

<b>Meeting:</b>	Trust Board
<b>Date of Meeting:</b>	12 May 2022
<b>Report Title:</b>	Modern Slavery Statement
<b>Author(s):</b>	Martin Kelly, Head of Procurement
<b>Executive Sponsor(s):</b>	Philip Murray, Director of Finance & Performance
<b>Purpose:</b>	For agreement
<b>Scrutiny Pathway:</b>	DoF and Trust Secretary review / ELT/ FPC / Trust Board
<b>Transparency:</b>	Public

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## 1. Executive Summary

The Modern Slavery Act 2015 makes provision about slavery, servitude and forced or compulsory labour as well as about human trafficking.

Whilst not all of the Act is directly relevant to business, section 54 “Transparency of Supply Chain” requires organisations that carry on business within the UK providing goods and services to report annually on the steps that they have taken, within that financial year, to ensure that slavery and human trafficking are not taking place in their own business or supply chain.

Although publication in the Slavery Statement Registry (operated by the Home Office) is currently voluntary the government does intend to legislate for mandatory reporting under planned changes to the regime; it is considered good practice to make and publish an annual statement.

Guidance states that “organisations should publish their statement as soon as possible after their financial year end” and that the Government expects this to be “at most, within six months of the organisation’s financial year end”; by the end of September.

It is proposed that this year’s statement is dated 12<sup>th</sup> May being the date Board will have considered it (should it be approved). Going forward and so as not to entangle it with the Annual Report and Accounts process it is suggested that as this year the draft statement be considered by Finance & Performance Committee, it being primarily driven by our procurement approaches, and then onto Board in a broadly similar timescale as this year.

The draft statement below has been written by the Head of Procurement and gone through the internal scrutiny pathway. The FPC reviewed the statement at their April meeting and, subject to two minor changes to clarify the Trust’s commitment against Modern Slavery, the FPC recommend it for Trust Board approval.

Following approval, the statement will be uploaded onto the Trust website.

### **Recommendation:**

Board is asked to: **approve** the Modern Slavery Policy statement and that future annual reviews be considered by Finance & Performance Committee prior to Board approval.

### **Appendices/Attachments:**

None

<b>Corporate Risk</b>	<b>Board Assurance Risk</b>
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**KEY IMPLICATIONS**

Outlined below is the key implications which may result from the proposals or information contained within this report

<b>Assurance/Governance:</b>	Positive impact – This paper provides update to Trust's approach to its duties under the Modern Slavery Act
<b>Clinical:</b>	Positive impact – Through being seen as an ethical employer we should attract the best staff who will deliver the best clinical outcomes
<b>Equality &amp; Diversity:</b>	Positive impact – The Trust through taking these actions will positively support equality and diversity
<b>Estates:</b>	Positive impact – The Trust is investing in its Estate to provide modern mental health facilities and through these actions is assured on the ethics of the programmes
<b>Financial:</b>	Neutral impact – No direct impact upon the Trust finances
<b>Legal:</b>	Positive impact - Provides information on the statutory requirement of the Modern Slavery Act
<b>Quality:</b>	Positive impact – Through ensuring that we comply with the law both our own services and those of our supply chain should be of the best available quality affordable to us
<b>QII:*</b>	n/a
<b>Reputation:</b>	Positive impact – The Trust will be seen to be operating ethically and within the law.
<b>Involvement (SUCFF):*</b>	n/a
<b>Strategy:</b>	Positive impact – supports our strategy of being seen as a great place to work
<b>Workforce:</b>	Positive impact – Through these endeavours we will be seen as an ethical employer
<b>Other (specify):</b>	n/a

*\*QII = Quality Improvement & Innovation; Involvement (SUCFF)= Service User, Carers' Friends & Family Engagement and Involvement*

Although not currently mandated to publish a modern slavery statement, SWLSTG seeks to adopt good practice and in line with its Trust values will take all reasonable steps to avoid involvement in slavery and human trafficking and to raise awareness of such practices to help combat them. We are committed to ensuring that all of our employees are aware of the Modern Slavery Act 2015 and their safeguarding duty to protect and prevent any further harm and abuse when it is identified or suspected that an individual may be or is at risk of modern slavery/human trafficking.

We are committed to ensuring that no modern slavery or human trafficking takes place with our knowledge in any part of our business or our Supply chain. This statement sets out actions taken by SWLSTG to understand all potential modern slavery and human trafficking risks and to implement effective systems and controls.

