



# UK Modern Slavery Act Transparency in Supply Chains: Reporting by Local Authorities

**Olga Martin-Ortega and Anna Gorna**  
with  
**Lucrezia Corradi and Fatimazahra Dehbi**

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## Introduction

This is a fourth report in the BHRE Research Series, and the second to address transparency reporting by local authorities on their efforts to combat modern slavery and human trafficking in their supply chains. The first research report, [UK Modern Slavery Act Transparency in Supply Chains: Reporting by Local Authorities](#),<sup>1</sup> qualitatively analysed statements produced by local authorities since the Transparency in Supply Chains Provision (TISC) of the UK Modern Slavery Act (2015) (Section 54), entered into force on 29<sup>th</sup> October 2015. Our first research report on local authorities covered the reporting periods corresponding to two financial years: 2015/2016 and 2016/2017. The current report analyses the efforts of local authorities to respond to the new responsibilities towards their supply chain and their progress in transparency the past years. This research report covers the MSA reporting periods corresponding to the financial years 2017/2018, 2018/2019 and, the most recent, 2019/2020. The number of Councils which have published a modern slavery statement (or at least attempted to) has increased exponentially in these years – with 132 local authorities identified as having some form of statement out of 404 in the entirety of the UK, whether individual or jointly written.<sup>i</sup>

As it is well known by now, the TISC provision of the MSA requires commercial entities to annually report on all actions taken to identify, prevent and mitigate modern slavery in their supply chains. The aim of the provision is to encourage commercial entities to investigate their supply chain and the effects of their activities upon others, and to communicate this knowledge internally and externally. Only commercial entities with a total annual turnover over £36 million have been required to publish their annual Slavery and Human Trafficking Statement (the Statement). In principle, local authorities do not fall within the category of entities obliged to report under the MSA. Nevertheless, local authorities have demonstrated ethical leadership by voluntarily publishing statements, as our first research report showed. This will all change soon when the government implements its commitments following its response to the transparency in supply chain consultation in September 2020. On 22<sup>nd</sup> September the UK Home Office announced that the government is introducing new measures to strengthen the MSA by, among others, requiring public bodies which have a budget of £36 million or more, including local authorities in England and Wales, to regularly report on the steps they have taken to prevent modern slavery in their supply chains.<sup>ii</sup>

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<sup>1</sup> O. Martin-Ortega, A. Gorna and R. Islam (2018), [UK Modern Slavery Act Transparency in Supply](#)

[Chains: Reporting by Local Authorities](#). BHRE Research Series, Report no. 2.

Since BHRE's first research report on local authorities there has been significant developments both in private and public sectors with regards to transparency in supply chain initiatives and modern slavery reporting. Particularly in the public sector, where more public institutions are taking their responsibilities to purchase responsibly and not contribute to human exploitation seriously. The UK Government produced its first [Modern Slavery Statement](#) in May 2020 and we have seen a significant increase in reporting among other public sector entities.<sup>2</sup> Equally, more local authorities across the UK have produced MS statements, as this report analyses.

The Local Government Association (LGA) has led this process of engagement of local authorities with their own supply chains in order to identify, prevent and mitigate modern slavery. The LGA has developed a comprehensive portal on [Modern Slavery in Supply Chain- Council Transparency Statements](#) on their website and has produced, among other important resources, a [Councillor Guide to Tackling Modern Slavery](#) and a [Transparency in Supply Chains Statements Aide Memoire](#) (with the authors, Olga Martin-Ortega and Anna Gorna). They, too, continue to review and publish their own Statement annually,

and increase their efforts to map supply chains and develop MS due diligence.

Our first BHRE research report on local authorities focused in the detailed analysis of the 35 statements published by the deadline for publication of the second financial year. At the time of writing, as mentioned 132 local authorities have been identified as having published statements for this financial year. This second BHRE local authorities' research report instead focuses on the trends in quality and overall progress since the last report, rather than changes occurring on annual basis. This is why distinctions between reporting years are no longer explicitly and continuously pointed out in this report. Governmental changes to the composition of councils in the past years has also resulted in a merging and reduction in number of local authorities, which would make it difficult for us to exclusively compare annual reports.<sup>iii</sup>

As this report highlights, local authorities have made impressive progress in assuming their responsibility to combat on modern slavery in their supply chains and be transparent about it. This is not an easy task, especially during a time in which resources are scarce and there are many competing priorities when considering more sustainable and responsible ways to procure goods and services. Local

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<sup>2</sup> See our reports on universities: O. Martin-Ortega and P. Krupinska (2018), [UK Modern Slavery Act 2015 Transparency in Supply Chains: The Second Year of Reporting by Universities](#). BHRE Research Series, Report no. 3 and O. Martin-Ortega and R. Islam (2017), [UK Modern Slavery Act 2015](#)

[Transparency in Supply Chains: The First Year of Reporting by Universities](#), BHRE Research Series, Report no. 1.

authorities continue to lead the public sector, together with [universities](#), in committing and developing tools to prevent, identify and mitigate human rights abuses in their supply chains. This research report aims to underline local authorities' experiences, as communicated in their statements, focusing on best practices and identifying developments in order to encourage continued improvement for the coming years in which many councils will not only have an ethical but a legal responsibility to produce their MS statements.

Whilst the first two years of reporting on transparency in supply chains demonstrated a great effort by local authorities to come to terms with new responsibilities and procedures, we should alert against this becoming a routine tick-box exercise. Some of the practices we have recorded in our analysis of the reports corresponding to financial years 2017/2018, 2018/2019 and 2019/2020 are certainly underwhelming. However, there are still recurring issues with the quality and finish of MS statements produced by local authorities. These issues appear to be consistent in both the private and public sectors, however, we are calling on local authorities to continue their efforts to learn and build their experience to overcome them. In some cases, it is simple mistakes that take away from the message and integrity of the statement, and create an impression of little attention being given.

This second Research Report reflects generally on the quality of statements, analyses compliance with the formal requirements of the law and analyses the substantive content local authorities disclose in their statements to highlight good practice and point out where we think changes are needed.

In Annex I we have included an updated Aide Memoire to support local authorities in their sustained journey towards being part of the solution to modern slavery in supply chains, rather than one more element in the long chain that perpetuates the abuse of those who produce the products they purchase and provide the services they contract.

## **Mandatory (Formal) Requirements**

It is mandatory for entities to publish their MS statement on their website with a link in a prominent place on their homepage or in a relevant and obvious dropdown menu. Statements must also be approved at the highest level of governance of the institution and signed by one of the most senior members of the organisation. As in previous years, many Councils still fall short when following these formal requirements.

## 1. Unfinished Statements

In our review of the past three years we found a number of statements which read as unfinished drafts; a ‘delete as appropriate’ exercise. In some cases, Councils chose to upload statements in the drafting or approval phases, and given that it can take a long time to gather full approval, it can be seen as an attempt to further transparency. However, not only does it not give a good impression to have unfinished drafts available, it may confuse residents, suppliers and the general public as to the level of commitment and the extent of progress. We have encountered several published drafts<sup>iv</sup> and one statement in particular contained an unfinished final paragraph, giving the option of “[will be/have been]”,<sup>v</sup> which leaves the statement lacking in authority. This example also suggests the potential use of a template. In previous BHRE reports we have discouraged the use of templates, and we continue to do so. The use of templates has certain merits, for example can make comparisons between statements easier, however, we consider that adhering to a preestablished form does not allow for the reflection on own processes and practices that is needed if the exercise of identifying, preventing and mitigating modern slavery risks in supply chains is going to be a substantive one.

Statements need to be published annually on the financial year which has ended. When a statement contains the wrong date,

as analysed below, it is difficult to check whether this is because of an oversight during the drafting processes or because the Council has merely republished the previous’ year statement whilst announcing it was a new one (see historical record section below for further discussion).<sup>vi</sup>

## 2. Accessibility

According to s.54, statements ought to be easily accessible on the webpages of the reporting organisations. Yet, very few Councils maintain the statement on their homepage. Reiterating the reasoning from our first Research Report, local authorities are reminded that they have to ensure that the statement is easily accessible not only for government officials or academics but also for the members of the public.

s.54(5) MSA 2015:

“... include a link to the slavery and human trafficking statement in a *prominent place on that website’s homepage*.” [Emphasis added.]

