

Trust Board of Directors
Report Summary

Date of Meeting: 2 May 2024	
Title of Document: Modern Slavery Statement	
To be presented by: George Chalkias, Director of Governance Kate Read, Director of People and Organisational Development	Author: Ann Filby, Trust Secretary Liam Robinson, Head of Contracting and Procurement
1. Status: For Approval	
2. Purpose: To review the Trust's statement prior to inclusion in the Annual Report 2023/24	
Relates to:	
Strategic Objective	Support and develop our staff
Operational performance	N/A
Quality	
Legal/Regulatory/Audit	Meeting the requirements of the Modern Slavery Act 2015; a voluntary disclosure rather than mandatory content for inclusion in the Annual Report, NHS England NHS foundation trust annual reporting manual 2023/24. To demonstrate compliance with the minimum legal requirements, statements require update on an annual basis and the assessment should be done within six months of the financial year-end and include the date of Board approval https://www.gov.uk/guidance/publish-an-annual-modern-slavery-statement
Equality and diversity	All staff are subject to the mandatory training requirements in relation to equality, diversity and inclusion.
Finance	N/A
Governance	
NHS policy/public consultation	
Accreditation/inspection	
Anchor institutions	
ICS/ICB/Alliance	
Board Assurance Framework (BAF) Risk	
Other	

3. Summary:

One of the voluntary disclosures suggested for inclusion in the Trust's Annual Report is a Modern Slavery Act and Human Trafficking Statement. This was presented and approved in June 2023 and was included in the 2022/23 report.

The Modern Slavery Act 2015 established a duty for commercial organisations to prepare an annual slavery and human trafficking statement. This is a statement of the steps the organisation has taken during the financial year to ensure that slavery and human trafficking is not taking place in any of its supply chains or in any part of its own business.

An entity is a 'commercial organisation' for the purposes of the Act if it supplies goods and services and has an annual turnover in excess of £36 million (set out in The Modern Slavery Act 2015 (Transparency in Supply Chains) Regulations 2015). Additionally, it must be a body corporate or partnership which carries on a business, or part of a business, in any part of the United Kingdom. Where a slavery and human trafficking statement is required, the Act specifies that entities must publish this on their website if they have one. NHS England does not require NHS foundation trusts to include the slavery and human trafficking statement in their annual report (where the Act requires one be produced) but foundation trusts may include it in the annual report if they wish.

A review of the statement has been undertaken. An additional policies section has been added.

In response to media reports in December 2023 regarding the percentage of suppliers at high risk of modern slavery use, the Head of Contracting and Procurement has confirmed that this relates to suppliers to the NHS at a national level. The supply chain accreditation would be carried out by NHS Supply Chain and/or Crown Commercial Services.

The requirements were included in the ESNEFT procurement newsletter August 2023. A late April 2024 newsletter is scheduled, and an amended article will highlight the free awareness online course available on the Civil Service College website.

4. Recommendations / Actions

The Board is invited to approve the revised statement.

Modern Slavery Act 2015 and Human Trafficking Statement

ESNEFT will:

- **Comply with legislation and regulatory requirements in this area**

The Cabinet Office issued a directive on Modern Slavery in 2015 and Procurement has always referenced the legislation in our tender and contracting documentation. This was later followed with Cabinet Office Procurement Policy Notes - PPN 05_19 and more recently PPN02_23.

- **Make suppliers and service providers aware that we promote the requirements of this legislation**

Procurement make suppliers aware of this legislation through the tender and contracting documentation we use when undertaking procurement tender exercises. We are currently reviewing the new guidance to cross-reference with our current processes and documentation. With regard to NHS terms and conditions these are 'owned' by NHS England so will reflect the new guidance with amendments made as required.

- **Consider modern slavery factors when making procurement decisions**

The shortlisting and selection process to identify suppliers to participate in a tender exercise includes Modern Slavery criteria. When accessing framework agreements this will be the same for the organisation that 'owns' the framework.

- **Develop awareness of modern slavery issues throughout ESNEFT**

Procurement staff complete government training via the Cabinet Office. This is currently being rolled out across the procurement team with six members already having received their certificates. Procurement attempts to promote the Modern Slavery Act by publishing the Procurement Policy Notes on the Procurement intranet page. In addition, the procurement quarterly newsletter is used to promote the Act to staff that frequently participate in tender and contracting projects and processes.

- **Trust policies**

The Trust upholds rigorous internal standards for ethical conduct, fair employment practices and safeguarding. Our policies mandate that all staff receive training and support to identify and report concerns related to slavery and human trafficking. We strictly adhere to national guidelines for supporting victims of modern slavery and ensure that our Equal Opportunities and Diversity and Freedom to Speak Up policies provide a safe platform for employees to voice concerns about unethical practices. We verify employee identities and confirm their right to work in the United Kingdom, and all employees are paid above National Living Wage rates.

- **Use NHS Terms and Conditions for Goods and Services for specification and tender documents which require suppliers to comply with all relevant legislation and guidance, including modern slavery conditions**

NHS terms and conditions are owned by NHS England and are updated accordingly.

- **Encourage suppliers and contractors to take their own actions and understand their obligations under this legislation**

Our tender documentation and contracts cover this and evidence is requested in support of the criteria.

- **Ensure that modern slavery is included in safeguarding work plans**

Included within Trust's adult level 3 safeguarding training and guidance is included on the Trust's intranet.

- **Ensure that all staff undertake mandatory safeguarding training, and training in equality, diversity and human rights**

All staff are subject to the mandatory training requirements of employment within the Trust.

- **Ensure that procurement staff also receive regular legal briefings and appropriate training so that they are aware of legislative requirements in this area**

Procurement staff receive regular briefings. This includes the Cabinet Office training and the training webinars that Mills and Reeve legal practice provides. This also forms part of the Chartered Institute of Purchasing and Supply (CIPS) qualifications.

TBC Approved by the Board of Directors on 2 May 2024