

Overview and Scrutiny Committee

Ward(s) affected: All wards

Report of Director of Resources

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## Annual Report: Modern Slavery Motion

### Executive Summary

The Modern Slavery Charter was adopted in February 2020 by the then Leader of the Council in order to implement measures to respond to the rise in modern slavery in its safeguarding policy and procedures. The primary aim of the Charter is to tackle exploitation in Guildford.

The Charter set out specific measures to be undertaken in order to demonstrate adoption of the motion. Part of the commitment to adopt the motion is to report annually on the implementation of the Policy.

This annual report therefore outlines how the Council, through Procurement and contracting, are implementing the Modern Slavery Motion. There are ten specific measures which this report outlines progress to date. Additional steps the Council are working towards to strengthen this work area includes consideration of some emerging policy from the Home Office published in September 2020 requiring certain organisations with a turnover of £36 million + to produce a Modern Slavery Statement for each Financial Year. The Government have outlined that there is an intention to roll this out within Local Government.

The report concludes that the Council are undertaking sufficient measures to mitigate any potential Modern Slavery and or associated actions.

### Recommendation to Committee

That the Committee notes the annual update report on the Modern Slavery Motion.

### Reason(s) for Recommendation:

The Council have an obligation to report annually on the implementation of the Policy.

### Is the report (or part of it) exempt from publication?

No

## 1. Purpose of Report

- 1.1 To provide an annual report as specified within the Modern Slavery Motion to demonstrate progress and measures taken to implement the Motion in practise through Contracting and Procurement.

## 2. Strategic Priorities

- 2.1 Procurement supports the Councils Strategic Framework, in particular the Innovation theme as it encourages sustainable and proportionate economic growth to help provide the prosperity and employment that people need.
- 2.2 Procurement and Commissioning is a highly innovative work area which utilises technology and new ways of working to improve value for money and efficiency in Council services.

## 3. Background

- 3.1 The Leader of the Council took the decision in 2020 to adopt the Modern Slavery Motion, see Appendix 1, as part of the Council's response to the rise in modern slavery.
- 3.2 The measures in Table 1 below have been implemented and progress updates have been provided which outline how Modern Slavery mitigation has been embedded in practise.

Table 1 – Measures and Progress of implementation of the Modern Slavery Motion

<b>Modern Slavery Motion Measure</b>	<b>Progress Update</b>
1. Train its corporate procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply's (CIPS) online course on Ethical Procurement and Supply	All permanent procurement team members have undertaken the specified CIPS training and assessment.
2. Require its contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance	A clause is included in the Council's template Terms and Conditions which are issued for contracts by Legal Services.
3. Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.	Abnormally low Tenders if received are challenged in any event in line with the Public Contract Regulations 2015. Only when a satisfactory reason is received to justify the abnormally low price

	would the Tender be considered compliant and therefore accepted. This will include consideration of whether the contractor is practising modern slavery
4. Highlight to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one	A paragraph has been added into the template Invitation to Tender (ITT).
5. Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery	Under the modern slavery paragraph in the ITT it is stated that the Council will report any contractor expected of being involved with Modern Slavery.
6. Require its tendered contractors to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery	This has been included in the ITT contractors have to abide by the Council's whistleblowing policy.
7. Review its contractual spending regularly to identify any potential issues with modern slavery.	The Council's Procurement Strategy adopted on 26 May 2020 specifies a Category Management model and a key component of this is spend analysis and visibility of expenditure across the organisation which is actively taking place.
8. Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed	A section within the ITT stipulates that any indications of Modern Slavery will be reported to the National Crime Agency for investigation.
9. Refer for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery	The Council has not made any referrals to date because there have not been any contractors identified as a cause of concern regarding modern slavery.
10. Report publicly on the implementation of this policy annually.	This report is the first annual report and there will be a further report available in 2022.