The majority of the statements collated during the research process were identified either via the search function inbuilt on the Councils’ websites, or by using the Google search engine. As in the earlier years of reporting, statements were also included in the “About us” section, or the Council Decisions/Meetings sections of the

websites. In cases where statements could not be located, we referred to the TISC Report database as a last resort – surprisingly, several statements were only found there.

It is a testament to how difficult a statement may be to find where it is far easier to search using a search engine, than by accessing Council websites directly. In several cases we could only find statements as part of minutes of Council meetings or buried away in sections of local authorities' websites.<sup>vii</sup> This not only contravenes the requirements of the MSA and [Home Office Transparency in Supply Chains Guidance](#) (hereinafter government Guidance), which are clear in establishing a mandatory requirement of publication in a visible place on the home page of the website, but also defeats the purpose of the reporting exercise. Transparency is essential for all stakeholders involved in the combatting of modern slavery. Local authorities are accountable to their constituents, and if these cannot access such a key document, Councils are failing in their transparency responsibilities.<sup>viii</sup> As we advised in our first Research Report, the best place to link a statement is on the bottom of the homepage. This is in fact directly prescribed by s.54(7)(b).

### 3. Annual Review

It has been observed that some Councils have limited the review of their statements to replacing dates and indicating it is valid

for another year. This is inadequate in light of the requirements of s.54 which indicates that a statement is primarily intended to show the steps undertaken by an organisation during the financial year to ensure that trafficking is not taking place in its own business and its supply chains.

#### Modern Slavery Act (2015)

Section 54(4): A slavery and human trafficking statement for a financial year is—

(a) a statement of the steps the organisation has taken during the financial year to ensure that slavery and human trafficking is not taking place—

(i) in any of its supply chains, and

(ii) in any part of its own business, or

(b) *a statement that the organisation has taken no such steps.*

Whilst not all sections of a statement in relation to its substantive content need to be rewritten every year if there have been no changes in the organisation's structure, business or policies, they ought to describe actions undertaken in the past year and reflect on their effect. Where no such steps have been undertaken in a financial year, this fact ought to be adequately stated in the statement instead, as per s.54(4)(b).

If those in charge of drafting the modern slavery statement find the entirety of it unchanged, the local authority needs to reflect on whether there have not been any new steps undertaken in the past year or

whether there are not enough adequate procedures to record such steps. Perhaps, the statement is not detailed enough and is not able to reflect the actions that have, in fact, been developed or are planned. If there really has been no change and no action taken, then the statement should reflect this, and the Council should consider what needs to change in the coming years.

Statements must be reviewed annually. Yet, a number of councils have failed to update their statements from 2018/2019, 2017/18, or even from the first reporting period of 2015/2016. Few local authorities even indicated 'review by dates' which have clearly not been met.<sup>ix</sup>

#### **4. Confusion Over Financial Years**

As it is clear by now, statements should report on actions taken during the past financial year and must be produced annually. Statements should not cover more than one financial year at the time, as they are not intended as a 'strategy' or intentions statement but a 'reflection' on undertaken activities.

Statements are to be retrospective and are to discuss activities undertaken in the financial year on which they are reporting. Thus, the 2019/2020 statement should have been published as this financial year came to a close. At the time of writing, however, some Councils have already published the 2020/2021 statements.<sup>x</sup>

Statements published for a financial year that has not ended cannot reflect on and assess the measures undertaken during that specific year. For clarity in reporting practices Councils are encouraged to carefully review they are reflecting the right dates.

#### **5. Historical Record**

Most reporting entities tend to replace old statements when they publish the new one. However, we suggest that local authorities maintain a historical record of their past statements on their website to facilitate comparisons and reflections on the progress they have made. Only few Councils maintain all their previous statements, such as Nottingham City Council, Derbyshire County Council and Sunderland City Council. This is a good practice which increases transparency and shows local authorities are not avoiding public scrutiny.<sup>xi</sup>

#### **6. Responsibility for Drafting and Owning the Statement**

Ideally, a statement would be written collaboratively by representatives from different departments. A holistic statement that shows understanding of the systems in place can only be achieved through a collaboration among different actors, including HR, legal, safeguarding, procurement staff, etc.

The City of London Council, for instance, has an interdepartmental Working Group which includes: City of London Police, the Barbican, City Procurement, Department for Community and Children's Services, Community Safety and Corporate Strategy and Performance Team. The Council indicates that it will invite representatives from other relevant departments, such as HR and Licensing, moving forward.<sup>xii</sup>

Statements should generally be authored by the Councils themselves. The purpose being that members and employees of a Council know its business, supply chains and activities best. We do not think delegating the writing process to an external organisation is a good practice.<sup>xiii</sup> A MS Statement is to be written by the Council about the Council. Equally, a s.54 statement by public authorities should consider their activities as a public body rather than just focusing on their private commercial activities.<sup>xiv</sup>

## 7. Signatures

Statements analysed in this report continue to lack appropriate signatures. Given the likely robust approval process carried out by Councils before a statement is published, the lack of a signature makes it fall short of the expectations established by the MSA, which is especially unfortunate where a statement is overall highly detailed and fulfils other expectations. A signature elevates the authenticity of a statement and approves the details contained therein.

Still, no guidance has been published as to whom is the appropriate person to sign a Council statement. We maintain our earlier suggestion that ideally the statement would be co-signed by the Leader of the Council and the Chief Executive, or equivalent position, such as the Chief Operating Officer. A Director or a senior enough Portfolio Holder, for example a cabinet member councillor, could also be considered a relevant person, especially in smaller district councils. In any event, the approval process has to demonstrate that the statement has been discussed and approved at the highest level of governance of the institution and reflects an overall commitment from those in positions of authority. The rationale being that modern slavery awareness and the commitment to combat abuse remain at the core of each organisation.

Signed statements continue to display the signatures of the Chief Executive and/or Leader of the Council and Portfolio Holder (of various departments, such as Communities, HR or Equalities). Due to the unique structure of the City of London, a signature from a Town Clerk, a deceptively insignificant sounding title which is in reality a central position combined with the position of the Chief Executive, of course satisfies the requirement. Conversely, a signature from a Town Solicitor may not be adequate.<sup>xv</sup> Local authorities should always contemplate if the person signing the statement is truly representative of the Council as a whole.

Some unchanged, unsigned statements still state that they have been approved without specifying by whom, while others indicate that this approval has been granted by the Broad, the Council itself, a specific post holder or by the Management Team without providing any names. Or, conversely, a statement is signed by a named person without providing their post.<sup>xvi</sup> We recommend that the post and the name of the approving person are present in the statement in order to not only follow best practice, but also clearly send a message of commitment to transparency and accountability.

## Substantive Content

Section 54(5) provides a non-exhaustive list of information that may be included in statements. As in our previous Research Report for our analysis we have grouped some of these criteria and present our findings under following headings:

1. The organization's structure, its business and its supply chain;
2. Organisational policies;
3. Due diligence, risk assessment and response, including effectiveness of such response; and
4. Training on modern slavery and human trafficking

### Modern Slavery Act (2015)

Section 54(5): An organisation's slavery and human trafficking statement may include information about—

(a)the organisation's structure, its business and its supply chains;

(b)its policies in relation to slavery and human trafficking;

(c)its due diligence processes in relation to slavery and human trafficking in its business and supply chains;

(d)the parts of its business and supply chains where there is a risk of slavery and human trafficking taking place, and the steps it has taken to assess and manage that risk;

(e)its effectiveness in ensuring that slavery and human trafficking is not taking place in its business or supply chains, measured against such performance indicators as it considers appropriate;

(f)the training about slavery and human trafficking available to its staff.

## 1. The organisation's structure, its business and its supply chain

Most Councils describe their jurisdiction and population, and on too many occasions provide information which is not of particular relevance to the section. Others, fail to provide any significant information at all, as we highlighted in our previous Research Report. But there are also examples of good practice, such as East Lindsey District Council, which continued to include of a detailed breakdown of the Council's organisational structure. Its

statement specifically highlights positions within the Council structure and responsibilities of the post holders on the different aspects of the modern slavery statement production and modern slavery monitoring.<sup>xvii</sup>

East Riding of Yorkshire Council has broken down their approximate £270m annual spend on the services they provide.<sup>xviii</sup> This is a good start, and the information provided is useful. This may be further enhanced by focusing on procurement spend and looking at services and goods that are most prominent. This is a first step into mapping supply chains and assessing risk, as discussed further in the due diligence section below.

