

**Committee Name and Date of Committee Meeting**

Cabinet – 25 January 2021

**Report Title**

Modern Slavery Update and Transparency Statement 2020-21

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

No, but it has been included on the Forward Plan

**Strategic Director Approving Submission of the Report**

Paul Woodcock, Strategic Director of Regeneration and Environment

**Report Author(s)**

Steve Parry – Community Safety Officer

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**Ward(s) Affected**

Borough-Wide

**Report Summary**

This report provides an update in relation to the activity of the Council and its partners, in seeking to both address and prevent modern slavery. The report focusses on actions following the resolution passed by Council to adopt the Co-operative Party Charter against Modern Slavery on the 25<sup>th</sup> July 2018 and subsequent further reports to Cabinet on 22<sup>nd</sup> October 2018 and 10<sup>th</sup> June 2019.

It highlights key achievements, such as work alongside our suppliers to increase compliance with the Modern Slavery Act 2015, which has seen an increase in verified compliance and progress in respect of how the Council's ability to identify and respond to Modern Slavery together with its partners.

The report also introduces a refreshed transparency statement for 2021 for Cabinet approval.

**Recommendations**

1. Cabinet note the progress against commitments made.
2. Cabinet approve the refreshed transparency statement for publication.

**List of Appendices Included**

Appendix 1 Initial Equality Screening Assessment

Appendix 2 Modern Slavery Charter Action Plan

Appendix 3 Draft Transparency Statement

**Background Papers**

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

No

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## Modern Slavery Update and Transparency Statement 2020-21

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| 1.  | <b>Background</b>   |
| 1.1 | <p>At a meeting of the Council on the 25<sup>th</sup> July 2018, Council resolved:</p> <ul style="list-style-type: none"> <li>• That the Co-operative Party's Charter against Modern Slavery be adopted to ensure that the Council's practices do not support slavery.</li> <li>• That the Corporate Procurement Team be trained to understand modern slavery issues through the Chartered Institute of Procurement and Supplies (CIPS) online course on Ethical Procurement and Supply.</li> <li>• 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.</li> <li>• That any abnormally low-cost tenders should be challenged, to ensure that they do not rely upon the potential contractor practising modern slavery.</li> <li>• That suppliers be advised that contracted workers are free to join a Trade Union and should not be treated unfairly for belonging to one.</li> <li>• That the whistleblowing system, to enable staff to blow the whistle on any suspected examples of modern slavery, be publicised.</li> <li>• 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.</li> <li>• That contractual spending be reviewed regularly to identify any potential issues with modern slavery.</li> <li>• That suppliers be advised of any risk identified concerning modern slavery and refer them to the relevant agencies to be addressed.</li> <li>• 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.</li> <li>• That a report on the implementation of this policy be published annually.</li> </ul> |
| 1.2 | <p>Following this commitment, a detailed report was presented to Cabinet on the 22<sup>nd</sup> October 2018, which provided both an update on initial activity and a draft transparency statement, which was formally agreed for publication and is available on the Council's website at:</p>   |

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|           | <a href="https://www.rotherham.gov.uk/community-living/modern-slavery-act-2015-transparency-statement?documentId=781&amp;categoryId=20006">https://www.rotherham.gov.uk/community-living/modern-slavery-act-2015-transparency-statement?documentId=781&amp;categoryId=20006</a>  |
| 1.3       | A further report was presented to Cabinet on 10 <sup>th</sup> June 2019. This report again provided an update in relation to the activity of the Council and its partners, in seeking to both address and prevent modern slavery. The report focussed specifically on actions, following the resolution passed by Council on the 25 <sup>th</sup> July 2018.   |
| <b>2.</b> | <b>Key Issues</b>  |
| 2.1       | Following the commitment made by the Council, a range of activities were undertaken within an established action plan, focussing on the Modern Slavery Charter requirements. As can be seen in Appendix 2, the Council has achieved full compliance in a number of areas, with other requirements remaining 'on-track'. Of particular note is compliance in relation to training of procurement staff, alongside the development of advice and guidance for contract and commissioning officers. The Council's whistleblowing policy has also been updated to include a specific reference to modern slavery |
| 2.2       | Through its procurement processes the Council continues to review contractual spend in relation to modern slavery and if appropriate, proactively contacts contractors in order to increase compliance.  |
| 2.3       | In January 2020 Cabinet approved the Council's Ethical Procurement Policy and reference is made within that policy to the adoption of the Modern Slavery Charter.  |
| 2.4       | In January 2020 the Council introduced pre-procurement business cases for projects greater than £100k. The purpose of this pre-procurement business case is to establish if there are more specific requirements needed over and above what is already covered in the standard template. A key part of this procurement business case is Ethical Procurement and the requirement to consider any potential modern slavery issues.  |
| 2.5       | A comprehensive Safeguarding section is included in the Council's Template Tender Documentation and is applicable to all suppliers who bid for contracts above the EU threshold. All suppliers and their staff delivering a contract must adhere to the safeguarding requirements including that:<br><i>"They have an up to date Modern Slavery Transparency Statement (where required by law) and are registered on the 'transparency in Supply Chains Platform' (<a href="https://TISCreport.org">https://TISCreport.org</a>)"</i>   |
| 2.6       | All awarded contracts now contain a modern slavery statement as follows:<br><br><b>Modern slavery and trafficking</b><br><br>The Provider must comply with all of the following obligations regarding modern slavery and trafficking   |

