

East Sussex County Council

Modern Slavery Statement for the financial year ending 2022/2023 [DRAFT]

Introduction

In 2022 the latest Global Estimates of Modern Slavery reported that there were 50 million people living in modern slavery in 2021. Of these, an estimated 28 million were said to be exploited in forced labour in all areas of the private economy. Research suggests that there has been a significant increase in the number of people trapped in modern slavery in the last five years. The problem of modern slavery is endemic in local and global supply chains, with current and emerging research, evidence and data shining a light on high-risk areas within the UK and beyond.

As a public sector body, East Sussex County Council recognises that we have a duty to ensure that public money is spent responsibly and to ensure that our activities are conducted in an ethical, responsible, and sustainable manner.

East Sussex County Council has four overarching priority outcomes we plan to achieve by 2025: driving sustainable economic growth; keeping vulnerable people safe; helping people help themselves; and making best use of resources now and for the future. Our [Council Plan 2022/2023](#) sets our ambitions and what we plan to achieve by 2025 for our priority outcomes.

In line with our organisational values and strategies, we are actively working towards mitigating the risks of modern slavery in our operations and supply chains and in doing so, aim to influence the behaviour of those who we do business with to protect vulnerable workers from exploitation and abuse.

East Sussex County Council understands that there are several ways modern slavery can exist within supply chain activities, namely, in the goods that are procured as well as vulnerable workforces and people performing obligations under a contract. The Council understands that poor labour and employment practices - while they may not be considered modern slavery, can escalate to more extreme forms of exploitation amounting to slavery practices if not addressed. Further, we recognise that while we do not condone any form of unethical and exploitative conduct, all organisations can be linked to exploitative practices through their activities, purchasing practices, and business relationships.

In our previous modern slavery statement, we expressed a commitment to doing more to address modern slavery risks within our operations and supply chains and reporting on the actions we undertake. Over the last financial year, we have aimed to demonstrate this commitment by progressing understanding of the problem of modern slavery within supply chains, looking more closely at our own spending to understand potential risks, and putting measures in place to strengthen our response.

This statement outlines the steps we have taken during the 2022 to 2023 financial year to mitigate these risks. This is pursuant to Section 54 (Transparency in Supply Chains) of the Modern Slavery Act 2015 which requires certain organisations to publish an annual Modern Slavery Statement. This statement includes information on: our organisational structure and supply chains; policies in relation to modern slavery; due diligence measures to respond to this problem, including how we are assessing, prioritising and managing risks; how we monitor the effectiveness of actions taken; and training available to our staff.

This statement relates to the steps taken by the Council during the financial year 1 April 2022 to 31 March 2023

Organisation structure and supply chains

Our Corporate Management Team provides strategic direction to the whole council which is organised into the following directorates:

- Adult Social Care and Health
- Governance Services
- Children’s Services
- Business Services
- Communities, Economy and Transport

As detailed in our previous statement, East Sussex County Council have partnered with Surrey County Council and Brighton & Hove City Council to establish Orbis Procurement – our shared service partnership working together to deliver lean procurement support, shared learning to achieve excellent outcomes, and shared resource for the delivery of achieving value for money for our residents. Collectively, we comprise of one of the largest public procurement spends in local government with an expenditure circa £2 billion a year with external suppliers across the three local authorities. As we deliver a significant amount of our projects annually via our Orbis Procurement service, its contribution to our anti-slavery in supply chain activities is vital. Accordingly, this work is driven by our Orbis Procurement service for the benefit of the three authorities.

For each of the authorities where services are not procured directly by Council departments, we procure them via our Orbis Procurement service. This statement reports on activities related to these services. Further work will be required to map services procured outside our partnership and directly by Council departments. These services are often significantly lower in value and spend and are governed by the Council's procurement and contract standing orders. As noted in our 2021/2022 statement, it is anticipated that such work would require longer-term assessments in collaboration with other teams working across the Council. Focusing on services procured via our Orbis Procurement partnership allows us to ensure adequate prioritisation of modern slavery risks and allocation of shared resources to respond to these risks.

During the 2022 to 2023 financial year the Council spent approximately **£461 million** with 2,025 suppliers, procured via Orbis Procurement's services on behalf of the Council.