Good knowledge and an understanding of supply chains and the structure of commercial relations in terms of suppliers, contractors and subcontractors remains a fundamental part of effective reporting. As is the ability to trace the origin of products, materials and services purchased. In the case of local authorities this allows for understanding of the level of risks within each of the sectors from which they procure products or provide the services contracted. The government Guidance highlights that a greater level of detail when reporting on the organisation's structure, business and supply chain is likely to be more helpful. However, too much technical or legal information should be avoided, for the statement should remain accessible to the public.

The government Guidance suggests focusing on "sector(s) the business operates in" or relationships with suppliers and others, including trade unions and other bodies representing workers". Most importantly, Councils should address in their statements the following: "the make-up and complexity of the supply chains" and "the countries it sources its goods or services from including high risk countries where modern forms of slavery are prevalent". Improving our understanding of supply chains and risk areas is essential, and without a strong base of knowledge on what we buy and where it comes from it is very difficult to proceed to assessing risks and determining what needs to be done to respond to them.

Too many Councils continue to declare that supply chains are local and imply that having UK based suppliers is somehow equivalent to having no modern slavery risks. All supply chains are interconnected in a way or another, and even if we purchase as local as possible, we know that UK supply chains are not free of abuse. This is why all organisations need to develop policies, processes and mechanisms to address the risks of violations and assume their responsibility for their own role in the supply chain.

## 2. Organisational Policies

Reporting on policies remains the same as in the previous years. The same policies are mentioned across all statements,

including Anti-Slavery Policies, Recruitment Policies, Whistleblowing Policies, Equality and Diversity Policies, Employee Codes of Conduct, Safeguarding Policies and Procurement Strategies. This section of the statement is one of the sections which needs less updating during the annual review unless new policies have been approved or updated during the year.

As the government Guidance suggests, organisations need not have a standalone policy in place - but may develop one or explain how current policies and practices are relevant to the cause. Most Councils still don't have specific modern slavery policies and even if statements tend to contain long lists of policies, reporting authorities still fail to link the relevance of those to combatting modern slavery and human trafficking. Councils should consider expanding in this section on how policies are implemented, or, where it was indicated that policies were to be reviewed, how that was done and what conclusions were reached. As s.54 suggests that companies may report on "b) [...] policies in relation to slavery and human trafficking", Councils should make a conscious effort to include how their policies are linked to modern slavery prevention.

Making generalised commitments against slavery, and proclaiming rejection over abusive practices in general is not within the letter and spirit of s. 54 MSA. As we

found in one case, reproducing s.54 into the statement, as the only content, accompanied with a signature, is not an adequate representation of any Council's efforts against modern slavery.<sup>xix</sup>

Many Councils report having signed to the recent Cooperative Party's Charter Against Modern Slavery. The list can be found on the [Cooperative Party's website](#). This is a third-party initiative. The Charter contains a series of commitments that the signatories fulfil and uphold. The impact of adhering to the Charter and action on its commitments will be apparent in the coming years. Whilst good practice, Councils are encouraged to not treat this as an end goal, and still focus on having robust policies and strategies and publish serious and sound statements which contain evidence of their activities implementing either this Charter or any other public commitments which they have adhered to. Commitments without action will not be sufficient. A good start has been conducted by Sunderland Council, for instance, which has already set out a detailed table of actions and progress in implementing the Charter.<sup>xx</sup>

### **3. Due diligence, risk assessment and response, including effectiveness**

Due diligence processes inherently require an ongoing assessment of modern-slavery risks, their monitoring, engagement with the relevant actors to address both the

risks and the actual instances of violations identified, and putting in place measures to prevent the risks from materialising, mitigating them and remediating the actual violations and abuses when they do occur.

In our first Research Report, we highlighted how Councils were only just beginning to learn how to approach writing a MS statement and developing their understanding of what modern slavery was, what due diligence measures could be instilled, and what risks existed within supply chains. All reporting organisations and those assessing statements too were faced with a fast-developing area. In the five years since MSA entered into force, standards have risen, as has an awareness of the wide range of due diligence measures needed to ensure MS risk are identified and mitigated. We now expect local authorities to have kept up with these developments.

Statements need to reflect a thorough understanding of the organisation's operations (as described above) and how due diligence can be carried out within that framework. With the information and knowledge readily available, Councils are encouraged to reach for it and utilise it. In order to demonstrate that organisations have strong due diligence processes in place they need to provide specific examples of actions undertaken or decisions made.

This section analyses how local authorities have reported on their efforts to exercise due diligence to mitigate and prevent instances of modern slavery and human trafficking by addressing the following elements:

- a) Assessment and prioritisation of risks;
- b) Engaging with suppliers;
- c) Remediation of human rights violations;
- d) Partnerships and collaborations; and
- e) Measurement of effectiveness.

#### a) Assessment and prioritisation of risks

The first step within the due diligence process is to identify potential risks within the supply chain and prioritise action over them. Risks should be considered according to country risks, sector risks, transaction risks and business partnership risks. Little details are provided in Council statements to the processes local authorities use to assess modern slavery risks and prioritise which ones should be addressed first.

Dedicating time to learning of high-risk areas within the UK and outside of the UK (which may appear down the supply chain), will place Councils in a better position for developing effective due diligence. A good understanding of geographical and sector risks is essential to identify such risks in

supply chains. Only then will local authorities be able to create and develop effective due diligence procedures to address modern slavery. All Councils should have by now made efforts to understand the risks faced by public buyers, and have a better awareness of the risk they face in their own supply chains.

Councils indicating one or two areas where risks have been identified is welcome progress. Conversely, merely stating that a risk assessment had been carried out, without indicating the process or conclusions reached, is not sufficient.<sup>xxi</sup>

As has been pointed out before, merely stating that the Council operates within the UK or has only local or UK based suppliers, is not a satisfactory assessment of risks. UK operations are not risk free, modern slavery is all around us and understanding how to spot these invisible abuses is part of the due diligence measures that need to be taken.

It is unlikely that local authorities will be able to map all supply chains and identify all risks at once as they continue to be faced with the pressing challenge of managing diminishing resources to address increasing local needs. This is why prioritisation is key. Councils should focus on the risks which they can address faster and most effectively by engaging with suppliers and collaborating with other councils or external organisations to maximise resources and capabilities. Equally, decisions need to be taken as to

which sectors are more exposed to leverage, for examples those that depend directly of their relationship with the Council, such as adult social care or children's services, and which would require a much longer-term strategy to impact.

Examples of Councils that report on efforts to assess risks are very encouraging. In its draft MS statement, Lewisham Borough Council highlights ICT hardware, a known risk area, as a concern within their supply chain.<sup>xxii</sup> The Council then lists a series of mitigating measures regarding use of shared services and joint procurement agreements. It too makes reference to signing of the Cooperative Party Charter against Modern Slavery, discussed above.

The City of London sets out a clear picture of high-risk areas in its statement.<sup>xxiii</sup> It further describes how those risks are monitored and mitigated. Cited measures reflect good practice. They range from meeting a corporate responsibility code for textile suppliers (for the City of London police, led by Metropolitan Police); requiring construction contractors to present their due diligence procedures and developing a mutual action plan; to the most robust one of all – the requirement that contractors for contracts involving electrical equipment produce a map of their supply chain. The City's IT managed service provider is also, according to the statement, mapping the supply chain on IT

hardware used to support the services delivered by the City.

City of London Statement 2018/2019:

*61. The highest risks of people falling victim to modern slavery in our UK-based supply chain include construction workers, those undertaking service contracts in relatively low paid industries such as cleaning, catering, security, agriculture and the care industry. Although not necessarily defined in the same way, the City Corporation recognises that those industries that operate as part of the gig economy*

*62. The highest risks of modern slavery further up our globalised supply chain, especially forced and child labour, are associated with the production and manufacture of electronic equipment, textiles, agricultural commodities and construction materials. Conflict minerals including gold, tin, tantalum and tungsten, found in computer equipment and vehicles are also of significant concern.*

### b) Engaging with suppliers

This section looks at various due diligence measures adopted by local authorities and ways in which they engage their suppliers.

There is a noticeable increase in the use of the Standard Selection Questionnaire (SSQ) provided by the Crown Commercial Service, or at least some variation thereof. Whilst using questionnaires to gather information on supplier's compliance with

their MSA 2015 obligations is a good practice, and sends a powerful message of commitment by local authorities, it is important to remember that this kind of self-certification has its limitations. The SSQ does not allow to compile detailed enough information to ensure that abuses are not present in supply chains, or whether suppliers are themselves exercising due diligence in their own supply chains.

