

## Summary Sheet

### **Name of Committee and Date of Committee Meeting**

Standards and Ethics Committee – 13 September 2018

### **Report Title:**

The Whistleblowing Policy and Modern Slavery

### **Is this a Key Decision and has it been included on the Forward Plan?**

No

### **Strategic Director Approving Submission of the Report**

N/A

### **Report Author(s)**

Stuart Fletcher, Legal Services  
01709 823523 or [stuart.fletcher@rotherham.gov.uk](mailto:stuart.fletcher@rotherham.gov.uk)

### **Ward(s) Affected**

All

## Executive Summary

The report briefs the Standards and Ethics Committee on the Motion adopted by Council at its meeting on 25 July 2018 in relation to modern slavery and recommends an amendment to the Whistleblowing Policy so that it makes explicit reference to modern slavery.

## Recommendations

That the Committee notes the Motion adopted by Council at its meeting on 25 July 2018 and amends the Whistleblowing Policy to make explicit reference to modern slavery as set out at paragraph 3.3 of this report.

## List of Appendices Included

None

## Background Papers

Whistleblowing and Serious Misconduct Policy

## Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## The Whistleblowing Policy and Modern Slavery

### 1. Recommendations

- 1.1 That the Committee notes the Motion adopted by Council at its meeting on 25 July 2018 and amends the Whistleblowing Policy to make explicit reference to modern slavery as set out at paragraph 3.3 of this report.

### 2. Background

- 2.1 At its meeting on 25 July 2018 the Council adopted a Motion in relation to modern slavery in the following terms:

#### **18. NOTICE OF MOTION - MODERN SLAVERY**

*This Council notes:-*

- *Though slavery was abolished in the UK in 1833, there are more slaves today than ever before in human history. Figures from the International Labour Organisation (ILO) suggest that there are more than 40 million people in modern slavery across the world, with nearly 25 million held in forced labour.*
- *There were 3,805 victims of modern slavery identified in the UK in 2016. A rising number but still well below the 10,000 and 13,000 potential victims estimated by the Home Office. In Rotherham a small number of victims have already been identified.*
- *Modern Slavery is happening nationwide. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment. This can include sexual and criminal exploitation.*

*This Council believes:-*

- *That action needs to be taken to raise awareness of modern slavery and the fact that it is happening all over the UK.*
- *That the current support for victims is not sufficient and needs to go beyond the 45 days they are currently given by the government.*
- *That councils have an important role to play in ensuring their contracts and supplies don't contribute to modern day slavery and exploitation.*

*This Council resolves:-*

- *That the Co-operative Party's Charter against Modern Slavery be adopted to ensure that our practices don't support slavery.*
- *That the Corporate Procurement Team be trained to understand modern slavery through the Chartered Institute of Procurement and Supplies (CIPS) online course on Ethical Procurement and Supply.*
- *That contractors be required to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance.*

- *That any abnormally low-cost tender be challenged to ensure that they do not rely upon the potential contractor practising modern slavery.*
- *That suppliers be advised that contracted workers are free to join a trade union and should not be treated unfairly for belonging to one.*
- *That the whistleblowing system for staff to blow the whistle on any suspected examples of modern slavery be publicised.*
- *That tendered contractors be required to adopt a whistleblowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.*
- *That contractual spending be reviewed regularly to identify any potential issues with modern slavery.*
- *That suppliers be advised of any risk identified concerning modern slavery and refer them to the relevant agencies to be addressed.*
- *That any contractor who is identified as a cause for concern regarding modern slavery be referred for investigation via the National Crime Agency's national referral mechanism.*
- *That a report on the implementation of this policy be published annually.*

2.2 The government's definition of modern slavery, as set out in "*How to report modern slavery*" [December 2016] is:

*Modern slavery is a serious crime. It encompasses slavery, servitude, and forced or compulsory labour and human trafficking. Modern slavery victims can often face more than one type of abuse and slavery, for example if they are sold to another trafficker and then forced into another form of exploitation.*

