

Committee Name and Date of Committee Meeting

Cabinet – 20 March 2023

Report Title

Modern Slavery Update and Transparency Statement 2023/24

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 the 25th July 2018 and in-particular on actions since the last annual report presented to Cabinet on 24th January 2022.

On 1st November 2022, the Council's Overview and Scrutiny Management Board (OSMB) held a 'Spotlight Review' into the Council's and Partners' responses to tackling Modern Slavery and Human Trafficking in Rotherham, attended by a wide range of partners.

At the time of submission of this report the findings and recommendations from the OSMB review have not been received; once considered and approved, these will be incorporated into the action plan.

Recommendations

1. Cabinet notes the progress made to date.
2. Cabinet agrees for the current Transparency Statement 2022/23 to remain in place in 2023/24.

List of Appendices Included

Appendix 1 Transparency Statement 2022/23 (Current Statement)

Appendix 2 Modern Slavery Action Plan

Appendix 3 Initial Equality Screening Assessment Part A

Appendix 4 Carbon Impact Assessment

Background Papers

[Modern Slavery Act 2015](#)

[Co-operative Party Modern Slavery Charter](#)

[Rotherham Metropolitan Borough Council's Current Transparency Statement](#)

[Cabinet Report, January 2022](#)

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

Modern Slavery Update and Transparency Statement 2023/24

1. Background

1.1 At a meeting of the Council on 25th 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 22nd October 2018, 10th June 2019, 25th January 2021 and 24th January 2022. 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 a range of activities were undertaken within an established action plan, focussing on the Modern Slavery Charter requirements.

2.2 **Training**

Staff within the procurement team have received appropriate training. It is recognised that to maintain necessary skill levels and address changes in personnel, the training needs to be provided on a regular cycle and as such the procurement team will undertake the training every three years.

2.3 In addition to what is already in place, relevant training is also to be provided to the Council's Commissioning Officers and Contract Managers.

2.4 **Compliance**

Where the Council undertakes a tender that is above the threshold where the Public Contracts Regulations 2015 applies, it is mandated to use the Selection Questionnaire (SQ) set by Central Government. One of the sections within this SQ is compliance with the Modern Slavery Act and publication of modern slavery transparency statements. Failure to satisfy compliance in this area will result in the bidding company not being shortlisted.

2.5 Work has taken place with Legal Services to ensure termination linked to non-compliance with Modern Slavery is now included in Council contracts.

2.6 Where the Council buys through Professional Buying Organisations, it has also started to use contract clauses within their agreements and specifications in respect of Modern Slavery.

2.7 **Abnormally low bids**

In accordance with Regulation 69 of the Public Contracts Regulations the Council has a duty to challenge abnormally low bids received.

2.8 Abnormally low bids are not a regular occurrence in procurement activity, but there is a recent example which did lead to conversations around modern slavery, however it was established that the bid was rejected on other grounds from a quality perspective, which contributed to the abnormally low bid.

2.9 **Trade Unions**

In respect of a requirement to inform the Council's suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one, the procurement team has ensured that this requirement is included in the specification for all contracts.

2.10 **Whistleblowing Policy**

The Council’s Whistleblowing Policy includes a specific reference to modern slavery.

2.11 **Ethical Procurement Policy**

The Council’s Ethical Procurement Policy includes reference to the adoption of the Modern Slavery Charter.

2.12 **Safeguarding and Modern Slavery**

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.

2.13 All suppliers and their staff delivering a contract must adhere to the safeguarding and modern slavery requirements including that:

2.14 “They have an up-to-date Modern Slavery Transparency Statement (where required by law) and are registered on the ‘Transparency in Supply Chains Platform’ (<https://TISCreport.org>)”

2.15 All awarded contracts contain a modern slavery clause as below or similar wording to the same effect:

Modern slavery and trafficking

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

Comply with Law

Supply chain

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

Keep informed

The Provider must comply with relevant Law, including the Modern Slavery Act 2015.
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.
<ul style="list-style-type: none"> 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.
<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"> Within the Provider’s own organisation, and/or Within the Provider’s supply chain.

- 2.16 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 continues to develop 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.
- 2.17 Tackling Modern Slavery and Serious and Organised Crime continue to be 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.
- 2.18 The Council has 9 employees from across directorates who have received the necessary training to be successful in becoming modern slavery Single Point of Contact Officers (SPOCs). 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. 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 2023.
- 2.19 The Modern Slavery Professionals Pocketbook has been updated in conjunction with the South Yorkshire Modern Slavery Partnership and partners, the charity Ashiana (Sheffield), along with access to guidance booklets published in several languages. Quarterly reports to the Safer Rotherham Partnership are also provided by the South Yorkshire Modern Slavery Partnership.
- 2.20 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.
- 2.21 Between 1st April 2021 and 30th September 2022 there were 77 referrals from Rotherham (all First Responders) into the National Referral Mechanism. All referrals are reported to the Safer Rotherham Partnership Board via the Performance Management framework.
- 2.22 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.

2.23 On 1st November 2022 the Council's Overview and Scrutiny Management Board held a 'Spotlight Review' into the Council's and partners response to Modern Slavery in Rotherham. A wide range of Council departments and partners contributed to the review including, RMBC (Adult's and Children's) Social Services, Housing Services, Community Safety, South Yorkshire Police, Gang Masters and Labour Abuse Authority, Department of Work and Pensions, the Snowdrop Project and Ashiana.

2.24 The review generated several recommendations from the OSMB which once considered and those that are approved, will be incorporated into the Council's Modern Slavery Transparency Statement Action Plan 2023/24.

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 at Appendix 2 is the current 2022/23 Transparency Statement Action Plan. This plan will be updated on receipt of the approved OSMB 'Spotlight Review' recommendations.

3.3 No alternative options have been considered as a result of the clear and ongoing commitment made by the Council since 2018.

4. Consultation on proposal

4.1 Officers in relevant Council services have been engaged in the production of this report and recommendations. Consultation in respect of the Transparency Statement with external partners has not taken place as this is a Council specific statement.

5. Timetable and Accountability for Implementing this Decision

5.1 Following the Cabinet approval, the refreshed Modern Slavery Transparency Statement will be published on the Council's website.

5.2 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

6.1 Head of Finance

All costs associated with the delivery of the action plan have been contained within existing approved budgets. 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 Head of Procurement

The key procurement implications are contained in the main body of the report. The Council's procurement team will continue to support service areas in their procurement activity and identify through the pre-procurement phase, 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

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 The human resources implications are outlined within the body of this report.

9. Implications for Children and Young People and Vulnerable Adults

9.1 Modern slavery can impact both vulnerable adults 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 The publication of the statement itself, which is the decision within the report, does not represent any change in policy or delivery of function but reflects work done across a range of Council services, which are subject to their own decision-making processes and therefore equality impact assessment as appropriate. Therefore, an equality analysis is not required to accompany this report as there are no direct equality implications for the refresh of the published transparency statement.

10.2 Tackling modern slavery and human trafficking is a key priority for the Council and the Safer Rotherham Partnership. The potential for the exploitation of different groups is acknowledged and is monitored and managed by the multi-agency Protecting Vulnerable Adults and Children theme groups and reported to the Safer Rotherham Partnership Board.

11. Implications for CO2 Emissions and Climate Change

11.1 No direct implications arising from this report.

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

Emma Ellis, Interim Head of Service, Community Safety and Regulatory Services.

Sam Barstow, Assistant Director, Community Safety and Street Scene.

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	06/03/23
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	02/03/23
Assistant Director, Legal Services (Monitoring Officer)	Phil Horsfield	02/03/23

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