

## BABERGH DISTRICT COUNCIL

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| <b>TO:</b>      | <b>CABINET</b>  | <b>REPORT NUMBER: BCa/18/51</b>          |
| <b>FROM:</b>    | <b>Cabinet Member for Finance</b>   | <b>DATE OF MEETING: 13 December 2018</b> |
| <b>OFFICER:</b> | <b>Rachel Hodson-Gibbons,<br/>Corporate Manager<br/>Commissioning &amp;<br/>Procurement</b> | <b>KEY DECISION REF NO. n/a</b>          |

### MODERN SLAVERY POLICY

#### 1. PURPOSE OF REPORT

- 1.1 Following the resolution of Babergh District Council at its meeting on 25 September 2018, the Babergh Cabinet will be considering the approval of a Modern Slavery Policy. Given that the resources which will be used to implement such a policy are shared with Mid Suffolk District Council, it is suggested that both Cabinets adopt a joint policy.

#### 2. OPTIONS CONSIDERED

- 2.1 The Cabinet has the option not to implement a policy on modern slavery and to continue with its current practice of ensuring the Council's commissioning and procurement practices do not support modern slavery without a formal policy in place.

Though the Modern Slavery Act 2015 does not specifically require Local Authorities to comply, the Public Sector has an important role to play in the elimination of modern slavery and the adoption of a formal Policy on Modern Slavery by the Cabinet will enable Babergh (working jointly with Mid Suffolk) to provide a positive contribution to this effort.

#### 3. RECOMMENDATIONS

That the Babergh and Mid Suffolk Policy on Modern Slavery be adopted.

#### REASON FOR DECISION

To enhance the Council's commitment to operate ethically and to contribute to the elimination of modern slavery.

#### **4. KEY INFORMATION**

- 4.1 Modern slavery is a term used to describe human rights violations for the purposes of labour exploitation which is present in private and public supply chains.
- 4.2 The Modern Slavery Act came into force on the 29 October 2015 and requires organisations with a turnover of more than £36m to provide a statement setting out the steps they have taken to ensure there is no modern slavery in their own business and their supply chains (this is known as a Section 54 Statement).
- 4.3 Though the legislation does not specifically require Local Authorities to comply, it does not specifically exclude them either and the adoption of the joint Babergh and Mid Suffolk Modern Slavery Policy will enable the Council to put into place good practice to ensure modern slavery is not utilised in the provision of the goods, services and works it commissions.
- 4.4 The Policy being recommended for adoption is attached.

#### **5. LINKS TO JOINT STRATEGIC PLAN**

- 5.1 The most closely linked outcome in the Joint Strategic Plan is Commissioning for Outcomes.

#### **6. FINANCIAL IMPLICATIONS**

- 6.1 There are no direct financial implications related to this report as the Council's commissioning and procurement practices are already compliant with the Modern Slavery Act.

#### **7. LEGAL IMPLICATIONS**

- 7.1 Though the Modern Slavery Act 2015 (the Act) does not specifically require Local Authorities to comply, it does not specifically exclude them either. Section 43 of the Act puts a duty on specified public authorities (including district and borough councils) to co-operate with the Independent Anti-Slavery Commissioner.
- 7.2 The Act requires commercial organisations which supply goods, services or works, (and this includes council owned commercial companies) with a turnover of more than £36m to be compliant. Given the integrated approach now in place between Babergh and Mid Suffolk it would be prudent for the Councils to have a Modern Slavery Policy in place and provide a Modern Slavery and Human Trafficking Statement (Section 54 Statement) on their websites, as they are potentially at risk of contravening the Modern Slavery Act 2015.
- 7.3 The Modern Slavery (Transparency in Supply Chains) Bill when it becomes law will amend the Act to include "public authorities" falling within the scope of those organisations required to publish Section 54 statements.

The Bill additionally seeks to amend Regulation 57 of the Public Contract Regulations 2015 so that any bidder who meets the definition of commercial organisation and has not published a compliant statement would be prevented from participating in a public procurement.

7.4 The adoption of a Modern Slavery Policy will enable the Council to implement the recommendations of the Modern Slavery Act 2015 and the Modern Slavery (Transparency in the Supply Chain) Bill.

7.5 The adoption of a Modern Slavery Policy will require some minor changes to the Council’s Terms and Conditions of Participation for quotes and tenders and the Council’s Terms and Conditions of Contract. These changes will be undertaken by the Commissioning & Procurement Team working with the Legal Shared Services Team.

## 8. RISK MANAGEMENT

8.1 This report is most closely linked with the Council’s Corporate / Significant Business Risks 5f – Trust of stakeholders, public image and reputation and 5g - Safety, health, welfare and well-being of employees and those we owe a duty of care to.

8.2 Key risks are set out below:

| Risk Description  | Likelihood          | Impact         | Mitigation Measures   |
|---|---------------------|----------------|---|
| If the Council received goods, services or works from a contractor who utilised modern slavery within their supply chain then the Council would receive damage to its reputation; which may damage the Council’s capability to sustain and form effective partnerships. | 1 – Highly unlikely | 2 - Noticeable | The adoption of a Modern Slavery Policy will enable the Council to ensure it has taken appropriate action to mitigate this risk.  |
| If the Council uses a contractor which utilises modern Slavery then the Council will indirectly contribute to a negative impact upon the safety, health, wellbeing and welfare to others who are involved in the provision of goods, services and works to the Council. | 1 – Highly unlikely | 2 - Noticeable | The adoption of a Modern Slavery Policy will enable the Council to ensure it has taken appropriate actions to mitigate this risk. |

**9. CONSULTATIONS**

9.1 The Commissioning & Procurement Team will be responsible for developing procedures to implement this policy and providing guidance as required.

**10. EQUALITY ANALYSIS**

10.1 The implementation of a Modern Slavery Policy will have positive equality impacts. However, as the introduction of the policy will formalise practices that are already in place there is no requirement for a new Equality Impact Assessment to be undertaken.

**11. ENVIRONMENTAL IMPLICATIONS**

11.1 There are no environmental implications arising from this report.

**12. APPENDICES**

| Title  | Location |
|--|----------|
| (a) Babergh and Mid Suffolk Policy on Modern Slavery | Attached |

**13. BACKGROUND DOCUMENTS**

None.