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|      | <p><i>Comply with Law</i></p> <p><i>Supply chain</i></p> <p>Breaches of item 66.1 by the Provider which are to be a Termination Default Event of the Provider</p> <p>Keep informed</p>   | <p>The Provider must comply with relevant Law, including the Modern Slavery Act 2015.</p> <p>The Provider must use reasonable endeavours (to the extent it is within its reasonable powers to do so) to ensure its supply chain used in connection with the Services complies with the rest of this item 66.1.</p> <ul style="list-style-type: none"> <li>Any breach of the Modern Slavery Act 2015 (or any reasonable equivalent Law applicable to the Provider or its Affiliate at the time) by the Provider and/or its Affiliate.</li> <li>This applies even if the breach is minor.</li> </ul> <p>The Provider must keep the Council informed in a proper and timely manner if the Provider becomes aware of any incident involving slavery and/or trafficking in connection with the Services.</p> <ul style="list-style-type: none"> <li>Within the Provider's own organisation, and/or</li> <li>Within the Provider's supply chain.</li> </ul> |
| 2.7  | <p>The Council has continued to deliver improvements in relation to processes around modern slavery through the raising of awareness and provision of training. At a strategic level the Council has developed its role within the South Yorkshire Modern Slavery Partnership and operationally as a member of both the South Yorkshire Modern Slavery Practitioners group and the local multi-agency Fortify Bronze Group, which tackles serious and organised crime. The Council jointly chairs this group with South Yorkshire Police.</p>  |   |
| 2.8  | <p>Tackling Modern Slavery and Serious and Organised Crime are key priorities for the Safer Rotherham Partnership (SRP) and activity is managed through the Protecting Vulnerable Adults and Serious Organised Crime theme groups with oversight by the SRP Board which is chaired by the Cabinet Member for Waste, Roads and Community Safety.</p>  |   |
| 2.9  | <p>During 2020 a total of 12 Council employees from across directorates received the necessary training to be successful in becoming Modern Slavery Single Point of Contact Officers (SPOC's). This has significantly improved knowledge and expertise across the Council in respect of the identification and response to Modern Slavery cases and in the provision of support to the victims of Modern Slavery. To assist this, a Modern Slavery Professional Pocketbook has been developed in conjunction with the South Yorkshire Modern Slavery Partnership, along with access to guidance booklets published in a number of languages.</p> |   |
| 2.10 | <p>The National Referral Mechanism (NRM) is a framework for identifying and referring potential victims of modern slavery and ensuring they receive appropriate support. Only designated first responders can refer cases to the NRM. Local Authorities are designated 'first responder organisations and are</p>  |   |

