

Committee Name and Date of Committee Meeting

Cabinet – 24 January 2022

Report Title

Modern Slavery Update and Transparency Statement 2022/23

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)

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Ward(s) Affected

Borough-Wide

Report Summary

This report provides the annual update in relation to the activities 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 25 July 2018 and in particular on actions since the last annual report presented to Cabinet on 25 January 2021.

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

The report also introduces a refreshed transparency statement for 2022/23 for Cabinet's approval.

Recommendations

1. That Cabinet note the progress against the commitments made in the Modern Slavery Transparency Statement and Action Plan.
2. That Cabinet approve the refreshed Modern Slavery Transparency Statement for publication.

List of Appendices Included

- Appendix 1 Draft Transparency Statement
- Appendix 2 Modern Slavery Action Plan
- Appendix 3 Initial Equality Screening Assessment
- Appendix 4 Carbon Impact Assessment

Background Papers

Modern Slavery Act 2015 - Transparency Statement:

<https://www.rotherham.gov.uk/community-living/modern-slavery-act-2015-transparency-statement?documentId=781&categoryId=20006>

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 2022

1. Background

1.1 At a meeting of the Council on 25 July 2018, Council resolved:

- That the Co-operative Party's Charter against Modern Slavery be adopted to ensure that the Council's practices do not support slavery.
- 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.
- 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 tenders should 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, to enable 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.

1.2 Following this commitment, detailed reports were presented to Cabinet on the 22 October 2018, 10 June 2019 and 25 January 2021. These reports provided updates about the activities of the Council and its partners, in seeking to both address and prevent modern slavery. The reports included a refreshed

transparency statement, which was formally agreed by Cabinet for publication and is available on the Council's website.

2. Key Issues

- 2.1 Following the commitment made by the Council in 2018, 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 all areas. Of particular note is compliance in relation to the 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 confirm compliance.
- 2.3 In January 2021 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 2021 the Council also 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 and Modern Slavery section is included in the Council's Template Tender Documentation and is applicable to all suppliers who bid for contracts above the regulatory threshold. All suppliers and their staff delivering a contract must adhere to the safeguarding and modern slavery requirements including that:
"They have an up-to-date Modern Slavery Transparency Statement (where required by law) and are registered on the 'Transparency in Supply Chains Platform'"
- 2.6 All awarded contracts now contain a modern slavery statement as follows:

Modern slavery and trafficking

The Provider must comply with all of the following obligations regarding modern slavery and trafficking

Comply with Law

The Provider must comply with relevant Law, including the Modern Slavery Act 2015.
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Supply Chain

The Provider must use reasonable endeavours (to the extent it is within

Breaches of item 66.1 by the Provider which are to be a Termination Default Event of the Provider

Keep informed

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.

- 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.
- This applies even if the breach is minor

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.

- Within the Provider's own organisation, and/or
- Within the Provider's supply chain.

- 2.7 The Council has continued to deliver improvements in relation to processes around modern slavery through the raising of awareness and the 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 chair this Group with South Yorkshire Police.
- 2.8 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 Corporate Services, Community Safety and Finance.
- 2.9 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 (SPOCs). This 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. The development of these officers continues through the provision of information from the South Yorkshire Modern Slavery Partnership. It is planned that extra officers will receive this training during 2022. The Modern Slavery Professionals Pocketbook has been updated in conjunction with the South Yorkshire Modern Slavery Partnership and our partners the charity Ashiana (Sheffield), along with access to guidance

booklets published in a number of languages. Quarterly reports to the Safer Rotherham Partnership are also provided by the South Yorkshire Modern Slavery Partnership.

- 2.10 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 therefore able to refer cases to the NRM.
- 2.11 Between 1 April 2020 and 30 June 2021 there were 35 referrals from Rotherham into the National Referral Mechanism. All referrals are reported to the Safer Rotherham Partnership Board through its Performance Management framework.
- 2.12 Support from the NRM continues to be provided to potential victims of modern slavery through safe house accommodation and on an outreach basis. 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.

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.

3. Options considered and recommended proposal

- 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.
- 3.2 Attached as Appendix 1 is a revised draft transparency statement for Cabinet consideration. This has been revised in order to reflect progress made over the previous 12 months and to outline the Council's areas of focus over the coming 12 months in relation to modern slavery.
- 3.3 Whilst many actions are complete, the transparency statement highlights that continued efforts need to be made in relation to tackling modern slavery.
- 3.4 No alternative options have been considered as a result of the clear commitment made by the Council.

4. Consultation on proposal

- 4.1 Officers in relevant Council services have been engaged in the production of this report and recommendations.

5. Timetable and Accountability for Implementing this Decision

- 5.1 Following the Cabinet approval, the Transparency Statement will be published on the Council's website within 10 days, following the 'call-in' period. The Head of Community Safety and Regulatory Services continues to act as the Council's lead for Modern Slavery and is accountable for the implementation of the action plan.

6. 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)

- 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. Whilst there are financial risks linked to Termination Default Events, the duty to act to prevent modern slavery overrides the financial consequences and, in any case, processes are in place to re-procure and would avoid potential additional expense of non-compliance.
- 6.2 The key procurement implications are contained in the main body of the report. The Council's procurement team will continue to support service areas with their procurement activities and identify through pre-procurement activities potential market industries where modern slavery may be prevalent and ensure the tender and resulting contract are robust to address this issue.

7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)

- 7.1 As set out in the body of this report and previous reports about this issue, the Council is required to comply with a number of duties as set out in the Modern Slavery Act 2015, including the s.52 duty to notify, the duty to cooperate with the Independent Commissioner, section 42, and the requirement to publish a transparency statement, section 54. This report sets out how the Council complies with these duties and the other requirements of the Modern Slavery Act 2015.

8. Human Resources Advice and Implications

- 8.1 Human Resources implications are contained within the main body of the report.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 Modern slavery can impact both vulnerable adult and children/young people. Both Adult and Children's safeguarding leads have been involved in both development and delivery of the work programme relating to modern slavery.

10. Equalities and Human Rights Advice and Implications

- 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 victims of modern slavery. An initial equality screening assessment has been completed and is attached as Appendix 3.

11. Implications for CO2 Emissions and Climate Change

- 11.1 The Carbon impact assessment can be found attached as appendix 4. There are no issues identified associated with the publication of this annual statement.

12. Implications for Partners

- 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 on an intelligence led basis, to increase links with private industry, contractors and suppliers in relation to modern slavery.

13. Risks and Mitigation

- 13.1 No additional risks have been highlighted as a result of this report.

14. Accountable Officers

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: -

	Named Officer	Date
Chief Executive	Sharon Kemp	10/01/22
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	24/12/21
Assistant Director of Legal Services (Monitoring Officer)	Phillip Horsfield	17/12/21

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This report is published on the Council's [website](#).