## **Trust Structure and Principal Activities**

### **Organisational Structure and Supply Chains**

We are a leading provider of mental health services across south west London and a beacon of excellence for many of our national mental health services.

We serve 1.1 million people across the London boroughs of Kingston, Merton, Richmond, Sutton and Wandsworth and employ more than 2,000 staff who provide care and treatment to about 20,000 people from south west London and beyond at any given moment.

We have a long history of innovation that has helped to redefine the mental health landscape in the UK. We have more than 100 clinical teams across the Trust, working to make sure that high quality patient centred care is our key priority. The emphasis of our services is on recovery which means helping people to get on with their lives and to focus on the things that are important to them.

Our Trust headquarters are in the impressive grounds of Springfield University Hospital in Tooting, with major inpatient services provided from Tolworth hospital in Kingston, and Queen Mary's hospital in Roehampton. We also operate in many other community locations in London and the south east.

We provide community and outpatient services in each of the boroughs we serve and provide many national services such as those for people with eating disorders and OCD as well as national deaf services.

Our staff are among some of the most advanced and experienced practitioners in their fields and we are proud of the positive impact our mental health services have for both patients and the wider community. We invest in research, innovation and training in mental health and are connected to a number of academic and research organisations.

Our clinical expertise has led us to develop and contribute to ground-breaking national policies. We also regularly receive visitors to transfer knowledge and share good practice. From community outreach to informing government policy, we are working with you and for you to provide the best in mental health care.

As a teaching trust, we also provide education, training and research in partnership with a number of universities as listed below.

St George's University of London

Kingston University

London South Bank University

Health Education England affiliated Universities

The Trust has an Estates Modernisation Programme (EMP), one key part of the Trust's Integrated Programme, which is investing in our services, people and our environments, including new and refurbished mental health facilities across Kingston, Richmond and Wandsworth.

EMP is delivering new mental health facilities at Springfield alongside main contractor Sir Robert McAlpine and master developer Springfield and Tolworth Estates Partnership (STEP) as part of a new 'Springfield Village'. As part of this, works have been progressing at pace on the development of two new facilities, Trinity and Shaftesbury buildings at Springfield University Hospital. Set to be delivered in 2022, these will help us to deliver the most modern mental healthcare in the country.

Alongside this new and refurbished facilities are planned at Barnes Hospital and Richmond Royal in Richmond and Tolworth Hospital in Kingston.

The Programme represents major innovation and investment in our local communities - by 2025 it will help transform mental health services in south west London.

The Trust's income earnings in 2020/21 were £220m and expenditure £216m. Of the latter supplies and services were £8m, purchased healthcare £12m and drugs £3m. Capital spend covered the following main area EMP £55m, technology £4m, maintenance £1m and ward and other refurbishments £3m.

We procure goods and services from a range of providers. Contracts vary from small one-off purchases to large service contracts and covers several category areas including but not limited to stationery and office equipment, medical consumables and medical devices, estates and facilities, medicine management and outsourced services.

To obtain these goods and services we work with local, national and occasionally international suppliers. A key part of our purchasing activity is linked with stakeholders such as NHS Supply Chain, Crown Commercial Service, NHS London Procurement Partnership, London University Purchasing Consortium. All of whom have commitments against modern slavery and responsible procurement. We collaborate through the South London Partnership with Oxleas NHS Foundation Trust and South London and Maudsley NHS Foundation Trust (SLaM) and via the latter linked in with Guys' and St Thomas's NHS Foundation Trust). We support the collaborative work of NHS Improvement which is committed to the NHS Sustainability Agenda.

Through the Trust's membership of the London Universities Purchasing Consortium (LUPC) and our Head of Procurement's position on their executive committee, the Trust is affiliated to Electronics Watch. Electronics Watch has worked to remediate forced overtime and recruitment fees in several manufacturing centres and the UK Government's 2020 Modern Slavery Statement highlighted the work they do with Electronics Watch to tackle modern slavery in their ICT hardware and electronics supply chains. LUPC partners also include the Business, Human Rights and Environment Research Group (BHRE), University of Greenwich.

Where possible the Trust aims to ensure that spend is carried out using a purchase order subject to the applicable Standard NHS Terms and Conditions for the Supply of Goods and Services. The Applicable Contract Terms Policy applies to any NHS organisation and states that where an NHS body issues a PO the standard Terms & Conditions apply.

