

Cabinet



Date of meeting:	18 August 2020
Title of Report:	Modern Slavery Update 2020
Lead Member:	Councillor Chris Penberthy (Cabinet Member for Housing and Co-operative Development)
Lead Strategic Director:	Giles Perritt (Assistant Chief Executive)
Author:	Caroline Marr (Senior Policy Advisor)
Contact Email:	Caroline.marr@plymouth.gov.uk
Your Reference:	MS 18.08.20
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of Report

To update Cabinet on the ongoing Council actions to tackle modern slavery and report progress on the ten commitments set out to prevent modern slavery within the supply chains of Plymouth City Council and its family of companies. To seek agreement for the additions to the published Modern Slavery Statement.

Recommendations and Reasons

1. Cabinet to approve the updated Modern Slavery Statement.
2. Cabinet to note the progress made on the ten commitments.
3. Cabinet to agree to add the Whistle Blowing Policy to the council's website to make it more freely available to suppliers and contractors.

Alternative options considered and rejected

Option: To not re-publish an up to date Modern Slavery Statement taking into consideration known additional definitions of what constitutes Modern Slavery.

This option was rejected as failure to publish an up to date Statement and to monitor and take action to address Modern Slavery could lead to the council incurring financial and legal penalties and could cause reputational damage.

Relevance to the Corporate Plan and/or the Plymouth Plan

The Council's Corporate Plan sets out our ambition to be one of Europe's most vibrant waterfront cities, where an outstanding quality of life is enjoyed by everyone. Our key mission is to make Plymouth a fairer city, where everyone does their bit. Taking action to eradicate Modern Slavery either within our own supply chains or within the wider community aligns with our corporate values, particularly that which states 'we are responsible'.

Implications for the Medium Term Financial Plan and Resource Implications:

There are no additional costs to the council by approving the updated statement and progress on the ten commitments.

Carbon Footprint (Environmental) Implications:

N/A

Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:

* When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.

There is no typical victim of slavery. Victims are men, women and children of all ages, ethnicities and nationalities and cut across the population. However, it is typically more prevalent among the most vulnerable or within minority or socially excluded groups. Failure to address this issue would result in the Council failing to carry out its statutory duty to protect the most vulnerable residents and communities.

Appendices

*Add rows as required to box below

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Modern Slavery Statement 2020							

Background papers:

*Add rows as required to box below

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of any background paper(s)	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
	1	2	3	4	5	6	7

Sign off:

Fin	pl.20. 21.59.	Leg	lt/351 18/04 0820	Mon Off		HR		Asset s		Strat Proc	HG/PS/55 2/CP/0820
Originating Senior Leadership Team member: Giles Perritt (Assistant Chief Executive)											
Please confirm the Strategic Director(s) has agreed the report? Yes											
Date agreed: 03/08/2020											
Cabinet Member approval: Councillor Penberthy (Cabinet Member for Housing and Co-operative Development) (verbally approved)											
Date approved: 03/08/2020											

I. INTRODUCTION

The Modern Slavery Act (2015) (MSA) sets out a range of measures on how modern slavery and human trafficking should be dealt with in the UK. In January 2019, the Home Office published its Second Interim Report from the independent review of the MSA, covering transparency in supply chains. In summary the review called for current legislation to be strengthened.

The recommendations made from the review centred on seven areas, including the recommendation that Section 54* should be extended to the public sector: (1) Local government, agencies and other public authorities should publish a statement if their annual budget exceeds £36 million; (2) Government should strengthen its public procurement processes to make sure that non-compliant companies in scope of section 54 are not eligible for public contracts and (3) the Crown Commercial Service should keep a database of public contractors and details of compliance checks and due diligence carried out by public authorities. The database should be easily accessible to public authorities for use during the procurement process.

The other six recommendations were;

1. Clarifying the companies in scope
2. Improving the quality of statements
3. Embedding modern slavery reporting into business culture
4. Increasing transparency
5. Monitoring and enforcing compliance
6. Consumer attitudes (commission research into how consumer attitudes to modern slavery can be influenced).

(* Section 54 of the Modern Slavery Act 2015 requires commercial organisations carrying out business in the UK, with a turnover of at least £36 million, to prepare and publish a slavery and human trafficking statement for each and every financial year).

In March 2020 the UK government published a modern slavery statement setting out the action they are going to take to prevent modern slavery within their supply chains.

Prior to this review and subsequent action taken by the Government, the Council agreed a Motion on Notice to tackle modern slavery through procurement and the provision of a Charter to embed this in local practice – this happened in September 2018. The Council also published a modern slavery statement.

This paper is to report on the progress of the ten commitments set out in the Charter and the proposed additions to the Council's published Modern Slavery Statement.

2. UPDATE ON THE TEN COMMITMENTS

Set out below are the ten commitments included in the Charter and the progress that has been made against each of them.

2.1 Train its corporate procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply's (CIPS) online course on Ethical Procurement and Supply.

