

Committee Name and Date of Committee Meeting

Cabinet – 18 March 2024

Report Title

Modern Slavery Transparency Statement - Annual Refresh

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 25 July 2018 and on actions since the last annual report presented to Cabinet on 20 March 2023.

On the 1 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. This was supported by a wide range of partners.

At the time of submission of the last annual report to Cabinet on 20 March 2023, the findings, and recommendations from the OSMB review had not been received. They were subsequently received, considered, approved and incorporated into the current Modern Slavery Action Plan (Appendix 2).

Recommendations

That Cabinet:-

1. Note the progress made to date.
2. Approve the Modern Slavery Transparency Statement 2024/25 and it is published on the Council's website.

List of Appendices Included

Appendix 1 – Draft Modern Slavery Transparency Statement 2024/25.
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 Councils Transparency Statement](#)

[Cabinet Report 20th March 2023](#)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

Modern Slavery Transparency Statement - Annual Refresh

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 have been presented to Cabinet annually. These reports provide updates about the activity of the Council and its partners, in seeking to both address and prevent modern slavery. The reports include a refreshed Modern Slavery Transparency Statement which is considered by Cabinet and, if approved, published on the Council's website.

2. Key Issues

2.1 Following the commitment made by the Council, a range of activities have been, and continue to be delivered within an established action plan, focussing on the Modern Slavery Charter requirements.

2.2 Training

Staff within the procurement team received appropriate training in 2018 with further training required this year, though the dates have not yet been finalised. 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 this will be undertaken going forward every three years, as part of the overall modern slavery training provision.

2.3 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 Standard 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.

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

2.5 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.

2.6 Abnormally low bids

In accordance with Regulation 69 of the Public Contracts Regulations the Council has a duty to require the bidding company to explain any abnormally low bids received. Abnormally low bids are not a regular occurrence in procurement activity and where this has occurred previously it was quickly established that quality related issues contributed to the abnormally low bid with no suggestion that modern slavery was a factor.

2.7 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.

2.8 **Whistleblowing Policy**

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

2.9 **Procurement Ethics Policy**

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

2.10 **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.

2.11 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’ (<https://TISCreport.org>)”

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

Modern Slavery and Human Trafficking – The provider must comply with all the following obligations regarding modern slavery and human trafficking.	
Comply with the law.	The provider must comply with relevant Law, including the Modern Slavery Act 2015.
Supply Chain	The provider must use reasonable endeavour (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.)
Breaches of item 66.1 by the provider which are to be a Termination Default Event of the provider.	Any breaches 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 applied 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 providers own organisation and/or Within the providers supply chain

2.13 The Council has continued to deliver improvements in relation to processes around modern slavery through the raising of awareness and the provision of training. The Council continues to develop its role within the South Yorkshire Modern Slavery Tactical Partnership Group and the local multi-agency Fortify Bronze Group, which tackles serious and organised crime.

2.14 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.

- 2.15 The Council has 10 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 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 will continue, and it is planned that extra officers will receive training during 2024/25.
- 2.16 The Modern Slavery Professionals Pocketbook remains a key point of reference for the Council and partners, along with access to guidance booklets published in several languages on the South Yorkshire Modern Slavery Partnership website. Quarterly reports to the Safer Rotherham Partnership are provided by the multi-agency Protecting Vulnerable Adults Group.
- 2.17 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.
- 2.18 Between April 2019 and December 2023, a total of 207 referrals from Rotherham were made by the Council and other First Responder Organisations to the NRM. All referrals are reported to the Safer Rotherham Partnership Board via the Performance Management framework.
- 2.19 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.
- 2.20 On the 1 November 2022, the Councils 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, Gangmasters and Labour Abuse Authority, Department of Work and Pensions, the Snowdrop Project and Ashiana.
- 2.21 At the time of submission of the last annual report to Cabinet on 20 March 2023, the findings, and recommendations from the OSMB review had not been received. They were subsequently received, considered, and approved and incorporated into the Modern Slavery Action Plan (Appendix 2).