Section 10 (Warranties) of those standard terms and conditions state the following:

#### 10 Warranties

##### 10.1 The Supplier warrants and undertakes that:

10.1.21 *it shall: (i) comply with all relevant Law and Guidance and shall use Good Industry Practice to ensure that there is no slavery or human trafficking in its supply chains; and (ii) notify the Authority immediately if it becomes aware of any actual or suspected incidents of slavery or human trafficking in its supply chains;*

10.1.22 *it shall at all times conduct its business in a manner that is consistent with any anti-slavery Policy of the Authority and shall provide to the Authority any reports or other information that the Authority may request as evidence of the Supplier's compliance with this Clause 10.1.22 and/or as may be requested or otherwise required by the Authority in accordance with its anti-slavery Policy;*

In addition, the NHS Standard Contract has been updated in 2022 to strengthen its position on Modern Slavery, extending requirements and the option to terminate for breaches of social and labour laws.

### **Organisational policies in relation to slavery and human trafficking**

The Trust has internal policies and procedures in place in relation to the potential for modern slavery or human trafficking. This includes Safeguarding Adults at Risk and the Procurement Policy.

All staff have access to the trust Safeguarding Adults Service for support and guidance when they are concerned about modern day slavery or trafficking. The Trust has a Whistle-Blowing Policy which details how staff can raise any concerns that they may have confidentially. This can be through an email inbox, or through a conversation with the Freedom to Speak Up Guardian, who will provide support to the individual raising a concern. Staff are provided with this information at corporate induction.

Trust activities and policies are required to have an Equality Impact Assessment (EQIA) completed and its Mandatory and Statutory Training (MAST) requires of all staff to have undertaken at least basic level safeguarding training with more in-depth training required for those in specific positions within the trust.

### **Assessing and managing risk and due diligence processes in relation to slavery and human trafficking**

We use the stakeholders explained above to help prevent modern slavery or human trafficking in our supply chains or in any part of our business. In sourcing its larger procurement, such as through tendering, the Trust includes modern slavery issues in its documentation and/or in interviewing bidders where appropriate. The public sector framework suppliers we use have additionally been required to address such matters when applying to join frameworks.

The Trust reviews its Modern Slavery and Human Trafficking Statement on a regular basis and presents it at the Board of Directors meeting in Public. This demonstrates a public commitment, ensures visibility and encourages reporting standards.

To identify and mitigate the risks of modern slavery and human trafficking in our own business and our supply chain:

The Trust adheres to the National NHS Employment Checks / Standards (this includes employees UK address, right to work in the UK and suitable references).

The Trust has systems to encourage the reporting of concerns and the protection of whistle-blowers including the engagement of an independent Guardian Service.

Many of our purchases utilise existing supply contracts or frameworks which have been negotiated under the NHS Standard Terms and Conditions of Contract, these all have the requirement for suppliers to have suitable anti-slavery and human trafficking policies and processes in place. Where suitable frameworks exist, we use them in preference to tendering.

The Trust upholds professional codes of conduct and practice relating to procurement and supply, has been awarded Level 1 under the Skills Development Network Towards Excellence Framework, including through our Head of Procurement's membership of the Chartered Institute of Procurement and Supply (CIPS).

### **Effective action taken to address modern slavery - Performance Indicators**

The Trust is committed to social and environmental responsibility and has zero tolerance for Modern Slavery and Human Trafficking. Any identified concerns regarding Modern Slavery and Human Trafficking are escalated as part of the organisational safeguarding process.

All members of staff have a personal responsibility for the successful prevention of slavery and human trafficking with the procurement department taking responsibility for overall compliance.

A Freedom to Speak Up Report is regularly submitted to the Board of Directors which includes an overview of the number of concerns raised by staff and the category that they fall into.

Through the Trust's Safeguarding Practices any concerns that staff have for our patients, in this respect, will be the subject of our internal clinical incident reporting processes. Quarterly safeguarding updates are taken to the Trust's Quality and Safety Advisory Committee (QSAC).

### **Training on modern slavery and trafficking**

Safeguarding training is mandatory for all staff and includes information on trafficking and modern-day slavery in order to promote the knowledge and understanding of escalating concerns via the Home Office national referral mechanism/duty to notify process.

The Trust has used training resources available through the London Universities Purchasing Consortium and the Business, Human Rights and Environment Research Group (BHRE), University of Greenwich. The Head of Procurement holds Chartered Procurement and Supply Chain Professional status which includes an annual requirement to take an Ethical Procurement training session and test.

## **Conclusion**

**This statement is made pursuant to section 54(1) of the Modern Slavery Act 2015 and applies to South West London and St George's Mental Health NHS Trust.**