During the last 6 months, the Procurement Service Officers have undergone the updated online training of the CIPS Ethical Procurement and Supply training module. The e-learning course is designed to help procurement and supply chain professionals all over the world, to demonstrate their absolute commitment to, and understanding of, acting ethically on behalf of their organisations.

2.2 Require its contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for noncompliance.

Plymouth City Council (PCC) terms and conditions cover requirements for Suppliers to act in line with and under the Law and Jurisdiction section which states 'The Contract shall be construed and be subject to English law and the exclusive jurisdiction of the English Courts.'

2.3 Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.

The Public Contracts Regulations 2015 are the principal UK legal framework for public procurement and incorporate national and international public procurement obligations

A requirement under the Public Contract Regulations, regulation 69 addresses abnormally low tenders. It states "Contracting authorities shall require tenderers to explain the price or costs proposed in the tender where tenders appear to be abnormally low in relation to the works, supplies or services."

Accordingly, it is standard practice and the following is included within all tender documentation 'Please note: Should the proposed service be deemed unsustainable based on the pricing provided, then the quotation will be disqualified.' In addition, we always ask for a breakdown of tender prices so that we can identify and question any anomalies / low prices.

There have not been any specific circumstances in the last 12 months to formally review any contract award as per regulation 69.

2.4 Highlight to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.

Overall this is covered under the law and jurisdiction.

2.5 Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.

The Council's internal webpage regarding whistleblowing and the current policy is available [here](#).

2.6 Require its tendered contractors to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.

The following is included regarding whistleblowing within our terms and conditions. "The Supplier shall comply with the Council's whistleblowing procedure, which ensures that employees of the Supplier are able to bring to the attention of the Council malpractice, fraud and breach of laws on the part of the Supplier without fear of disciplinary and other retribution or discriminatory action. The Council's Whistleblowing Policy can be made available upon request.

With agreement we plan to add the policy to the council's website so that it is more freely available to suppliers and contractors.

2.7 Review its contractual spending regularly to identify any potential issues with modern slavery.

Significant work is in hand to advance the Council's Procurement Service and this includes the implementation of a Procurement Improvement Plan.

Furthermore, meaningful discussions are underway at regional level with Public Sector colleagues to address issues and approaches as one. Such regional level groups include Plymouth Public Procurement Partnership and South West Procurement Board.

2.8 Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.

The Council currently has the following webpage where this information can be found:

<https://www.plymouth.gov.uk/crimepreventionandantisocialbehaviour/modernslavery>

Further information is available in the published statement which provides transparency about the actions the Council will take. The statement can be found on the 'Doing business with the Council' webpage:

<https://www.plymouth.gov.uk/aboutcouncil/doingbusinesscouncil>

Local Government Association National Advisory Group for Procurement has provided additional guidance from The Human Trafficking Foundation. The below website contains resources, advice and policy information affecting those working with victims of trafficking and exploitation

<https://www.humantraffickingfoundation.org/>

2.9 Refer for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.

To date and to our knowledge we have not needed to refer a contractor to the National Crime Agency. Details are provided in the "Tackling Modern Slavery and Human Trafficking Toolkit" found here: <https://www.plymouth.gov.uk/crimeandantisocialbehaviour/modernslavery> created by Plymouth's Community Safety Partnership.

2.10 Report publicly on the implementation of this policy annually.

This update provides the second progress report since the adoption of the Modern Slavery Motion on Notice. In addition, the report also seeks to adopt an updated Modern Slavery Statement for the Council.

3. MODERN SLAVERY STATEMENT AND TOOLKIT

The Council has a published statement and accompanying toolkit to support the implementation of the Modern Slavery Act 2015 and its commitment to eliminating practices and conditions which may foster modern slavery to occur. It is felt that the statement does not require any major revisions, however some additions are proposed.

3.1 The following are added to the list of what constitutes Modern Slavery;

- Child Trafficking: Young people (under 18) are moved internationally or domestically so they can be exploited.
- Organ Harvesting: Where persons are trafficked in order to sell their body parts and organs for transplants – includes eggs, kidneys and eyes.

3.2 The following is added to the work of the council in supporting a collaborative approach to tackling the issue of modern slavery;

- Complete referrals into the National Referral Mechanism which is the framework for identifying victims of human trafficking and ensures they receive appropriate support and protection.

(See appended for full proposed statement).

The peninsula's Anti-Slavery partnership is currently reviewing its response to modern slavery and the supportive actions for victims. The review, led by the Police is currently on hold due to the impact of COVID-19, however it was progressing well previously so it is anticipated that this will be prioritised when the partnership returns to a more stable footing. It is therefore suggested that the published [National Referral Mechanism Toolkit](#) which sets out the Plymouth Approach to tackling modern slavery and human trafficking remains in place and is reviewed in line with the partnership's wider review when finalised. Plymouth has requested that they have Plymouth-centric plans in the appendix given the setup and services on offer across the city. If this is not agreed by the partnership then the council will need to revisit.