2.22 A recommendation from the OSMB review was for the Council to establish an internal governance group, including representation from services that may encounter modern slavery. A Modern Slavery Steering Group has been established, is chaired by the Head of Service, Community Safety and Regulatory Services and manages the Council's Modern Slavery Action Plan (Appendix 2).

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 2023/24 Transparency Statement Action Plan based on recommendations by the OSMB 'Spotlight Review' from November 2022 and managed through the Council's Modern Slavery Steering Group.

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

4. Consultation on proposal

4.1 Council Officers continue to work with a range of partners through the Safer Rotherham Partnership, which prioritises activity to address Modern Slavery. Direct 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 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 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 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 duties as set out in the Modern Slavery Act 2015, including the duty to co-operate with the Independent Anti-Slavery Commissioner (section 43), the duty as to presumption of age of victims of human trafficking where there are reasonable grounds to believe they may be under 18 (section 51), the duty to notify the Secretary of State of suspected victims of slavery or human trafficking (section 52) and the requirement to publish a transparency statement, including on the Council's website (section 54). This report and Appendices set out how the Council complies with these duties and the other requirements of the Modern Slavery Act 2015.
- 7.2 The Council also has a duty to consider crime and disorder implications under Section 17 of the Crime and Disorder Act 1998. As Modern Slavery has been adopted as part of the protecting vulnerable adults key priority by the Safer Rotherham Partnership, the Council, as a 'responsible authority' of the partnership, has a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on crime and disorder and a duty to do all that it reasonably can to prevent crime and disorder in its area, specifically in this case, Modern Slavery.

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 The recommendations links to the following Council Plan themes:
- People are safe, healthy, and live well.
 - Every child able to fulfil their potential.

In addition, addressing the recommendations links explicitly to the SRP priorities 2022 – 2025 of:

Protecting Vulnerable Children

- Work together with partners and the public to reduce the risk of child sexual exploitation (CSE) and child criminal exploitation (CCE) ensure accurate recording of investigations and quality outcomes.
- Increase understanding of CSE and CCE, reporting, and responses, with professionals and the public through training and awareness raising.
- Increase understanding of CSE and CCE, how it affects our communities and how our actions as a partnership improve the lives of children.

Protecting Vulnerable Adults

- Protecting and supporting vulnerable adults from harm, crime and becoming victims of exploitation as well as preventing them from becoming victims of 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 Climate change and modern slavery are linked in a vicious circle. Even as climate change increases the likelihood of natural disasters, so people who are displaced or forced to migrate are more likely to be exploited, in the same industries which are most to blame for global CO₂ emissions.
- 11.2 Through robust safeguarding and supply chain assurance, the Council can mitigate the carbon as well as the human cost of modern slavery. This has special relevance to the renewable energy sector, where solar PV and battery electric vehicle supply chains may risk sourcing materials or components which have been produced by forced labour.
- 11.3 A carbon impact assessment with more details and a short bibliography is included as Appendix 4.

12. Implications for Partners

- 12.1 Modern slavery duties stretch across both the public and private sector. Statutory and other partners are actively engaged locally, regionally and nationally. The Council has worked over the previous year on an intelligence led basis to increase links with private industry and contractors and suppliers in relation to modern slavery.
- 12.2 Tackling modern slavery and human trafficking is a key priority for the Council and the Safer Rotherham Partnership.

13. Risks and Mitigation

13.1 There are no risks directly rising from this report.

14. Accountable Officers

14.1 Emma Ellis, Head of Service, Community Safety and Regulatory Services

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	04/03/2024
Strategic Director of Finance and Customer Services (S151)	Judith Badger	28/02/2024
Assistant Director of Legal (Monitoring Officer)	Phillip Horsfield	28/02/2024

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