The SSQ operates on a on the basis of self-certification. As in previous years, Councils continue to request that suppliers self-certify that no modern slavery is taking place in their supply chains. Overall, it is a low effort due diligence measure, and as emphasised in our first Research Report, it is likely to be ineffective due to the lack of proper checks and monitoring. Moreover, if questions to suppliers are limited to whether they comply with their MSA s.54 obligations, smaller businesses will not be questioned on their efforts to combat modern slavery as they do not meet the £36 million reporting threshold.

City of London Council again shows good practice relating to small and medium enterprises (SMEs). The Council is a founder of the 'Heart of the City', a business-led charity which runs a responsible business programme designed for SMEs. The Council's statement describes the aims of the programme as intending to coach business leaders on how to make a positive difference and supporting those businesses in tackling

complex issues, such as modern slavery. This appears to be an innovative approach that remembers smaller businesses that would otherwise not engage with modern slavery prevention through s.54 reporting.<sup>xxiv</sup>

*Standard Selection Questionnaire by CCS*

Section 7	Modern Slavery Act 2015: Requirements under Modern Slavery Act 2015	
7.1	Are you a relevant commercial organisation as defined by section 54 ("Transparency in supply chains etc.") of the Modern Slavery Act 2015 ("the Act")?	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
7.2	If you have answered yes to question 7.1 are you compliant with the annual reporting requirements contained within Section 54 of the Act 2015?	Yes <input type="checkbox"/> Please provide the relevant url to view the statement ...  No <input type="checkbox"/> Please provide an explanation

Further good practice is demonstrated by Neath Port Talbot, which is one of few Councils that indicates it will require suppliers to explain abnormally low tender quotes, and to explain their impacts on workers. This aims to ensure that employment is both considered during the procurement process, and that the Council does not contribute to unethical employment.<sup>xxv</sup>

Local authorities' statements tend to focus on recruitment processes when describing due diligence. Several Councils have indicated a commitment to ensure that their employees are vetted and that appropriate employment checks are carried out. These checks are of course important, but exclusive focus on direct employees leaves many individuals out of the risk assessment process. Limiting efforts to check the

legality and welfare of those working for the council, directly through employment or indirectly through subcontracts or in the supply chain, means local authorities are not aware of the working conditions those who produce goods and provide services for them are facing. Risks are particularly high when organisations recruit personnel through third party agents and our on-going research into other sectors has highlighted that the recruitment process requires due diligence measures. Councils provide scant descriptions on how employees might be vetted or how third-party recruitment agencies are chosen and monitored.<sup>xxvi</sup>

Our previous Research Report highlighted and encouraged the use of contract clauses to establish legal responsibilities for suppliers and rights for Councils regarding engaging to identify, prevent and mitigate modern slavery. In the statements analysed for this report, we are pleased to see local authorities reporting on the use of such contract clauses. Basingstoke and Deane Council states that it may impose specialist safeguarding clauses in contracts where it is deemed relevant.<sup>xxvii</sup> Essex County Council reports, as in previous years, that standard contract terms have been incorporated with clauses on supplier's obligations regarding modern slavery. It would have been an example of best practice to further clarify the phrasing of said clauses.<sup>xxviii</sup> Flintshire County Council statements says that a review of terms and conditions will be carried out with

the option of including sanctions or a termination clause if modern slavery is suspected.<sup>xxix</sup> As we have expressed before, automatic termination of contracts is not always the best course of action, specially to protect victims and those vulnerable to abuse. Working with high risk suppliers is the only way local authorities will be able to exercise their leverage and play a part in transforming abusive supply chains and protecting vulnerable workers.

### c) Remediation of human rights violations

Remedial action includes protecting the victim, resolving the violation, and addressing the perpetrator. A number of local authorities, such as Swindon Borough Council, indicate that any suspected case of modern slavery will be reported to a relevant police authority.<sup>xxx</sup> This, of course, is an expectation for all Councils.

Some Councils still conflate their responsibilities under s.52 MSA with the requirements and expectations established by s.54 MSA. The former requires a public authority which has reasonable grounds to believe that a person may be a victim of slavery or human trafficking to notify it. Given the nature of local authorities' competences there is a persisting focus on safeguarding of children, vulnerable adults and victims in statements. Yet, whilst those can be included in a modern slavery statement, section 54 has an specific focus

on the supply chains. Therefore, relevant due diligence measures are these that relate to supply chains and the risks that local authorities' activities pose to those who produce the goods they purchase and provide the services they contract to develop their functions.

Whilst protection and law enforcement agencies are the relevant authorities and the ones that should be tasked with protecting victims and providing redress, it is important that local authorities get involved in remediation too. Here we provide some examples of ways in which Councils have considered how to contribute to redress for the abuse suffered by modern slavery victims. Generally, any pledges to remediation are condensed into generic commitments for support to victims. Many Councils rely on the National Referral Mechanism (NRM) which is an identification and support process for victims of trafficking in the UK. These references still appear to be based on the Council's understanding of its safeguarding responsibilities rather than their responsibilities under s.54. Action plans referring to remediation of abuse which was exacerbated by procurement from a supply chain with modern slavery are lacking. However, this is something which very few organisations even in the private sector have considered as part of their responsibilities, so Councils cannot be faulted for lacking in this area. This is one of weakest elements of the law and one

that requires special attention in the coming years.

Salford City Council is on the right track as it recognises that long term support may be needed, and considers providing assistance on access to welfare benefits, housing, health and social care, legal advice and employment.<sup>xxxvi</sup> Likewise, East Riding of Yorkshire Council's statement refers back to their Modern Slavery Policy which commits appropriate support to victims.<sup>xxxvii</sup> Ceredigion County Council describes the generic step process for victims' support.<sup>xxxviii</sup> From referring potential victims to the NRM, notifying the Home Office and referring child victims to Independent Child Trafficking Advocates, the Council also supports victims through their housing and homelessness service. Further support is provided to the local Police if a victim is identified. Croydon Council highlights the support victims can receive through the NRM process, i.e. safe houses, and legal, psychological and administrative support.<sup>xxxix</sup> Wirral Council notes that victim-focus is an important part of anti-modern slavery activities, especially given the repeat victimization of vulnerable persons.<sup>xl</sup>

#### d) Collaboration

Collaboration between organisations is crucial for mitigating and preventing modern slavery in supply chains as collaborations and partnerships promote knowledge and best practice sharing, and

can also be utilised for a more efficient resource management. Local authorities are at the forefront of these collaborative efforts and showcase very important partnerships to address modern slavery, albeit mostly focused on direct employees and residents of the Council rather than those in their supply chains. Below we highlight both the external collaborations and collaborations among local authorities which have been reported by local authorities and suggest some which could be explored.

#### *Collaboration with public bodies, unions and civil society*

The main forms of these collaborations include those with the police, community and safety partnerships, and non-governmental organisations. Collaborative work with civil society organisations and consultants is usually for the purpose of delivering or developing training. Reaching out to bodies such as Labour Abuse Authority, the Home Office, Trading Standards and the Police is important and expected. However, too many Councils generally refer to 'partnerships' with such bodies without specific details or include reference to specific projects or agreements in place. Therefore, we encourage them to ensure that the relevance of the partnership to modern slavery is described.<sup>xli</sup>

Wirral Community Safety Partnership encompasses the Wirral Council, Police

Crime Commissioner's Office, Merseyside Police, Wirral Clinical Commissioning Group, Merseyside Fire and Rescue Service, National Probation Service, Merseyside Community Rehabilitation Company and Merseytravel. It is unclear how involved those organisations are in the partnership and whether they are all of equal standing. The statement does not provide further details on how these bodies contribute to actions against modern slavery and what collaborations are taking place within the partnership. What can be noted, is that Wirral Council and the Wirral Partnership have jointly written their statement. There is also an overarching aim to coordinate partners to prevent and report modern slavery, especially in order to avoid both duplication and oversight. The statement indicates that voluntary, community, and faith groups will be engaged in identification, referral and support of MS victims. <sup>xxxvii</sup>

Sandwell Council chairs the Sandwell Anti-Slavery Strategic Partnership, which actually includes procurement employees as representatives within the partnerships. <sup>xxxviii</sup> The Council also chairs the Sandwell Housing Operational Partnership (SHOP) established by West Midlands Police which links agencies involved with vulnerable individuals and the private rented sector housing tenure. It was established following the recognition that many victims of exploitation are accommodated within privately rented housing.

