

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: MODERN SLAVERY CHARTER UPDATE

REPORT OF THE SERVICE DIRECTOR - LEGAL AND COMMUNITY & MONITORING OFFICER

EXECUTIVE MEMBER: COMMUNITY ENGAGEMENT, CLLR JUDI BILLING

COUNCIL PRIORITY: BUILD THRIVING AND RESILIENT COMMUNITIES

1. EXECUTIVE SUMMARY

- 1.1 This report provides an update on the Modern Slavery Action Plan, following the adoption of the Charter Against Modern Slavery [the 'Charter'] in 2019.

2. RECOMMENDATIONS

That Cabinet:

- 2.1. Notes the actions to date [and proposed actions in the plan Appendix B], and that further updates will be provided as part of the Annual Safeguarding Report to Overview & Scrutiny.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To update the Cabinet.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. None, as this report was requested by Cabinet in June 2019.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The Executive Member for Community Engagement and deputy Executive Member have discussed the Action Plan and the Council's general approach to modern slavery. The Hertfordshire Modern Slavery Partnership through the Shiva Foundation have also been consulted on the Council's progress in this area. The Executive Member will also be presenting the annual safeguarding report to Overview and Scrutiny [which already encompasses modern slavery]. This, as with other safeguarding issues, are part of the safeguarding work that the Council undertakes.

6. FORWARD PLAN

- 6.1 This is not a Key executive decision, but has been identified on the forward plan.

7. BACKGROUND

- 7.1. On 10 April 2018, a Motion was submitted to Full Council to adopt the Charter [[Click here to view Council page 10.4.18](#)].

- 7.2. An agreed amended Motion was subsequently carried:

“That, in view of evidence that modern slavery is hidden even in affluent areas like North Hertfordshire, this Council notes the legal duties imposed upon it in the Modern Slavery Act 2015, notes the training delivered by Hertfordshire Constabulary to the Council’s safeguarding group and agrees that the Council must seek to raise awareness of the signs of modern slavery and human trafficking in all its work and within the District. To achieve this the Council agrees to support the principles of the Modern Slavery Charter.”

- 7.3. A Modern Slavery & Human Trafficking Action Plan (hereafter referred to as Modern Slavery Action Plan or Action Plan) was first considered and reported through to Overview and Scrutiny Committee in December 2018¹.

- 7.4. On 27 June 2019 Cabinet considered, amongst other things the Modern Slavery Action plan, and the Co-operative party Charter Against Modern Slavery. The relevant resolutions at that meeting pertaining to this report were:

- “(2) *That the actions to date, as per the Action Plan, as attached as Appendix B to the report be noted;*
(3) *That the Service Director – Legal and Community be requested to present a report in July 2020 reviewing the Action Plan and particularly any difficulties faced or transgressions of the Charter.”*

- 7.5. The Co-operative Charter on Modern Slavery was adopted by Full Council on 11 July 2019² [with a minor amendment in relation to procurement training – *Charter requirements and NHDC actions reported below*].

- 7.6. Modern Slavery and the associated Action Plan was further reported through to Overview & Scrutiny as part of the Annual Safeguarding Report on 17 September 2019³.

- 7.7. This report covers resolution 3.

8. RELEVANT CONSIDERATIONS ACTION PLAN/ POTENTIAL DIFFICULTIES RE THE CHARTER Action Plan

- 8.1 The Council’s Modern Slavery Action Plan was presented to Cabinet on 26 June and is appended at A for the period 2018-21. Members will note at that stage that all was effectively ongoing with systems in place. Such a Plan represents a framework for demonstrating compliance with the statutory duties under the Act. This is kept under review as part of the overall Safeguarding actions.

