



<b>MEETING TITLE</b> Trust Board in Public		<b>MEETING DATE</b> 30/08/2018	
<b>TITLE of PAPER</b>	Modern Slavery Act 2015	<b>PAPER REF</b>	5.3
<b>STRATEGIC OBJECTIVE(S)</b>	Safe and Sustainable: Provide a safe, effective, caring and sustainable service for all patients Care through Collaboration: Provide the best possible integrated care, in collaboration with our system partners		
<b>PURPOSE OF THE PAPER</b>	To approve the Modern Slavery Act 2015 (the Act) – Statutory Statement of Compliance as required by the Act.		
<b>For Approval</b>	<input checked="" type="checkbox"/>	<b>For Assurance</b>	<input type="checkbox"/>
<b>For Decision</b>	<input type="checkbox"/>	<b>Discussion/Information</b>	<input checked="" type="checkbox"/>
<b>AUTHOR / LEAD</b>	Suzanne Hartshorne, Deputy Director of Workforce Jessica Wilson, HR Services Manager	<b>ACCOUNTABLE DIRECTOR</b>	Christine Brereton, Director of Workforce
<b>DISCUSSED AT / INFORMED BY – include date(s) as appropriate [free text i.e. please provide an audit trail of the development(s) / proposal(s) subject of this paper: see also guidance 3. overleaf]:</b>			
<b>PREVIOUSLY AGREED AT:</b>	<b>Committee/Group:</b> Choose an item. Choose an item.		<b>Date:</b> Click to enter date Click to enter date
<b>RECOMMENDATION(S)</b>	It is recommended that the Trust Board: 1. Note the contents 2. Approve the revised version of the Modern Slavery Act 2015 – Statutory Statement and YAS Supplier Code of Conduct 3. Agree for the statement to be sent the Trust Board for final approval		
<b>RISK ASSESSMENT</b>		<b>Yes</b>	<b>No</b>
<b>Corporate Risk Register and/or Board Assurance Framework amended</b> <i>If 'Yes' – expand in Section 4. / attached paper</i>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Equality Impact Assessment - [New]</b> <i>If 'Yes' – expand in Section 2. / attached paper</i>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Resource Implications (Financial, Workforce, other - specify)</b> <i>If 'Yes' – expand in Section 2. / attached paper</i>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Legal implications/Regulatory requirements</b> <i>If 'Yes' – expand in Section 2. / attached paper</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>ASSURANCE/COMPLIANCE</b>			
<b>Care Quality Commission</b> Choose a DOMAIN(s)		1: Safe 5: Well led	
<b>NHSI Single Oversight Framework</b> Choose a THEME(s)		2. Quality of Care (safe, effective, caring, responsive) 3. Finance & Use of Resources	

## **Modern Slavery Act 2015 – Statutory Statement**

### **1. PURPOSE/AIM**

- 1.1 The paper provides a revised version of the Modern Slavery Act 2015 statutory statement.
- 1.2 The Board are asked to approve the updated Modern Slavery Act 2015 (the Act) – Statutory Statement of Compliance as required by the Act.

### **2 BACKGROUND/CONTEXT**

- 2.1 The Modern Slavery Act 2015 introduced changes in UK law focusing on increasing transparency in supply chains. Specifically, large businesses will be required to disclose the steps they have taken to ensure their business and supply chains are free from modern slavery (that is, slavery, servitude, forced and compulsory labour and human trafficking). “Commercial organisations” (body corporates or partnerships carrying on any part of their business in the UK) that supply goods or services and have a minimum turnover of £36 million will be required to produce a “slavery and human trafficking statement” each financial year.
- 2.2 The Trust has had the required statement in place since it was mandated. However this statement required revision in order to incorporate additional guidance published by the Home Office on 10<sup>th</sup> October 2017. The statement ensures good practice is followed.
- 2.3 The updated guidance published in 2017, whilst largely the same as the initial guidance, builds on experience since the Modern Slavery Act came into force in 2015 and the following good practice is to be followed:
  - Public scrutiny of statements
  - Approval of the slavery and human trafficking statement
  - Historic statements
  - Continuity of statements.