Notably, many whistleblowing policies often allow for 'partner' reporting. However, all remain silent as to who amounts to a partner in this context. Local authorities are encouraged to clarify whether collaboration members and partners could be covered by those policies.

A surprising absence is the reference to collaboration with unions. Freedom of association is one of the fundamental labour rights and the denial of such right is generally a sign of potential risks of modern slavery in supply chains. Public sector unions are good sources of knowledge and understanding of the risks in global supply chains and the specific problems in local workplaces. <sup>xxxix</sup>

Engagement with trade unions both within the local authority and in the supply chain is essential for due diligence. <sup>xl</sup> They too can provide useful resources such as training.

### *Collaboration among local authorities*

Equally important are collaborations among local authorities. Those types of collaborations can promote increased scrutiny and regional coordination.

Tameside Council is part of the Greater-Manchester Combined Authority (GMCA) (made up of 10 Greater Manchester Councils); the GMCA has delivered conferences on modern slavery and human trafficking to highlight how to prevent abuse and neglect, detect and report incidents

and provide support to victims.<sup>xli</sup> Similarly, the Derby & Derbyshire Modern Slavery Partnership is made up by Derbyshire Council and Derby City Council.<sup>xlii</sup>

Nottingham City Council states that its “Community Protection service is actively working with other Councils across Nottinghamshire to develop a response plan should any large-scale occurrence of modern slavery be discovered within the County, and is working with an external partner to establish a clear support route for victims of modern slavery within the region.”<sup>xliii</sup>

Another collaboration identified was the LGSS, which is not discouraged, but as mentioned above, no partnership should write a statement on behalf of a Council, let alone a single one on behalf of three.

### e) Measurement of effectiveness

Councils haven’t been successful in strengthening their effectiveness reporting which would have been particularly expected from Councils that published modern slavery statements over the past years. The government Guidance encourages organisations to report on the effectiveness of their measures by providing information on existing or additional Key Performance Indicators (KPIs) related to anti-slavery actions. KPIs should allow for the tracking of progress in short, medium and long term and allow for

substantive measurement of effectiveness of processes and practices. Yet, very few KPIs are being used.<sup>xliv</sup>

Cardiff Council set out in their ‘What the Council will do’ section in the 2019/2020 statement that they will develop KPIs. The same commitment was maintained in the new 2020/2021 statement, albeit expanded upon. The comparison is as follows:

Cardiff Council KPIs	
2019-2020 <sup>xlv</sup>	2020-2021 <sup>xlvi</sup>
The number of staff trained	The number of staff completing modern slavery training
A review of the system for supply chain verification	Continue development of the process for the evaluation of existing suppliers through the formal Risk Assessment process: ‘Tackling Modern Slavery in Supply Chains’
Development of the process for the evaluation of existing suppliers	Reporting on the completion of supplier modern slavery Self-assessment Questionnaire

The following are KPIs set out by Elmbridge Council from the 2018/2019 statement.<sup>xlvii</sup>

1. All contractors considered for any opportunities confirming their adherence to Modern Day Slavery Act (2015)

2. Employees made aware of Modern Day Slavery Act 2015 and training provided as identified
3. All employees completed mandatory Safeguarding Training
4. Number of cases reported on its whistleblowing system and resulting action

The same KPIs are included in their 2020/2021 Draft. The Council is encouraged to review this and assess the effectiveness of the KPIs before they publish the 2020/2021 statement officially.

As noted in our previous Research Report, Nottingham City Council indicated it was in the process of reviewing their KPI's – both in their 2015/2016 and the 2016/2017 statements. However, any mention of KPIs has been removed from their 2017/2018 and 2018/2019 statements.<sup>xlviii</sup>

#### 4. Training on modern slavery and human trafficking

Training is important for raising awareness, building capacity, but also developing employees' understanding of the relation between MS and supply chains and the impact of business operations. Training as implemented by local authorities often amounts to awareness raising, which improves the chances of identifying potential victims. By focusing solely on signs of modern slavery, however, awareness training is missing the supply

chain aspect, and missing an opportunity for staff to better understand the risks which can be addressed through engagement with suppliers and public procurement decisions.

How training is delivered is very important. Disseminating resources is not equivalent to training. Simply rising the matter to employees, or bringing the governmental website to their attention is not enough. Neither would be emails on the matter, akin to newsletters. Availability of training also does not necessarily mean it is being used and whether it is mandatory remains a question.

Cardiff Council, in their 2020/2021, describe the contents of the training, including addressing the purchasing practices and how those influence supply chain conditions, how to assess the risk of MS, signs of MS, action to be taken to report concerns, and steps to take if MS is suspected.<sup>xlix</sup> This appears to be a very detailed and holistic training. Although, the Council did not reflect on the effects of training between this statement and their previous one – the content concerning training was identical in both statements.

Lewisham Council reports to have engaged in Train the Trainer sessions offered by the ADASS (the Human Trafficking and Modern Slavery Multi-Agency Awareness Raising Train the Trainer by the Association of Directors of Adult Social Services in England).<sup>1</sup> These who had undertaken the training have already

begun disseminating training to social care staff in the 2017/2018 period. As the statement has not been updated, it is unclear how the training progressed in the 2018/2019 and 2019/2020 periods.

Nottingham City Council committed to 27 training sessions for employees and NGO's between April 2017 and March 2019. It had estimated in its statement that it would be disseminated to 823 staff, plus voluntary persons. A further 523 staff undertook an e-learning module from November 2018.<sup>ii</sup> Providing a number of persons who undertook training builds a better picture of how far it reaches. It would be even more useful if the Council could provide the percentage of all employees who have undertaken the training. This would also advance their effectiveness assessment.

Although Croydon Council describes that it is working on training being offered to the Third Sector this does not fulfil the requirements of this section.<sup>iii</sup> The question is what training is offered to its own employees. Perhaps it should consider working with those non-governmental non-profit organisations instead, as they carry knowledge and practical experience on MS.

Councils have to ensure that training described in this section is relevant to MS. So Equality and Diversity training, unless clearly linked to MS, does not appear relevant. That is why describing the contents of the training is so important – so

that readers are able to understand how it contributes to the fight against MS.

Furthermore, training needs to be geared towards specific employees. As the government Guidance points out, training for personnel that may encounter victims personally would be drastically different from the training that would need to be provided to procurement employees. Noticeably, awareness training may not be particularly useful to procurement personnel. Given local authorities' limited resources, some may need to prioritise which employees are trained first.

Councils should use this section to answer questions about the type and content of the training. How is the training dissemination – in person or as an e-learning module? Is training mandatory or voluntary? How often is the training repeated – on an annual basis, every few months, every few years? How long is the training? Who is it for? What are the contents? Is it developed by the Council or a third party?

Intense activity of training and consultancy in the private sector has been noted, and which has generally served as an awareness raising exercise can also, to some extent, be an outsourcing of responsibility to consultants. Local authorities should certainly avoid that.

## Conclusions

Councils have demonstrated great ethical leadership by voluntarily choosing to

publish statements under the transparency in supply chains act. This will no longer be voluntary, all local authorities above the annual turnover will have to report. Those on smaller budgets and turnover should continue to do so. Councils as public bodies should be willing and eager to disseminate their approach and good practices. Accountability and transparency are part of public service.

As this report has highlighted there is still a gap between the detail in the produced statements and the detail expected of them. Standout statements contain detail that allows for a picture to be built but it is clear that some of the Councils could make better use of the Government guidance and other resources produced for Councils on modern slavery and public procurement.

There remains a concern that very few Councils are writing their own statements. Whilst the detail in statements has gone up, and whilst it is accepted that many councils may have similar approaches, it is undeniably clear that identical phrasings, layouts and structures give away the same origin of the statements.

Councils also continue to display some naiveté regarding the possibility that modern slavery is present in their supply chain and that they may at some point in the future be the cause, or at least the exacerbating force, for abuse, trafficking and modern slavery. Admitting to the possibility of that happening is not equivalent to admitting guilt, or even

admitting that there are issues. Ignoring a potential problem and refusing to prepare for it, will not make it go away. Without contingency plans and preparation, the fallout from an issue, once it does arise, will be much greater.

Nevertheless, there has been a massive increase in the number of Councils reporting in general as well as the amount of detail provided in many of the new statements. It is maintained that the level of organisational commitment from local authorities to understand and engage in anti-modern slavery is commendable and so is their willingness to collaborate both with other local authorities and with external parties. It is hoped that Councils will continue developing and improving their due diligence measures in the first instance, and improving their modern slavery statements in the second, now that they will have a legal responsibility to publish such statements.