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|           | therefore able to refer cases to the NRM.  |
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| 2.11      | Between 1st April 2019 and 30 <sup>th</sup> September 2020 there were 28 referrals from Rotherham into the National Referral Mechanism. All referrals are reported to the Safer Rotherham Partnership Board through its Performance Management framework. At present the outcomes of referrals are not currently reported. The Council is however working with the South Yorkshire Modern Slavery Partnership to develop its reporting and recording processes, with the aim to include progress and outcome reporting in the future.  |
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| 2.12      | Support from the NRM is provided to potential victims of modern slavery through safe house accommodation and on an outreach basis. Safe house accommodation is only located in Rotherham and Sheffield. Whilst outreach is provided to people across South Yorkshire; outreach clients will live either in council accommodation, National Asylum Support Service (NASS) accommodation, with friends, family or in their own private accommodation. In addition support outside of the NRM structure is also provided by the Snowdrop Project who provide post NRM support in Barnsley, Rotherham and Sheffield. |
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|           | The SRP Board receives a detailed report in respect of the number of referrals to the NRM, the number of people in NRM support in respect of accommodation and outreach work, and support outside of the NRM structure. This information forms part of the SRP Performance Dashboard.  |
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| <b>3.</b> | <b>Options considered and recommended proposal</b>   |
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| 3.1       | The Council is required to produce an annual update in relation to activities associated with modern slavery. The Council is further required to update its published 'Transparency Statement' each year. The report and attached action plan discharge the requirement for an annual update on activity.  |
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| 3.2       | Attached as Appendix 3 is a revised draft transparency statement for Cabinet consideration. This has been revised in order to reflect the progress made over the previous 12 months described above, and to outline the Council's focus over the coming 12 months in relation to modern slavery.   |
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| 3.3       | Whilst many actions are complete, the transparency statement highlights that continued efforts need to be made in relation to tackling modern slavery. Whilst reports will continue to be made annually, a range of regular activity is underway and will continue.  |
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| 3.4       | No alternative options have been considered as a result of the clear commitment made by the Council.   |
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| <b>4.</b> | <b>Consultation on proposal</b>  |

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| 4.1  | This report provides an update on activity however, the report and draft statement have been widely consulted upon within the organisation.   |
| 5.   | <b>Timetable and Accountability for Implementing this Decision</b>  |
| 5.1  | Following the approval of Cabinet, the statement will be published on the Council's website within one week. The Head of Community Safety and Regulatory Services continues to act as the Council's lead for Modern Slavery and is accountable for its implementation.                                  |
| 6.   | <b>Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)</b>  |
| 6.1  | All costs associated with the delivery of the action plan have been contained within existing approved revenue budgets. These costs have been mainly in respect of training for staff in the Procurement Service. All associated Procurement Implications are contained within the body of this report. |
| 7.   | <b>Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)</b>  |
| 7.1  | Legal support has been forthcoming over the previous year with the whistleblowing policy updated to incorporate modern slavery. Further work with the legal team will be required in order to continue to strengthen contractual arrangements.  |
| 8.   | <b>Human Resources Advice and Implications</b>  |
| 8.1  | Human Resources implications are contained with the main body of the report.  |
| 9.   | <b>Implications for Children and Young People and Vulnerable Adults</b>   |
| 9.1  | Modern slavery can impact both vulnerable adult and children/young people. Both Adult and Children's safeguarding leads have been involved in delivery of the work programme relating to modern slavery.  |
| 10.  | <b>Equalities and Human Rights Advice and Implications</b>  |
| 10.1 | Work to prevent and address modern slavery upholds Human Rights and seeks to tackle inequalities, with migrants or minority groups most likely to be affected. An equalities impact initial screening has been completed and is attached as appendix 1.   |
| 11.  | <b>Implications for Ward Priorities</b>   |
| 11.1 | No direct implications arising from this report.  |

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| 12.  | <b>Implications for Partners</b>   |
| 12.1 | Modern slavery duties stretch across both the Public and Private sector. Statutory and other partners are actively engaged both locally, regionally and nationally. The Council has worked over the previous year to increase links with private industry, contractors and suppliers in relation to modern slavery and on an intelligence led basis. |
| 13.  | <b>Risks and Mitigation</b>  |
| 13.1 | No additional risks highlighted as a result of this report.  |
| 14.  | <b>Accountable Officers</b>  |
|      | Sam Barstow, Head of Community Safety, Resilience and Emergency Planning   |
|      | Tom Smith, Assistant Director, Community Safety and Street Scene   |

Approvals obtained on behalf of Statutory Officers:-

|  | <b>Named Officer</b> | <b>Date</b> |
|--|----------------------|-------------|
| Chief Executive  | Sharon Kemp          | 11/01/21    |
| Strategic Director of Finance & Customer Services<br>(S.151 Officer) | Judith Badger        | 05/01/21    |
| Head of Legal Services<br>(Monitoring Officer)                       | Bal Nahal            | 05/01/21    |

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