Education, health & social care	£263 million
Assets and infrastructure	£141 million
Corporate & Business	£56 million

Policies in relation to slavery and human trafficking

East Sussex County Council recognises the importance of policies to communicate our commitments and expectations of our staff, suppliers, and those who we do business with, to effectively address modern slavery. We also recognise that modern slavery sits on the extreme end of the labour exploitation continuum. Therefore, we have several policies, procedures, and codes of conduct with respect to fair labour and employment conditions that work to prevent and respond to a range of issues, including modern slavery, in our operations and supply chains. This includes whistleblowing, recruitment, health and safety, and grievance policies. Details of these policies and their relevance to modern slavery can be found in the Annex.

During the 2022/2023 financial year, our Orbis Procurement service conducted a review of our Supplier Code of Conduct to assess whether it is fit for purpose in addressing modern slavery and other ethical and sustainable issues within our supply chains. The Code of Conduct outlines the Council's expectations of suppliers with regards to ethical conduct when bidding for and delivering contracts. Following a review of the current Code and consultation with strategic procurement leads across the three authorities in 2022/2023, we identified the need to refresh the Code to ensure that it adequately communicates our expectations of suppliers and that all procurement and contract management officers are aware of the Code and how to utilise it in their respective roles. Consequently, the Code and supporting guidance on implementation and monitoring compliance is currently being drafted.

Due diligence processes, risk assessment and management

To tackle potential labour abuse and modern slavery practices occurring in our operations and supply chains, East Sussex County Council recognises the importance of understanding spend categories that may be at high-risk. In 2022/2023 following a review of the three authorities 2021/2022 spend via our Orbis Procurement service, we have collectively identified areas to prioritise for further due diligence as construction, adult social care, facilities management, and waste (See below for description of categories). These were prioritised as a result of the risk of labour exploitation and modern slavery facing workers in the supply chain. They are known high-risk areas abusive labour and employment practices due to the type of industry and activity, nature of the workforce and supply chain model. Key issues highlighted by existing research and evidence on these sectors include complex subcontracting arrangements, third-party recruitment and inadequate employment checks, exploitation of workers by labour agencies, abuse of vulnerable migrant labourers and low-skilled workers. There have also been reports of poor forms of labour and employment practices and more extreme forms of exploitation amounting to forced labour and modern slavery generally in the sectors. This includes withholding of workers' wages, abusive working conditions, excessive overtime, and abuse of workers' vulnerabilities. Prioritising these categories will enable the Council to use its resources to bring about the greatest impact. Additionally, it will allow the Council to test its approach to mitigating modern slavery risks within supply chains.

Category	Description
Adult social care	Residential and living related care support for adults
Construction	Construction activity including construction works, building and maintenance works such as highway construction, construction of buildings, and road works
Facilities Management (FM)	Includes hard and soft FM activities such as maintenance works, cleaning services, and security
Waste	Includes activities such as waste removal and recycling

To ensure that we adequately manage potential risks, the Council have so far taken the following steps in 2022/2023:

- We have amended all Orbis Public Law contract templates and purchase orders terms and conditions to include a clause on modern slavery. In performing obligations under the Contract, the clause requires suppliers to : comply with all applicable labour, employment, and modern slavery laws and regulations ; not engage in any activity, practice or conduct that would constitute certain offences under the Modern Slavery Act 2015 ; engage with their own direct subcontractors and suppliers on this issue; and notify the Council of any actual or suspected issues pertaining to slavery in the supply chain relevant to the contract.
- Through the Orbis Procurement partnership we established a task group to standardise Orbis tender documents to ensure alignment with the three authorities governance requirements. A review of a draft Invitation to Tender for Open Procedures is currently underway and includes a clause on modern slavery which outlines East Sussex County Council's commitment and actions to tackle it in our supply chains and our expectations for suppliers to have appropriate policies and procedures in place.
- Our joint use of a project management system with Brighton & Hove City Council and Surrey County Council now includes a modern slavery triage process to allow for early identification of new projects which may be at high-risk for modern slavery. The system allows potential risky projects to be flagged and assessed early to ensure modern slavery elements are considered in the procurement project end to end.
- We have consulted extensively with external best practice and resources on modern slavery risk management (including guidance issued by central government) to tailor advice for our procurement and contract management teams. In addition to information on the areas we are prioritising for due diligence, our procurement guidance includes information and guidance on how modern slavery should be considered throughout the procurement lifecycle, the early identification of potential high-risk projects, how to assess compliance and quality of modern slavery statements and recognising purchasing practices which can unintentionally lead to poor working practices and modern slavery. Our contract management guidance includes additional information for contract managers on engaging with suppliers, performance indicators that

could be incorporated into contract management activity and advice on the termination of contracts.