- 8.2 In undertaking the review in 2020, officers have tailored suggested actions with partner organisations. In particular with the Hertfordshire Modern Slavery Partnership [‘HMSP’] Strategic Priorities, and adapting these within the Action Plan to NHDC needs and requirements. The priorities are:

¹ [\[view report here\]](#)

² [Council meeting 11 July 2019 view reports here](#)

³ [\[Overview & Scrutiny 17 September 2019 view reports here \]](#)

Priority one: To raise awareness of modern slavery and its effects
 Priority two: To increase reporting of suspected modern slavery
 Priority three: To ensure right knowledge, skills and process
 Priority four: To identify, protect, support and empower victims
 Priority five: To pursue and catch criminals
 Priority six: To have effective governance, monitoring and evaluation

- 8.3 The Action Plan is now for a year [April 2020-March 2021], updated to specifically refer to those priorities – and to tie into any likely review period by HMSP [their plan ending in 2021 also⁴]. This should provide a more uniform way to benchmark. New actions are in bold on Appendix B.
- 8.4 The Council has also sought a review of policy documents by the Shiva Foundation⁵ as part of their overall work across the County. Shiva made seven general recommendations [pages 1-2 of Appendix C] and officers believe the Council has already responded effectively to these, complying as part of the overall work undertaken [as per the response comments below the recommendations]. The concluding remarks on page 14 of Appendix C also confirm the excellent progress in the work undertaken so far. The Council will continue to review and progress improvements proportionately.

Charter – no identified issues

- 8.5 The Charter was adopted by Full Council on 11 July 2019 as indicated. Some issues were raised by the Contract Procurement Group [CPG] in terms of the ability to comply with all requirements. Cabinet therefore requested that a report was brought back to review any issues highlighted.
- 8.6 The Charter requirements are set out in the table below to the left, with NHDC actions/ outcomes to the right. *No particular issues have been identified as part of this review;* however, with a view to ensuring that mechanisms are as effective as possible, further steps [as per Action/ outcome 2 below in bold] should assist with monitoring. In reviewing these outcomes, the Procurement Officer has also liaised with the Shiva Foundation:

Charter	Actions/ outcomes
<i>“1. Train its corporate procurement team to understand modern slavery through appropriate training on Ethical Procurement and Supply.”</i>	<i>NHDC has a part time Procurement Officer and that person has undertaken the relevant training in 2020.</i>
<i>2. Require its contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance.</i>	<p><i>This requirement is part of our standard procurement practise through procurement documentation and contract terms and conditions setting out the compliance required. Standard contract terms and conditions are being reviewed once again [completion by end August].</i></p> <p><i>No non-compliance has been identified with current suppliers and nothing has been reported by contract managers.</i></p> <p>Officers/ CPG are therefore looking to refine the processes to improve the</p>

⁴ Hertfordshire Modern Slavery Partnership Strategy 2018-2021:

⁵ The Shiva Foundation are a lead partner in the Hertfordshire Modern Slavery Partnership

	<i>risk assessment and invite suppliers to complete a questionnaire. They will also be looking to use Transparency in the Supply Chain⁶ database to check bidder and supplier compliance against the MSA 2015, is free resource which will be utilised as a further check in this area.</i>
<i>3. Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.</i>	<i>This is part of our standard procurement practise. In last 12 months no bids have needed to be investigated for being abnormally low.</i>
<i>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.</i>	<i>Reference to charter and adhering to the principles including this on the procurement pages of the website.</i>
<i>5. Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.</i>	<i>The Whistleblowing Policy and Advice for managers was reviewed in December 2019. As part of this the Policy went to the staff consultation forum. As slavery would be illegal activity/ a safeguarding concern, staff are encouraged to report this through the correct channels. The Policy and advice are on the intranet and Policy on internet⁷. Staff receive safeguarding training and modern slavery is part of this.</i>
<i>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.</i>	<i>This requirement been built into all contracts using the NHDC standard terms for quotes or services tenders entered into since July 2019.</i>
<i>7. Review its contractual spending regularly to identify any potential issues with modern slavery.</i>	<p><i>Spend is identified although has been an issue to identify.</i></p> <p><i>Proposed change is a checklist, currently under approval by members of the Contract Procurement Group. It will be circulated to all NHDC contract managers, to raise awareness of which supply chains are at greater risk of modern slavery existing.</i></p>
<i>8. Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.</i>	<i>No risks have been identified with current suppliers. Referrals will be made to relevant agencies should future ones arise. See new action under outcome 2.</i>

⁶ <https://tiscreport.org/>

⁷ [Council contracts - Whistleblowing](#); [Whistleblowing Policy page](#)

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.	No referrals made in the last 12 months. Going forward, the check list referred to under item 7 will raise awareness with contract managers on which supply chains are at greater risk of modern slavery.
10. Report publicly on the implementation of this policy annually."	This is incorporated in Safeguarding annual report.