Modern slavery in supply chains is not an easy issue to address, and Councils have many competing priorities with increasingly reduced resources. COVID-19 has placed local authorities at the forefront of the fight for the lives, health and opportunities of their residents. And they have risen to the challenge. We are sure they too will rise to the challenge of keeping the fight against modern slavery in their agenda.

## About the Authors

[Dr. Olga Martin-Ortega](#) is Professor of International Law at the School of Law, University of Greenwich (UK) and leads the BHRE. She has been researching business and human rights for over fifteen years. She has also undertaken extensive research in the areas of post-conflict reconstruction, transitional justice and international criminal law.

Professor Martin-Ortega is a member of the Board of Trustees of Electronics Watch and a member of the Board of Directors of the London Universities Purchasing Consortium. She is also a member of the Steering Committee of the International Learning Lab on Procurement and Human Rights and leads its Electronics Hub. She has conducted numerous trainings for public authorities on their legal obligations under the UK Modern Slavery Act and performing human rights due diligence on their supply chain in the framework of the Higher Education Procurement Academy (HEPA).

[Anna Gorna](#) currently consults the BHRE on projects related to modern slavery reporting, fair recruitment in public procurement and human rights due diligence. She graduated with a degree in Law from the University of Greenwich in 2017, worked as an intern at the BHRE in 2018. In 2019 she worked at LUPC on responsible public procurement and developing the joint LUPC-BHRE project Equiano. She is currently preparing for work at the Bar.

[Lucrezia Corradi](#) is a Research Assistant at the BHRE. She has worked on modern slavery reporting by public buyers, fair recruitment practices and international labour standards. She graduated from the University of Greenwich in 2018 with a degree in Politics and International Relations.

[Fatimazahra Dehbi](#) is a Research Assistant at the BHRE. She has worked on modern slavery reporting, business, human rights and the environment, and human rights in the digital age. She graduated from the University of Greenwich in 2019 with a degree in Law.

**[For more information, visit www.bhre.org](http://www.bhre.org)**

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*Photo Credit: © Lisa Kristine  
(We are extremely grateful to Lisa Kristine for allowing the use of the cover photo)*

## BHRE Resources for Public Buyers

### Guidance

- Olga Martin-Ortega and Andy Davies (2019), [Modern Slavery Statement Checker. Points to check for when reviewing a supplier's modern slavery statement.](#) CIPs Knowledge.
- Olga Martin-Ortega, Anna Gorna and Patrycja Krupinska (2018), [Preparing a Slavery and Human Trafficking Statement: Guidance for Higher Education.](#) BHRE Research Series. Policy Paper 6 (BHRE and HEPA), October 2018 (updated November 2019).
- Olga Martin-Ortega and Andy Davies (2017), [Protecting Human Rights in the Supply Chain. A Guide for Public Procurement Practitioners](#) (CIPS).
- LUPC-BHRE (2018), [Protecting Human Rights in the Supply Chain. Free E-Learning suite.](#)

### Research Reports and Policy Briefs

- Olga Martin-Ortega and Patrycja Krupinska (2018), [UK Modern Slavery Act 2015 Transparency in Supply Chains: The Second Year of Reporting by Universities.](#) BHRE Research Series, Report no. 3. June 2018.
- Olga Martin-Ortega, Anna Gorna and Rahima Islam (2018), [UK Modern Slavery Act Transparency in Supply Chains: Reporting by Local Authorities.](#) BHRE Research Series, Report no. 2. March 2018.
- Olga Martin-Ortega and Rahima Islam (2017), [UK Modern Slavery Act 2015 Transparency in Supply Chains: The First Year of Reporting by Universities.](#) BHRE Research Series, Report 1.

## Annex I: Modern Slavery Statements: Council Submission

The following Councils have published at least one MS statement which is available either on their website or via TISC.

- Ashfield District Council
- Basingstoke and Deane Borough Council
- Bassetlaw District Council
- Belfast City Council
- Birmingham City Council
- Blaby District Council
- Blackburn with Darwen Borough Council
- Bracknell Forest Council
- Breckland District Council
- Brentwood Borough Council
- Broxtowe Borough Council
- Buckinghamshire Council
- Caerphilly County Borough Council
- Calderdale Metropolitan Borough Council
- Cambridgeshire County Council (LGSS)
- Cannock Chase District Council
- Cardiff Council
- Castle Point Borough Council
- Ceredigion County Council
- Charnwood Borough Council
- Chelmsford City Council
- Cheshire East Council
- Cheshire West and Chester Council
- Chesterfield Borough Council
- City of Bradford Metropolitan District Council
- City of Lincoln Council
- City of London
- City of York Council
- Colchester Borough Council
- Corby Borough Council
- Cornwall Council
- Coventry City Council
- Cumbria County Council
- Dartford Borough Council
- Derby City Council
- Derbyshire County Council
- Doncaster Metropolitan Borough Council
- Dudley Metropolitan Borough Council
- Dumfries and Galloway Council
- Durham County Council
- East Lindsey District Council
- East Northamptonshire Council
- East Riding of Yorkshire Council
- East Suffolk Council
- Eastbourne Borough Council
- Eastleigh Borough Council
- Elmbridge Borough Council
- Epping Forest District Council
- Essex County Council
- Exeter City Council
- Flintshire County Council
- Gedling Borough Council
- Gravesham Borough Council
- Gwynedd Council
- Halton Borough Council

- Harlow Council
- Hastings Borough Council
- Herefordshire Council
- Isle of Wight Council
- Leeds City Council
- Leicestershire County Council
- Lewes District Council
- London Borough of Barking and Dagenham
- London Borough of Camden
- London Borough of Croydon
- London Borough of Hackney
- London Borough of Hounslow
- London Borough of Islington
- London Borough of Lewisham
- London Borough of Southwark
- London Borough of Sutton
- Manchester City Council
- Mid Suffolk District Council (works with Babergh District Council)
- Milton Keynes
- Neath Port Talbot Council
- Newark and Sherwood District Council
- Newcastle-Under-Lyme District Council
- North East Lincolnshire Council
- North Hertfordshire District Council
- North Somerset Council
- North West Leicestershire District Council
- North Yorkshire County Council
- Northampton Borough Council (LGSS)
- Northamptonshire County Council (LGSS)
- Northumberland County Council
- Nottingham City Council
- Nottinghamshire County Council
- Oldham Metropolitan Borough Council
- Oxford City Council
- Peterborough City Council
- Portsmouth City Council
- Powys County Council
- Preston City Council
- Reading Borough Council
- Rotherham Metropolitan Borough Council
- Royal Borough of Greenwich
- Salford City Council
- Sandwell Metropolitan Borough Council
- Sevenoaks District Council
- Shropshire Council
- Solihull Metropolitan Borough Council
- South Cambridgeshire District Council
- South Derbyshire District Council
- South Gloucestershire Council
- South Kesteven District Council
- South Norfolk District Council
- South Tyneside Council
- Southend-on-Sea Borough Council
- St Albans City and District Council
- Stevenage Borough Council
- Stockport Metropolitan Borough Council

- Stoke-on-Trent City Council
- Sunderland City Council
- Swindon Borough Council
- Tameside Metropolitan Borough Council
- Tamworth Borough Council
- Telford & Wrekin Council
- Tendring District Council
- Torbay Council
- Warrington Borough Council
- Warwickshire County Council
- West Lancashire Borough Council
- West Lindsey District Council
- West Suffolk Council
- Wirral Council
- Wolverhampton City Council
- Worcestershire County Council
- Wyre Forest District Council

The following Councils were not included in the report for the following reasons:

- Babergh District Council – the document linked on the LGA website is a policy not a statement
- London Borough of Newham – LGA link and Google search engine link to the statement are broken
- Canterbury City Council – the document linked on the LGA website is a policy not a statement
- Aylesbury Vale District Council, Chiltern District Council, South Buckinghamshire Council, Wycombe District Council – no longer exist and have been replaced with Buckinghamshire Council
- Forest Heath District Council and St Edmundsbury Borough Council – no longer exist and have been replaced with West Suffolk Council
- Suffolk Coastal and Waveney District Council – no longer exists and have been replaced with East Suffolk Council