- 3.3 There is some additional work which is in development to further support the implementation of Modern Slavery mitigation measures.
- 3.4 Following a benchmarking exercise it is evident that some other Local Authorities have some supplementary information on their website to further cement the principles of ethical procurement. Surrey County Council for example have two statements on their website which are an 'Ethical Procurement Statement' and 'Supplier Code of Conduct'.
- 3.5 While Guildford Borough Council have these measures in contract terms and conditions it is suggested specific policy documents are drafted and added to the public website to further demonstrate the Council's commitment to tackling Modern Slavery.
- 3.6 Consideration should also be made of some emerging policy from the Home Office published in September 2020 which requires certain organisations with a turnover of £36 million + to produce a Modern Slavery Statement for each Financial Year. The Government have outlined that they intention to roll this out within Local Government also for organisations of the same financial standing.

#### **4. Consultations**

Cllr Tim Anderson – Lead Councillor for Resources

- 4.1 The Council has signed the Charter Against Modern Slavery. The details of what this covers are summarised in this report. By signing, the Council should report publicly on the implementation of this policy annually.
- 4.2 The annual report will include additional measures as recommended; a Modern Slavery Statement, an ethical procurement statement and publication of a supplier code of conduct.

#### **5. Key Risks**

- 5.1 If progress is not demonstrated in relation to Modern Slavery and an annual report provided to Committee the Council are not fulfilling their obligations under the Modern Slavery Motion.
- 5.2 If progress is not made in this area and robust measures implemented there is a risk that exploitation could take place through the supply chain in Council contracts. It is paramount therefore that robust measures as outlined in section three are continued and progress is reported to Committee on an annual basis.

#### **6. Financial Implications**

- 6.1 No specific Financial implications apply.

## **7. Legal Implications**

- 7.1 The Modern Slavery Act 2015 is aimed at preventing crimes of slavery and human trafficking. The Council as a public body has a duty to ensure that it is not complicit in modern slavery practice by utilising contractors who are breaching the Act. The Council by including a Modern Slavery clause in its contract terms is passing its duty onto its contractors and any sub-contractors. Currently the provision (under s.54 of the Act) to prepare and publish a slavery and human trafficking statement is not mandatory for local authorities, however it is likely it will be in the future, also it is considered best practice for public bodies to prepare and publish these statements.

## **8. Human Resource Implications**

- 8.1 No specific HR implications apply.

## **9. Equality and Diversity Implications**

- 9.1 This report concerns ethical procurement and the eradication of Modern Slavery in Council contracts, there is therefore a strong theme of equality running throughout this report.

## **10. Climate Change/Sustainability Implications**

- 10.1 No specific Climate change/sustainability implications apply

## **11. Suggested issues for overview and scrutiny**

- 11.1 Overview and Scrutiny are asked to note the annual update report.

## **12. Summary of Options**

- 12.1 Option 1 - To note the contents of this report, including the further measures which can be undertaken in order to strengthen the Council's response to Modern Slavery.
- 12.2 Option 2 – To not consider this report.

## **13. Conclusion**

- 13.1 By signing up to the Modern Slavery Charter, the Council have committed to implementing the steps outlined in Table One in section 3.2 of this report.

13.2 The Council will continually monitor progress in this area ensuring best practice is adhered to.

**14. Background Papers**

None

**15. Appendices**

Appendix 1 - The Modern Slavery Charter

<b>Service</b>	<b>Sign off date</b>
<i>Finance / S.151 Officer</i>	<i>20/04/21</i>
<i>Legal / Governance</i>	<i>09/04/21</i>
<i>Finance Lead Specialist</i>	<i>09/04/21</i>
<i>HR</i>	<i>N/A</i>
<i>Equalities</i>	<i>N/A</i>
<i>Lead Councillor</i>	<i>27/04/21</i>
<i>CMT</i>	<i>20/04/21</i>
<i>Committee Services</i>	<i>18/05/21</i>