Key performance indicators to measure effectiveness of steps being taken

East Sussex County Council have determined the following measurements to assess the effectiveness of our actions and progress taken to address modern slavery within our organisation and supply chains in upcoming modern slavery statements. The measures were identified in 2022/2023 and the intention is to build on this and to start to gather data to report against them in 2023/2024.

- Regular monitoring of modern slavery risks within our supply chain to inform our approach to mitigating risk
- Early identification of projects at high-risk for modern slavery
- Productive engagement with high-risk suppliers
- Training and capacity building of key supply chain management staff
- Number of cases uncovered in the supply chain and resulting response
- Monitoring implementation of supplier code of conduct once reviewed

As our efforts to mitigate modern slavery risks progress, East Sussex County Council remain dedicated to developing firm measures that continuously advance and improve over time.

Training on modern slavery and trafficking

While we already have modern slavery training on our e-learning platform, we identified the need to have a suite of training materials focusing on the specific issue of modern slavery in supply chains and the need for training that is consistent and relevant for key personnel, such as procurement staff, working across all Orbis partner authorities. In 2022/2023 our Senior Policy Lead on Modern Slavery initiated this work by developing a one-hour introductory e-learning course on modern slavery in supply chains and organisational response to this issue. The course is now available on our e-learning platform to ensure it is accessible to all current and new staff, including commissioners, contract managers and those working in human resources.

Separately, our Orbis Procurement’s internal intranet now includes regular guidance developed by our policy lead, information, and content on modern slavery for our procurement teams to ensure that staff are kept informed and updated on the latest changes and developments in this area.

Approval of statement

This statement has been approved by Corporate Management Team on 19 July 2023. It will be reviewed and updated on an annual basis.

Signed by: XXXX

Becky Shaw, Chief Executive

Date: XXXX

Signed by: XXXX

Councillor Nick Bennett, Deputy Leader/Lead Member for Resources and Climate Change

Date: XXXX

Annex: Organisational Policies

Policy	Relevance to tackling modern slavery
Council Constitution	East Sussex County Council’s Constitution sets out the political decision-making arrangements used by the Council. It explains the responsibilities of the Council, the Members, and staff. The “Procurement and Contracts Standing Order” in the Constitution sets out how the Council authorises and manages spending and contracts with other organisations. This ensures that prior to any significant expenditure there is proper consideration of the need

	<p>first of whether to buy at all and service the need internally, or if external expenditure is required that it is made in a fair, open and transparent way. The Order covers issues pertinent to the anti-slavery agenda such as ensuring that supply chain partners operate fair and ethical working practices when purchasing goods, works and services.</p>
Whistleblowing Policy	<p>This policy provides a clear framework which is intended to give people the confidence to raise workplace concerns without fear of reprisal or victimisation. This policy applies to all Council employees. In addition, the policy applies to Members, all contractors and their staff working for the Council e.g., agency staff, consultants, and builders; also, providers of works, services, and supplies, including the Council's external contractors and those providing services under a contract with the Council in their own premises. This policy is important for individuals wanting to raise concerns about modern slavery and/or related issues.</p>
Code of Conduct and Conflict of Interest Policy	<p>This Code sets out the minimum standards of conduct that employees will be expected to observe when carrying out their duties. This includes encouraging and expecting employees, through agreed procedures and without fear of recrimination, to raise workplace concerns about risk, malpractice, or wrongdoing. Employees are expected to conduct themselves at all times (inside and outside of work) in a manner which will maintain public confidence in both their integrity and the services provided by the Council. This is relevant to the anti-slavery agenda as the Code expects employees to behave ethically and maintain high standards of personal conduct and be aware of and act in accordance with the Council's values and behaviours.</p>
Health and Safety	<p>The Council has various policies which aim to promote high standards and good practices in relation to health, safety, and welfare. This includes policies on: Personal Protective Equipment; Health and Safety; Stress Management and Risk Assessment; and Occupational Health and Wellbeing. These policies are important to tackling modern slavery as victims of forced labour and modern slavery may be at increased risk of work-related injuries due to inadequate protective equipment and health and safety measures, including appropriate training. Our Stress Management and Risk Assessment is also relevant to modern slavery as the Council recognises that while exploitation may not be present in the workplace, individuals could be controlled and exploited outside of the working environment. Consequently, identifying poor physical and mental health in the workplace linked to a worker's personal life may uncover potential modern slavery practices.</p>
Working Time Policy Statement	<p>The Council recognises that excessive overtime beyond permitted national legal limits can contribute to forced labour practices when coupled with forms of threat. The Working Time Policy Statement aims to ensure that managers know the legal limits on working hours and the minimum breaks required at work and between days of work. This policy explains the Working Time Regulations 1998, which places legal limits to working hours for most workers and provides a legal entitlement to rest breaks. This Policy applies to all "workers" (as defined in the Regulations) and the definition includes all contracted employees and temporary and casual workers engaged by the Council. Agency workers are covered by the Regulations but in most cases the agency will be the employer and will therefore retain responsibility for ensuring compliance with the Regulations. However, managers using agency workers are expected to ensure that the limits to working time and rest break requirements are applied to these workers when they are working for the Council.</p>
Recruitment	<p>The Council recognises the importance of recruitment processes in identifying and responding to potential modern slavery cases. We have several recruitment policies in place that are relevant to the anti-slavery agenda.</p>