*Many thanks to the LGA for maintaining a list of Councils with MS statement.*

## Annex II: Transparency in Supply Chains Reporting: Aide Memoire (Updated 2020)

<b>MANDATORY (FORMAL) REQUIREMENTS</b>	
<b>DO</b>	<b>DON'T</b>
<b>Publication and Accessibility</b>	
Report annually on the past financial year within six months of your organisation's financial year-end	Report either in advance of the end of a financial year or after six months of your organisation's financial year
Improve the statement year on year - it is a live document	Reproduce your old statement with minor word changes or merely altered dates
Keep a record of old statements accessible to the public (providing URL links etc). This allows for progress to be monitored	Delete old statements, only have the current statement publicly available
Publish the statement in a prominent place on your website, eg bottom of homepage or obvious drop-down menu	Publish it in a place difficult to find or password protected
<b>Formulation and Approval Process</b>	
Ensure the statement is approved at the highest level and signed by a senior member of the organisation (chief executive/leader of the council); providing their post and name, signature and approval date	Leave the statement unsigned/dated or in draft format; simply state it has been approved without specifying
Ensure the statement is a genuine reflection of your business, practices, and culture	Use templates without making the statement your own
Formulate the statement as a collaboration between departments, with procurement teams leading and others participating eg human resources, legal and safeguarding teams	Leave it to one department or person to write the statement without input and contribution of others
Provide relevant information in your statement with sufficient detail	Use the statement to showcase non-Modern Slavery and human rights related activities and overwhelm the reader with excessive details, ie too much legal or technical information

<b>SUBSTANTIVE CONTENT OF STATEMENTS</b>	
<b>DO</b>	<b>DON'T</b>
<b>Organisational Policies</b>	
Showcase your Modern Slavery policy if you have it and explain the link between your existing policies and Modern Slavery	List or reproduce all of your organisational policies
Amend existing policies to include references to Modern Slavery or create a standalone Modern Slavery policy	Refer to policies that have no relation to Modern Slavery
If approving a standalone Modern Slavery policy, clearly set out the obligations on staff, suppliers, business partners and agents, as well as procedures to be followed	Create a Modern Slavery policy composed of a collection of empty statements with no clear impact on your council's work and behaviour eg. merely referring to a zero tolerance approach is not enough
Clearly state who is responsible for the implementation of the relevant policies, how implementation will be monitored and how it should be reported on	Publish a policy without a responsible department/person and an enforcement, reporting and review mechanism
Circulate policies in your organisation and relevant parties to make it known to all and explain how this is done in the statement	Have policies your staff, constituents and customers, business partners, suppliers and other stakeholders don't know about and wouldn't be able to find unaided
<b>Due Diligence: Identifying and Prioritising Risks</b>	
Show you understand the risks of abuse your organisation and practices pose: <ul style="list-style-type: none"> <li>• towards your own staff</li> <li>• related to recruitment practices (including use of agencies)</li> <li>• related to sub-contracting</li> <li>• related to the products/services you procure</li> <li>• in your supply chains.</li> </ul>	Reproduce the risks found in other statements or templates without assessing how they relate to your own practice and suppliers
Consider risks associated by country; sector; transaction; and business partnerships as set out in Tackling Modern Slavery in Government Supply Chains Guide for Commercial & Procurement Professionals	State that procuring solely from the UK means your supply chains are at a low or no risk of Modern Slavery. Modern Slavery is occurring every day in public sector supply chains in the UK
Highlight your high-risk areas, whether product or service based, in your supply chain	Merely list all products or services procured
Prioritise risks and focus on high-risk supply chain mapping	Try to map all of the supply chain at once
Understand that risks may change	Reproduce the same risks year on year in your statement

<b>MANDATORY (FORMAL) REQUIREMENTS</b>	
<b>DO</b>	<b>DON'T</b>
<b>Due Diligence: Preventing, Mitigating and Remediating Abuses</b>	
<p>Ensure that you have functioning and responsible procurement and contract management due diligence procedures to minimise risks of modern slavery taking place within domestic and global supply chains. For example:</p> <ul style="list-style-type: none"> <li>• referrals, site visits and spot checks</li> <li>• contractual provisions and contract monitoring and management</li> <li>• asking for suppliers to provide their own due diligence of their sub-contractors and supply chains</li> <li>• use online modern slavery risk identification and management tool such as the government's Modern Slavery Assessment Tool (MSAT)</li> </ul>	<p>Do not make vague and generalised declarations stating that you take all appropriate measures without providing details</p>
<p>Seek assurances from suppliers during the tendering process. Ask the questions up front and probe responses, where appropriate</p> <p>Pre-procurement specification, questionnaires and checklists can be found in Tackling Modern Slavery in Government Supply Chains</p>	<p>Solely rely on a checklist and allow this to become a tick box exercise</p>
<p>Introduce Modern Slavery related clauses into contracts and terms and conditions and use them to engage with suppliers meaningfully, making your expectations clear</p>	<p>Simply inform suppliers of your policies or ask them for theirs and seek vague anti-slavery assurances</p>
<p>Work with suppliers to create action plans, take corrective measures, and if suppliers refuse to cooperate, consider measures against them</p>	<p>Immediately terminate the business relationship</p>
<p>When contracting services robustly question recruitment processes</p>	<p>Use minimal vetting techniques, or state that you use 'reputable recruitment agencies' which you have not assessed</p>
<p>Report on planned monitoring and auditing measures for your own sites and sites of your suppliers</p>	<p>Outsource the responsibility to your suppliers, merely assuming they will carry out adequate monitoring</p>
<p>When using third party audits engage in the process and create action plans</p>	<p>Rely on the audit without a follow-up</p>
<p>Identify and report violations, and address how you will mitigate them</p>	<p>Hide or dismiss violations or rely on suppliers to resolve them when they take place lower down in your supply chain</p>

<b>MANDATORY (FORMAL) REQUIREMENTS</b>	
<b>DO</b>	<b>DON'T</b>
Establish Modern Slavery working groups internally in which relevant departments are involved to address instances where you have identified risks or actual abuse	Make due diligence the responsibility of one sole individual or department in the institution – it is an organisation wide process.
Review these procedures annually and continuously seek to innovate and improve on these over time	Be complacent that current due diligence practices will always mitigate the risk of Modern Slavery in your supply chains - unscrupulous suppliers will always be looking for new ways to exploit the situation
<b>Collaborating with External Partners</b>	
Provide details of your collaboration with external partners, including the measures taken	Sign up to partnerships or collaborations, expecting for them to resolve the problem for you
Collaborate within your sector and share good practice	Treat the statement as a competition or a trade secret
Seek to collaborate with organisations working in different sectors that can help you manage modern slavery risks – for example Electronics Watch4who provides intelligence, collaboration and support about working conditions in factories that assemble IC.	Think you can combat Modern Slavery on your own, pooling resources and intelligence will often be required.
<b>Measuring Effectiveness and Planning for the Future</b>	
Report on how you will measure effectiveness and who is responsible for this measurement	State the procedures have been reviewed without indicating the assessment and impact they had
Provide information on existing Key Performance Indicators (KPIs)	Make vague and general commitments for the coming years
Ensure KPIs are Modern Slavery related, including responsible procurement KPIs	List commitments which are not directly relevant
Track progress at short, medium and long term, and allow for substantive measurement	Fail to assess and report on the effectiveness of measures undertaken
Review your aims, goals and KPIs annually, with distinct future goals	Reproduce the same KPIs year on year without measuring their effectiveness
Be honest, if you've not had much success it's fine to be upfront about this whilst striving to improve in the future	Be afraid of publishing a lack of progress or hide setbacks

<b>MANDATORY (FORMAL) REQUIREMENTS</b>	
<b>DO</b>	<b>DON'T</b>
<b>Training and Capacitation</b>	
Provide Modern Slavery specific training which is relevant to your organisation	Cite training unrelated to Modern Slavery in your statement or provide training which is not relevant to your work
Provide training to all staff, including refreshers and new courses	Reduce Modern Slavery training to induction processes for new staff
Provide targeted Modern Slavery supply chain and contract management training for relevant staff, especially to procurement teams, contract managers, trading standards, compliance, legal and finance teams	Use a one fits all approach
Use external and internal training	Outsource all training responsibilities to consultants

## Endnotes

<sup>i</sup> Most statements were identified through individual Council websites. In addition, the research process also relied upon the [Modern Slavery Registry](#) hosted by the [Business and Human Rights Resource Centre](#) and the [list compiled by the Local Governments Authority \(LGA\)](#) as well as the database compiled by the [TISC Report](#). Despite utmost care having been put into identifying statements, some are not readily available and easily identifiable.