### **3. PROPOSALS/NEXT STEPS**

- 3.1 The Statutory Statement will be published on the Trust’s website, which will replace the previous statement.
- 3.2 The HR Team will continue to annually review the statutory statement.

### **4. RISK ASSESSMENT**

- 4.1 Failure to comply with the Act means that under the Public Contract Regulations (PCR) 2015 provision where organisations in breach of the Act must be excluded from procurement processes.
- 4.2 Although there are no penalties under the Act for failing to comply with the disclosure requirement (except that the Secretary of State can apply for an injunction to compel us to comply), a failure by the Trust to publish an accurate

and robust slavery and human trafficking statement may attract criticism and negative publicity from its key stakeholders and others in the community.

## **5. RECOMMENDATIONS**

It is recommended that the Trust Board:

1. Note the contents
2. Approve the revised version of the Modern Slavery Act 2015 – Statutory Statement and YAS Supplier Code of Conduct

## **6. APPENDICES/BACKGROUND INFORMATION**

Appendix 1 – Modern Slavery Act 2015 – Statutory Statement

Appendix 2 – Modern Slavery Act 2015 – YAS Supplier Code of Conduct



## **Appendix 1**

### **MODERN SLAVERY ACT 2015 – STATUTORY STATEMENT**

#### **Background**

The Modern Slavery Bill was introduced into Parliament on 10 June 2014 and passed into UK law on 26 March 2015. The Modern Slavery Act makes provision to prohibit slavery, servitude and forced or compulsory labour and human trafficking and includes provision for the protection of victims.

A person commits an offence if:

- The person holds another person in slavery or servitude and the circumstances are such that the person knows or ought to know that the other person is held in slavery or servitude.
- The person requires another person to perform forced or compulsory labour and the circumstances are such that the person knows or ought to know that the other person is being required to perform forced or compulsory labour.

#### **Organisational Structure**

Yorkshire Ambulance Service NHS Trust serves a population of over 5 million people, covering an area of 6,000 square miles and employs 5,737\* staff (\*4,422 whole-time equivalents), who together with over 1,150 volunteers. The Trust receives more than 800,000 emergency calls per year and 1.5 million calls to the non-emergency NHS 111 telephone service. The Trust also undertakes over 1 million patient transport service journeys across the region.

The Trust has an organisational income of around £250 million. The Trust is fully aware of the responsibilities it bears towards patients, employees and the local community and as such, has a strict set of ethical values that we use as guidance in conducting our commercial activities. We expect that all suppliers to the Trust adhere to the same ethical principles. The Trust has a non-pay budget of c £90m and approximately 840 suppliers.

#### **Our Supply Chain**

It is important to ensure that suppliers to the Trust have in place robust systems to ensure that their own staff and organisations, within their own supply chain, are fully compliant with the requirements of the Modern Slavery Act 2015.

In compliance with the consolidation of offences relating to trafficking and slavery within the Modern Slavery Act 2015, the Trust is currently reviewing its supply chains with a view to confirming that such behaviour is not taking place.

By April 2017, the Trust's Procurement team had made contact with each of its top 70 suppliers (which represent 80% of the Trust's non-pay spend) to instruct them that they must be compliant with the Act.

By the end of 2018/2019, the Trust's suppliers will be advised that, as part of the Trust's commitment to ensuring that we do not trade with organisations who do not meet the requirements of the Act, they will be required to provide a copy of their annual Modern Slavery Action Statutory Statement, where applicable, detailing actions undertaken to ensure they meet and enforce the requirements of the Act.

Any organisation in any part of a group structure will be required to comply with the Act and produce a statement if they:

- are a body corporate or a partnership (described as an "organisation" in this document), wherever incorporated;
- carry on a business, or part of a business, in the UK;
- supply goods or services; and
- have an annual turnover of £36m or more.