*A person is trafficked if they are brought to (or moved around) a country by others who threaten, frighten, hurt and force them to do work or other things they don't want to do.*

### **3 Key Issues**

3.1 The Motion commits the Council to ensuring that the whistleblowing system for staff to blow the whistle on any suspected examples of modern slavery be publicised. The current wording of the Whistleblowing Policy covers criminal activity and anyone could use the whistleblowing procedures to raise concerns about modern slavery but the Policy does not specifically identify modern slavery as a matter which can be raised via whistleblowing procedures. Given the Council's commitments in relation to modern slavery it is therefore proposed that the wording of the Policy be amended to make explicit reference to modern slavery.

3.2 The Policy includes the following in relation to the sort of matters which might be raised via the whistleblowing procedures:

- 1.4 *Where a Rotherham Metropolitan Borough Council employee, a worker for a Council contractor (including seconded council employees) is aware of any serious wrongdoing, such as:*

- *breach of a legal obligation;*
- *any criminal activity, including incitement to commit a criminal act;*
- *corruption or fraud;*
- *a miscarriage of justice;*
- *a danger to the health or safety of any individual or damage to the environment;*
- *abuse of power or authority;*
- *failure to comply with professional standards, Council policies or codes of practice/conduct;*

*Committed by or related to the actions of:-*

- *Rotherham Metropolitan Borough Council employees;*
- *Borough Councillors; and/or*
- *Contractors, agency staff, suppliers or consultants of Rotherham Metropolitan Borough Council in the course of their work for the Council;*

*and reports it, the Council will investigate any such allegations and, where appropriate, take action. The Council is also committed to preventing any harassment, victimisation or unfair treatment of any person arising from their whistleblowing, and where appropriate, take disciplinary action against any member of staff responsible for such harassment, victimisation or unfair treatment against a whistleblower.*

Paragraph 8.2 of the Policy confirms that whistleblowing disclosures by members of the public in respect of serious misconduct should be handled in the same way as disclosures made by employees.

- 3.3 It is proposed that the following wording should be added to the list of examples of serious wrongdoing in paragraph 1.4 of the Policy:
- *Modern Slavery [including slavery, servitude, and forced or compulsory labour and human trafficking]*

#### **4. Options considered and recommended proposal**

- 4.1 The recommendation is to amend the Whistleblowing Policy as set out at paragraph 3.3 above. That is not explicitly required by the Motion adopted by Council but would make it clearer to those who are concerned about an issue of modern slavery that they can raise those concerns via the Whistleblowing Policy.

#### **5. Consultation**

- 5.1 Not applicable.

#### **6. Timetable and Accountability for Implementing this Decision**

- 6.1 If the recommendation is accepted the amended Whistleblowing Policy will be published on the Council's website and intranet and a briefing will be prepared to draw the amended Policy to the attention of Council officers and contractors.

## **7. Financial and Procurement Implications**

- 7.1 Any legal resources required to implement this decision will be found within existing budgets.

## **8. Legal Implications**

- 8.1 The Council has a statutory duty to provide an appropriate Whistleblowing Policy and arrangement for dealing with concerns raised through the policy.

## **9. Human Resources Implications**

- 9.1 The amended Policy will make it clearer to Council officers that modern slavery concerns can be raised via whistleblowing procedures.

## **10. Implications for Children and Young People and Vulnerable Adults**

- 10.1 Children, young people and vulnerable adults can be subject to exploitation via modern slavery. Greater awareness of modern slavery and clarity that concerns can be raised via whistleblowing procedures would assist in tackling the issue.

## **11. Equalities and Human Rights Implications**

- 11.1 The Whistleblowing Policy is available to all employees, workers and contractors of the Council and to the public.

## **12. Implications for Partners and Other Directorates**

- 12.1 Not applicable.

## **13. Risks and Mitigation**

- 13.1 Not applicable.

## **14. Accountable Officer(s)**

Dermot Pearson, Assistant Director, Legal Services