- 8.7 Given no specific issues have been identified it is proposed that future modern slavery action plan reviews are part of the overall Annual Safeguarding Report.

General:

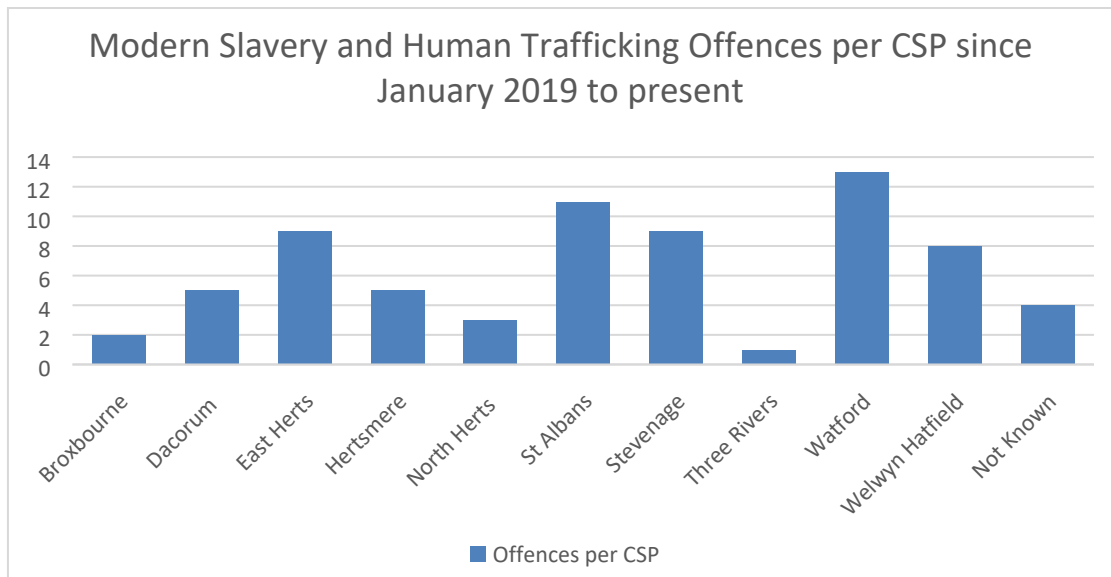
- 8.8 For information purposes, Members should be aware that the Council also works with other bodies in this key area, including the Police SHIVA foundation and the wider HMSP (e.g. Hertfordshire County Council, Hertfordshire Fire & Rescue Service). The Community Safety Partnership [NHDC is a key leading partner] has a priority of Protecting Vulnerable People, and this incorporates modern slavery and human trafficking. As a priority this encourages all partners to lead and support where appropriate campaigns through social media, exhibition stands and events to highlight issues relating to this.
- 8.9 The Council's External Enforcement Agents have also undertaken the Council's Safeguarding and Modern Slavery Courses. It is also a compulsory element for Taxi drivers and the Council is also looking to extend this to operators.

Context:

- 8.10 It would also be useful to view NHDC in context with partner authorities. Currently, North Hertfordshire has the third lowest recorded modern slavery and human trafficking offences⁸ in Hertfordshire; since the beginning of 2019 until now there have only been three police reports recorded for the North Herts CSP⁹. However, modern slavery recorded offences are extremely low in general across Hertfordshire.