The Trust's Procurement team is committed to raising awareness of these requirements with all suppliers by ensuring that all suppliers the Trust trades with are aware of our commitment to ensure compliance with the Act. This covers but is not limited to ensuring contracts entered into include:

- Warranties that comply with the Act.
- Indemnities for non-compliance.
- The right for YAS to audit companies.
- The rights to terminate for breach of the Act

When trading with new suppliers via competitive process, and prior to establishing the supplier on Trust systems, the supplier will be requested to confirm in writing that they are compliant with the Act.

All potential new suppliers will be issued with the Supplier Code prior to setting them up on our systems.

The Act is referred to in all tendering activity (as part of the mandatory questions required for all Public Sector procurements) undertaken by the Trust's Procurement team, which is managed centrally by the Procurement Department and Logistics. All suppliers are requested to issue a statement as part of their tender response regarding their compliance with the Act.

The Modern Slavery Act 2015 and the Supplier Code of Conduct will be published in a prominent place on the Trust's website in accordance with the requirements of the Act, with previous statements to continue to be made available on the Trusts website.

## **Our Trust**

The Trust employs nearly 6,000 staff and the vast majority of these staff are employed either under pay, terms and conditions of service established nationally under Agenda for Change or Medical provisions. A small number of staff, which comprises the Trust Board and very senior managers, are employed under Very Senior Management pay, terms and conditions of service which are established by NHS Improvement and approved by the Remuneration and Terms of Service Committee; a sub-committee of

the Board. We also have an apprenticeship scheme that is operated in line with the Government initiative.

All staff are appointed subject to meeting the NHS Standards on Employment Checks which includes references, health checks, criminal record checks, immigration checks and identity checks. In addition, the Trust has a clear set of values and behaviours that staff are expected to comply with and all appointments are expected to demonstrate these attributes as part of the appointment process. These standards ensure that the Trust can be confident, before staff commence with the Trust, that we know some background about our staff and that they have a legal right to work for the Trust.

By adopting the national pay, terms and conditions of service, the Trust has the assurance that all staff will be treated fairly and will comply with the latest legislation. This includes the assurance that staff received, at least, the Minimum Living Wage from 1 April 2015 and from 1<sup>st</sup> April 2018, the minimum rate of pay in the NHS was set at £17,460 – ahead of the Living Wage Foundation Living Wage rates.

The Trust has various employment policies and procedures in place designed to provide guidance and advice to staff and managers but to also comply with employment legislation. Every policy is impact assessed from an Equality and Diversity perspective. The impact assessment includes consideration of the Modern Slavery Act 2015.

The Trust has a specific Safeguarding Policy (Children, Young People and Adults at Risk) within which aspects of the Modern Slavery Act 2015 are captured, in order to safeguard people at risk. Therefore, a specific separate policy is not required. However, should the Trust become aware of any issue covered under the Modern Slavery Act, it would immediately report the matter to the Police and Social Care.

The Trust has an extensive training and development programme which is based on a minimum requirement to complete all statutory and mandatory training and other ad-hoc training which staff are required to undertake for their various roles. Training needs are identified through individual performance appraisals and a Personal Development Plan produced. Not all staff will require the same awareness and training but in relation to the Modern Slavery Act, all members of the Procurement team have undertaken relevant training, including an assessment. This will be repeated on an annual basis.

Yorkshire Ambulance Service recognises and acknowledges that Diversity and Inclusion is one of our key corporate social responsibilities. The Trust has a dedicated Diversity and Inclusion Unit, which will lead on the implementation and awareness of the policy in all our practices including recruitment and selection, policy and practice and community engagement and awareness.

The Trust's Diversity and Inclusion Strategy sets out the principles and actions by which we intend to achieve our newly-developed mandate of 'Embracing Diversity – Promoting Inclusivity' as well as meeting our legal and contractual obligations. We want to be an employer of choice for all staff and a provider of great care for patients and communities we serve. The strategy applies to everyone who visits, works, uses our services, patients and communities, regardless of race or ethnicity, sex, gender

reassignment, disability, sexual orientation, age, religion or belief, pregnancy and maternity, socio-economic background and any other inappropriate distinction.

This statement has received Trust Board approval on 30<sup>th</sup> August 2018 and will be reviewed on an annual basis.