<sup>ii</sup> See Home Office, [Transparency in supply chains consultation. Government response](#) (22 September 2020).

<sup>iii</sup> We understand that those changes are still being implemented and administrative adjustments take time – however, we have sought to use statements published by new entities, forgoing obsolete councils, even if those still maintain a website and have previously published statements.

<sup>iv</sup> [Lewisham Borough Council Statement 2018/2019](#) is a statement officially labelled as a 'Draft'. The statement which can only be found under the Council Meetings section, had been approved in February 2019, according to the decision log. It is only available in that section of the website and has a 'Draft' watermark on it. On one hand, the attached statement has seemingly been approved but on the other, it is still a draft. At the end of the day, the decision as to whether it should be considered a finalised statement is down to the reader.

<sup>v</sup> Ashfield Council 2018/2019 Statement – which has since been replaced on the Council website with the updated [2019/2020 Statement](#), and the issue corrected.

<sup>vi</sup> For example [Coventry Council's Statement 2019/2020](#) states that it is a statement for the financial year ending in 2018. This does not match its indicated financial year in the title, beginning in 2019 and ending in 2020. It would be logical to assume that the statement had not been updated from last year's version, if one even existed or that a template was used. As the Council does not have a historical record of statements on their website, a problem discussed below, this cannot be double checked.

<sup>vii</sup> As mentioned above Lewisham Borough Council statement 2018/2019 is only available in the Council Meetings sections. In fact, it could only be found via a search engine. For the purposes of this report, the Lewisham Council statement was taken into account – as the intention of this research project is to identify progress and good practices. Conversely, a [2020/2021 Elmbridge Council](#) statement, also only found amongst documents from a March 2020 Cabinet meeting, has not been taken into account, as it isn't clear whether the statement had been approved, and it appears to be future dated.

<sup>viii</sup> Uttlesford Council, states on its [website](#) it has a modern slavery statement which should be accessed by following a link – which does not exist. A 'Read our' phrase appears on the webpage, but is neither finished, nor is it hyperlinked.

<sup>ix</sup> see, [Belfast City Council](#) – September 2019 review; [City of London Statement 2018/2019](#) – new statement due to be published in July 2019.

<sup>x</sup> In some cases it may be simply due to mislabelling and they do discuss the 2019/2020 activities.

<sup>xi</sup> We were only able to review the old statements due to having had downloaded them for the records before they were taken down. BHRE holds a large database of old statements from local authorities and universities.

<sup>xii</sup> [City of London Statement 2018/2019](#)

<sup>xiii</sup> For example, three Councils (Cambridgeshire County Council, Northamptonshire County Council and Northampton Borough Council) had their [Statement](#) written by the public sector business support services organisation [LGSS](#). LGSS addresses the statement in its own name on behalf of the Councils and provides no reflection or detail about the business of the individual councils. It is unclear if LGSS is responsible for all business of all three Councils. If not, then it is hardly adequately positioned to prepare a statement on their behalf. Though Councils are not precluded from collaborating and entering partnerships for combating modern slavery and human trafficking, those are better described in the statement rather than used to author a statement.

<sup>xiv</sup> Thus, the [Dumfries and Galloway Council Statement](#) linked on its website for Enterprising DG, which appeared to be a commercial company, was a surprise. The statement itself remained silent on the relationship between Enterprising DG and the Council, despite the Council website stating this is their own statement about actions undertaken by them. Further research revealed that enterprising DG is a commercial arm of the Dumfries and Galloway Council.

<sup>xv</sup> For example, as in the [Belfast City Council](#) statement.

<sup>xvi</sup> For instance, Charnwood Borough Council Statement 2019/2020 (since removed) was signed by a Cabinet Lead Member for Equalities – a position which was only identified by searching for the councillor's name on the website, and which might not be possible once the member ceases to be a councillor. See also: [Charnwood Borough Council Statement 2020/2021](#).

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- xvii [East Lindsey District Council Statement 2018/2019](#)
- xviii [East Riding of Yorkshire Council Statement 2017/2022](#)
- xix [Colchester Council's Transparency Statement 2018/2019](#) is an example of insufficient quality.
- xx [Sunderland Council 2018/2019 Statement](#)
- xxi [Neath Port Talbot Council \(Statement 2019/2020\)](#) indicates that high risk suppliers will be investigated as and when required on an ongoing basis but did not identify any specific risk areas. Similarly, whilst Cardiff Council listed high risk areas such as agriculture, leisure, hospitality, catering, clothing, construction and manufacturing, they did not specify which were most relevant to their own supply chain. Although an educated guess can be made as to which areas are most relevant to a public body, the Councils should still make that assessment themselves.
- xxii [Lewisham Borough Council Statement 2018/2019](#). The mitigating measures listed include using the ICT Shared Service provided by the London Borough of Brent. According to our research, this covers staffing, infrastructure and joint procurement. Other measures adopted by the Council include use of the Crown Commercial Service (CSS) framework agreement to procure ICT hardware.
- xxiii [City of London Statement 2018/2019](#)
- xxiv Ibid.
- xxv [Neath Port Talbot Council \(Statement 2019/2020\)](#)
- xxvi Leeds City Council ([Statement 2019/2020](#) – available only via TISC Report) mentions 'Instinct' which it describes as an internal reporting system for MS that has been in operation for 3.5 years. Where MS is identified it is then reported to relevant bodies and 'appropriate action' is taken, according to the statement. The Council, however, fails to identify any further detail. The questions that remain are whether this is a system concerned with safeguarding and MS within the community of Leeds or is it concerned with the Leeds Council supply chain. There is no indication as to what is a 'relevant body', what incidents have been identified, or what amounts to 'appropriate action'
- xxvii [Basingstoke and Deane Council Statement \(No Date\)](#). However, it does not clarify what those clauses may be or the type of situations where it may be deemed necessary.
- xxviii [Essex County Council Statement 2019/2020](#)
- xxix [Flintshire County Council Statement 2019/2020](#)
- xxx [Swindon Borough Council Statement 2016/2017](#) – available only via TISC
- xxxi [Salford City Council Statement 2019](#)
- xxxii [East Riding of Yorkshire Council Statement 2017/2022](#). However, apart from housing support, it provides no other details on the type of assistance that would be provided.
- xxxiii [Ceredigion County Council 2019/2020](#)
- xxxiv [Ceredigion County Council 2019/2020](#); [Croydon Borough Council 2018/2019](#)
- xxxv [Ceredigion County Council 2019/2020](#)
- xxxvi For instance, [Elmbridge Borough Council \(Statement 2018/2019\)](#) is a member of the Elmbridge Community and Safety Partnership (ECSP) along with other agencies. Operational arms of the ECSP include the Joint Action Group (JAG) and the Community Harm and Risk Management Meeting CHARMM, and deal with long- and short-term operational issues. However, the Council fails to describe any modern slavery projects undertaken as part of that partnership.
- xxxvii [Wirral Modern Slavery Strategy 2018-2021](#)
- xxxviii [Sandwell Council Statement 2019/2020](#)
- xxxix The trade union Unison has produced a [Guide to Ethical Procurement in UK Local Authorities](#) (2018) which contains useful information on ethical procurement initiatives and good practice case studies.
- xl See for example the International Trade Union Confederation report Towards mandatory due diligence in global supply chains
- xli [Tameside Metropolitan Borough Council Statement 2020/2021](#) – available only via TISC
- xlii [Derbyshire County Council Statement 2019/2020](#)
- xliii [Nottingham City Council](#). The Council should consider expanding this further in the future, as this exact same paragraph has been copied into each of its statements since the 2016/2017 period.
- xliv In their [2017/2018 Statement](#), Sunderland Council indicated they were in the process of reviewing their KPIs. However, by the following year in their [2018/2019 Statement](#), KPIs are not even mentioned – however, that may be down to what appears to be a missing page, or pages, in the statement.
- xlv Cardiff Council Statement 2019/2020 – since deleted
- xlvi [Cardiff Council Statement 2020/2021](#)
- xlvii [Elmbridge Borough Council Statement 2018/2019](#)
- xlviii See: [Nottingham City Council](#) – all statements
- xlx [Cardiff Council Statement 2020/2021](#)
- i [Lewisham Borough Council Statement 2018/2019](#)
- ii [Nottingham City Council](#) 2019
- iii [Croydon Borough Council 2018/2019](#)