⁸ It should be noted that this is not offences proved, only reported

⁹ CSP – Police refer to Community Safety Partnership (CSP) in this context as a geographical area coterminous with local authority boundaries



- 8.11 Analysis of all Police intelligence between June 2019 to May 2020 also indicates that North Hertfordshire has the third lowest number of intel reports submitted for offences of this nature over the past 12 months;

Local Authority Area	No. of Intel Reports	Ranking (1=Low, 10=High)
East Hertfordshire	17	1 - Lowest overall
North Hertfordshire	26	3 rd lowest
Welwyn Hatfield	120	10 th Highest overall

- 8.12 There have been no reactive investigations or operations into Modern Slavery within North Hertfordshire over the last 18 months. In addition, police data for the last six months indicates that there have only been six referrals to the National Referral Mechanism [NRM] the referral framework to identify, refer and record potential victims of modern slavery. This accounts for less than 10% of the total number of referrals in the county.
- 8.13 This indicates that the issue of modern slavery and human trafficking is minimal in comparison to the rest of Hertfordshire and that modern slavery and human trafficking are a lower risk and threat to other crimes and safeguarding offences such as domestic abuse for example.
- 8.14 However, whilst the risk and threat appear low, like domestic abuse, it is very much a hidden crime and therefore that is why it is important to continue to raise organisational and public awareness of this crime and train staff and councillors so that victims do get the help and support that they need as part of the overall safeguarding work.

9. LEGAL IMPLICATIONS

- 9.1. The Modern Slavery Act 2015 places certain legal duties upon public and private organisations. With specific reference to this report, section 54 includes a requirement: *“A commercial organisation within subsection (2) must prepare a slavery and human trafficking statement for each financial year of the organisation.*
(2) A commercial organisation is within this subsection if it—
(a) supplies goods or services, and
(b) has a total turnover of not less than an amount prescribed by regulations made by the Secretary of State.
(3) For the purposes of subsection (2)(b), an organisation's total turnover is to be determined in accordance with regulations made by the Secretary of State.”

10. FINANCIAL IMPLICATIONS

- 10.1 No specific ones identified. Training is incorporated within existing budgets.

11. RISK IMPLICATIONS

- 11.1 The actions in this report should help to reduce the Council's risks in relation to Modern Slavery.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 The Modern Slavery Action plan continues to raise awareness amongst any employee, Councillor or worker delivering services on behalf of the Council.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” policy do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 Safeguarding and operational support [identifying and referring victims, disrupting activities and supporting police and partner operations specifically tackling modern slavery] for modern slavery matters is ordinarily covered by the Community Protection team [within the Legal and Community Directorate since June 2018] and the Corporate Safeguarding Group. Procurement work and related actions are covered by the Legal Services team, also within that Directorate. Modern Slavery is reported to Overview and Scrutiny annually, as part of the Annual Safeguarding Report.
- 15.2 As Cabinet will note from the Action Plan, training has been provided in various forms. Further training and costs associated with the Charter may apply.

- 15.3 Whilst this is not strictly a Human Resource issue, Members are encouraged to undertake the safeguarding training [as at the point of preparing this report 40% of Members have done so], which is seen as a more effective method for awareness and monitoring. Previously Human Resources did undertake Cabinet Member DBS checks, following a Cabinet Decision from 2015. These are no longer being undertaken, however, as there is no basis to carry out Enhanced or Standard DBS checks [basic only, which would be of limited use].

16. APPENDICES

- 16.1 Appendix A – Previous Action Plan 2018-21 presented to Cabinet in June 2019
- 16.2 Appendix B – Modern Slavery & Human Trafficking Action Plan 2020-21
- 16.3 Appendix C – SHIVA review June 2020

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

- General – Modern Slavery:
- 18.1 Modern Slavery Act, 2015 Legislation:
<http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>
- 18.2 Government website <https://www.gov.uk/government/collections/modern-slavery>
- 18.3 Local Government Association website (link to LGA Modern Slavery publication)
<https://www.local.gov.uk/topics/community-safety/modern-slavery>
- 18.4 Hertfordshire Constabulary website <https://www.herts.police.uk/Information-and-services/Advice/Modern-slavery/Modern-slavery>
- 18.5 Police and Crime Commissioner for Hertfordshire website
<http://www.hertscommissioner.org/modern-slavery>
- 18.6 Shiva Foundation website
<http://www.shivafoundation.org.uk/>

- 18.7 The Co-Operative Party website <https://party.coop/local/councillors/modern-slavery-charter/>
- 18.8 Hertfordshire Modern Slavery Partnership website:
<https://www.stopexploitationherts.org.uk/home.aspx>