Further information can be found by visiting: <https://modernslavery.co.uk/>



## Appendix 2

### MODERN SLAVERY ACT 2015 YAS SUPPLIER CODE OF CONDUCT

#### Background

The Modern Slavery Bill was introduced into Parliament on 10 June 2014 and passed into UK law on 26 March 2015. It addresses the crimes of holding another person in slavery, servitude, forced or compulsory labour or trafficking a person.

A person commits an offence if:

- The person holds another person in slavery or servitude and the circumstances are such that the person knows or ought to know that the other person is held in slavery or servitude.
- The person requires another person to perform forced or compulsory labour and the circumstance are such that the person knows or ought to know that the other person is being required to perform forced or compulsory labour.

#### Introduction

Yorkshire Ambulance Service NHS Trust serves a population of over 5 million people covering an area of 5,000 square miles and employs over 4,500 staff and 1,000 volunteers. The Trust receives over 800,000 emergency calls per year and over 1.5 million calls to the non-emergency NHS 111 telephone service. The Trust also undertakes over 1 million patient transport service journeys across the region.

The Trust has an overall annual budget of around £250 million.

The Trust is fully-aware of the responsibilities it has for patients, employees and the local community and, as such, has a strict set of ethical values that are used as guidance in the conducting of commercial activities. The Trust expects that all suppliers adhere to the same ethical principles, which have been set out within this Supplier Code of Conduct.

#### Laws and Ethical Standards

The supplier shall comply with all laws applicable to its business. It is expected that the supplier will support the principles of the United Nations Global Compact, the UN Universal Declarations of Human Rights and the International Labour Declaration on Fundamental Principles and Rights at Work 1998. These principles include:

#### Child Labour

The supplier employs no children under the age of 15. If national laws or regulations allow children between 13 and 15 years old to perform light work or work experience, such work is not permitted under any circumstances if it would hinder a minor from the completion of compulsory schooling or training or if the employment would be harmful to their health or development.

#### Forced Labour

The supplier will make no use of forced or compulsory labour.



**Compensation and Working Hours**

The supplier will comply with the respective national laws and regulations regarding working hours, wages and benefits.

**Discrimination**

The supplier does not discriminate on the basis of any protected characteristic.

**Health and Safety**

The Trust expects its suppliers to strive to implement the standards of occupational health and safety at a high level. The supplier will comply with applicable health and safety regulations and will provide a work environment that is safe and conducive to good health, in order to preserve the health of employees and prevent accidents, injuries and work-related illnesses.

**Business Continuity and Planning**

The supplier must be prepared for any disruptions of its business (such as natural disasters, terrorism, software viruses, illness, pandemic, infectious diseases.) Preparedness will include plans to protect employees and the environment as far as possible from the potential effects of disasters that arise within the domain of operations.

**Improper Payments / Bribery**

The supplier shall comply with international anti-bribery standards as stated in the United Nations Global Compact and local anti-corruption and bribery laws including The Bribery Act 2010. In particular, the supplier must not offer services, gifts or benefits to Trust employees in order to influence their conduct in any way that could be construed as being of benefit to the supplier. The Trust has a Standards of Business Conduct: Interests, Gifts and Hospitality Policy that is brought to the attention of all staff.

**Environment**

The supplier will comply with all applicable environmental laws, regulations and standards as well as to implement an effective system to identify and eliminate potential hazards to the environment. The Trust expects that the supplier will take climate protection into account in a way appropriate to their organisation, such as through the setting of their own climate protection objectives.

**Sub-Contractors and Partners**

The supplier will communicate the principles stated above to any of their sub-contractors and partners involved in the supply of products or services described within the main contract. The supplier will motivate such parties to adhere to the same standards.

**Compliance**

Yorkshire Ambulance Service NHS Trust reserves the right, having given reasonable notice, to check compliance with the Supplier Code of Conduct and encourages its suppliers to implement their own binding guidelines for ethical behaviour. Any breach of the obligations stipulated in this Supplier Code of Conduct will be considered a material breach of contract by the supplier.