a single email to all clients to ensure consistency of message and timing. 	<ul style="list-style-type: none"> Where an enforcement body has already been notified, retailers accept that for suppliers to better protect the safety of individuals and not prejudice inquiries and potential prosecutions, their supply chain will maintain confidentiality over all information relating to the incident until advised they can share this information by the involved authorities. Retailers will coordinate internally to ensure consistency of message and action between all departments such as ethical trade, procurement/buying, legal, PR etc. 	<p>The BRC on behalf of retailers will coordinate response appropriately reflect the positive contribution made by suppliers who have identified issues within their business and/or supply chains, and have engaged appropriately with enforcement authorities.</p> <p>The case manager could choose to share the serious incident information with one of the following who could support facilitation of multi-stakeholder engagement:</p> <ul style="list-style-type: none"> For serious issues in global (non UK) supply chains and/or issues involving freedom of association Ethical Trading Initiative (ETI): collectiveaction@eti.org.uk For serious incidents in members UK or overseas production sites Food Network for



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	<ul style="list-style-type: none"> • The email should include a summary of facts with the timeline of events. • If the issue has media involved the case manager may want to notify additional third parties who can support with media enquires such as relevant trade association that the supplier is a member of. 	<ul style="list-style-type: none"> • Retailers can offer support to supplier in engaging stakeholders which can help ensure better outcomes, especially when consulted at an early stage 	<p>Ethical Trade (FNET): technicallead@foodnetworkforethicaltrade.com</p> <ul style="list-style-type: none"> • For serious incidents that occur in global seafood supply chains, Seafood Ethics Action Alliance (SEAA): seaa@seafish.co.uk • For serious incidents that concern the recruitment and employment of UK seasonal horticultural or poultry workers, UK Seasonal Worker Scheme Taskforce: SWStaskforce@stronger2gether.org. • For serious incidents involving labour providers Association of Labour providers https://www.labourproviders.org.uk/
<p>Stage 4: Investigate the issue</p>	<p>Case manager to determine type of investigation; 1)Not suitable for collaborative response or 2) Collaborative investigation required.</p> <p>If 1) Not suitable for collaborative response Use a incident management approach such as Stronger Together UK Businesses Toolkit.</p> <p>During the investigation provide regular updates on progress to relevant stakeholders (labour provider, retailer, marketing agencies and GLAA) such calls should include:</p> <ul style="list-style-type: none"> • Recount of facts and timeline • Supporting facts from GLAA • Questions and discussion • Agreement on next actions, including media engagement where necessary • On closure of call, email from supplier to confirm above and to contain initial Action Plan or <p>If 2) Collaborative investigation required.</p> <p>Consider appointing a separate organisation to act as a third party facilitator to co-ordinate investigation. A customer or conversation with ETI/FNET/Sea Alliance/SWS taskforce may help with identifying which organisation may be best placed to act as the third party facilitator and help draft an outline plan for investigation. Agreement on how the third party facilitator will be funded should be agreed during or immediately after the first collaborative call. Costs should be shared appropriate to means.</p> <p>On initial collaborative call, the case manager will attend the call to present the outcomes of</p>	<ul style="list-style-type: none"> • Following receipt of a notification of a serious incident, relevant¹ retailers will aim to collaborate in their response rather than pursuing individually and duplicating activity. 	<p>If 2) Collaborative investigation required.</p> <p>1. Agree a plan for the investigation. The third party facilitator¹ will coordinate with the case manager:</p> <ul style="list-style-type: none"> • An initial collaborative call with all relevant supply chain parties to present the known facts and identify next steps. • Actions and information required from relevant supply chain parties, including timeframes • Organise, including confirmation of funding and appointment of a specialist/auditor, or an independent assessment (such assessments should not occur whilst a criminal investigation phase is active and only after the enforcement authority has advised that it is appropriate to do so) • Agreement on next step actions, including media engagement where necessary • Meeting minutes, actions and progress tracker



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	<p>post incident review which highlights gaps in process, root cause and corrective action required by the supplier, labour provider etc.</p>	<p>initial notification and data gathering</p> <p>Where suppliers lead on media communications and collaborative investigations, retailers will offer support.</p>		<p>2. Conduct investigation: An investigation will be carried out to determine:</p> <ul style="list-style-type: none"> • Evidence that the reported claims are substantiated or unsubstantiated • Identification of the root cause of the issue • Re-assessment of the severity/risk: scale, likelihood, brand reputation risk <p>Note: An appointed Third Party is not empowered to make binding decisions that create commercial impacts for supply chain parties.</p>
<p>Stage 5: Instigate the corrective action plan</p>	<p>The case manager is responsible for formalising a corrective action plan which includes:</p> <ul style="list-style-type: none"> • A remediation plan to support any impacted individual(s); This can include working with local authorities or competent local organisations to provide assistance/support. The ETI Access to Remedy provides helpful supporting guidance. • Preventative measures to address the root cause of the issue and prevent reoccurrence. • Clear timescales to close corrective actions • Seeking agreement with stakeholders on how corrective plan will be closed off. <p>The case manager will regularly review progress made against the corrective action plan.</p> <p>The case manager will escalate to relevant stakeholders if no agreement/remediation has been reached within the agreed timelines or reasonable period.</p>	<ul style="list-style-type: none"> • Retailers commit that there will be no standard policy to immediately delist or suspend trade with that supplier because of that specific reason where the supplier has: <ul style="list-style-type: none"> ○ alerted their customers; ○ is cooperating with authorities; ○ is actively implementing corrective actions ○ and is not found to be controlling, or complicit in, the offence. • If a supplier has not, or is not cooperating with authorities, is failing to implement required corrective actions, or is found to be controlling, or complicit in, the offence; retailers may then individually decide to take appropriate commercial actions including suspending trade or delisting the supplier. 	<p>If 2) Collaborative investigation required. Once the investigation is complete</p> <p>The third-party facilitator will coordinate with the case manager</p> <ul style="list-style-type: none"> • Receipt and dissemination of investigation reports • Provision of support, as may be deemed necessary or helpful to relevant supply chain parties • Discussion of remediation • Evaluation and lessons learned to refine and develop good practice and to establish similar processes in other country supply chains 	

ⁱ 'Relevant' retailers, as referred, are those retailers supplied directly or through other levels of the supply chain by the particular supplier.