In addition to policies such as the promoting diversity and equality of opportunity in employment (see below) we have a Recruitment and Selection Policy which sets out the procedure for recruiting and selecting staff at the Council. The policy is designed to ensure the recruitment and selection process is fair, open, and transparent and promotes equal opportunities to all groups throughout the local community. We also maintain a pre-employment checks policy, which provides information on checks that should be carried out to verify recruitment decisions.

The policy also provides guidance on the use of agency staff. The Council aims to fill all vacant posts with directly employed staff. However, where required the Council has an appointed managed service provider for temporary agency workers. The Council's Human Resources team support hiring managers in the recruitment process, including handling issues about the service provider and safeguarding alerts involving an agency worker.

The Council also has several policies on Disclosure and Barring Service (DBS) checks, which enable checks to be used for assessing the suitability of candidates in relevant roles. The policies provide guidance on the effective use of the DBS Disclosure process to safeguard the children and adults who access our services. Agency workers, contractors, sub-contractors, and volunteers are assessed against the same criteria as those working directly for the Council if a DBS is required.

The Council recognises that victims of modern slavery can be exploited in legitimate jobs with legal terms of employment but exploited by others unrelated to the Council. Therefore, the above policies are important to ensure that potential victims and vulnerabilities are identified during the resource and recruitment process, including the use of temporary workers employed via an agency. Additionally, the policies are relevant to the anti-slavery agenda as they cover aspects of work where vulnerable people accessing our services could be taken advantage of and exploited.

Grievances, Workplace Conflict and Mediation

We have several policies and procedures on grievance, workplace conflict and mediation. This includes:

Grievance and Workplace Conflict Policy: This policy sets out the Council's approach to handling grievances, including its expectations that complainants are not discriminated against or victimised for having brought a complaint, and ensuring that confidentiality is maintained at all times, including after any procedures have concluded.

Promoting Diversity and Equality of Opportunity in Employment:
This policy ensures equal access to opportunities in employment and promotes diversity in our workforce.

Dignity at Work: This document provides guidance on ensuring that colleagues are treated with respect and dignity in the working environment. Grievance mechanisms are important to tackle modern slavery as it involves an additional route by which employees can raise complaints or concerns.

The Council also recognises that certain vulnerable, marginalised, and underrepresented groups are at a higher risk of poor labour and employment practices and therefore the above policies ensure that every member, manager, and employee have a duty to be aware of equality issues in their daily activities.

Domestic Abuse

This policy sets out the principles and standards that the Council will apply in supporting employees who have experienced, or are experiencing, domestic abuse and where there are concerns that an employee may be the perpetrator of domestic abuse. This includes types of abuses such as psychological, physical, sexual, financial, and emotional. The principles and standards apply to all employees, agency workers, contractors and their staff whilst working for, or on behalf of, the Council. While this policy focuses

	<p>specifically on domestic and sexual abuse, it is important for tackling modern slavery as cases may share similar indicators of abuse.</p>
Trade Unions	<p>East Sussex County Council has agreements with unions to provide facilities to help them to represent members at all levels. Relevant policies include:</p> <p>Trade Union Facilities Policy: This policy sets out the principles to underpin good working relationships between the Council and recognised trade unions by affording the trade unions the necessary time and appropriate access to facilities to discharge their duties.</p> <p>Employee Relations Policy: This policy sets out areas of responsibility regarding employee relations. It also sets out the Council's position on trade union recognition, collective bargaining, and joint consultation, as well as disputes, discipline, and grievance.</p> <p>The Council recognises that trade union representation in the workplace can help reduce the risk of modern slavery by representing the interest of workers, ensuring fair working practices, supporting workers in negotiating their terms and conditions, and the resolving of grievances.</p>