

**PaCCS - TISC Report:  
Progress & Challenges  
in Tackling Modern Slavery  
in Local Government Supply Chains  
October 2020**



# Progress & Challenges in Tackling Modern Slavery in Local Government Supply Chains

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## Research partnership

### **The Partnership for Conflict, Crime and Security Research**

The Partnership for Conflict, Crime and Security Research (PaCCS) was established by Research Councils UK (now UK Research and Innovation, UKRI) in 2008 as the Global Uncertainties Programme with an aim of delivering high quality, cutting edge research to help improve our understanding of current and future global security challenges. PaCCS presently focuses on the core areas of conflict, cybersecurity, and trans-national organised crime. Our team works to support research, to build connections amongst our research community, and to explore the results of UKRI-funded research projects in our core areas, with the aim of facilitating knowledge translation and research impact. PaCCS has supported collaboration by bringing together researchers from across disciplines to work together on innovative research projects. By creating opportunities for knowledge exchange between government, industry, and the third sector, activities funded under PaCCS continue to deliver impact beyond the academic community.

The partnership is supported by a Research Integrator (Tristram Riley-Smith) based at the University of Cambridge. This placement with the TISCreport.org is part of the Research Integrator's workstream linked to Transnational Organised Crime: Deepening & Broadening Our Understanding, a PaCCS programme.

### **TISCreport**

[TISCreport.org](https://tiscreport.org) is a Transparency In Supply Chains Open Data platform built on the foundations of Section 54 of the UK Modern Slavery Act 2015. Its purpose, as a B Corp Social Enterprise, is to eradicate exploitation (modern slavery, human trafficking, labour exploitation) and corruption from supply chains. The platform connects multiple data sets – both proprietary and open - in order that they might create valuable insight in tackling Modern Slavery. Anonymised local government usage data on the free TISCreport public sector platform <https://public.tiscreport.org/> has formed the basis for this research.

*This report is authored by Yongyu Zeng, a doctoral candidate assigned by the Partnership of Conflict, Crime & Security Research (PaCCS) to work with the TISCreport.*

## Foreword

Welcome to our report on the Progress & Challenges in Tackling Modern Slavery in Local Government Supply Chains. Along with many others, TISCreport has been witness to the evolution of the UK Modern Slavery Act since it was first a Draft Bill in 2014. Now, in 2020, we have four years of amassed data encompassing:

1) the compliance-related behaviours of 156k companies worldwide in scope for Section 54 of the UK Modern Slavery Act

2) the breadth and depth of use of freely available compliance data by 389 English and Welsh Local Authorities

Even before calls for public bodies to be required to comply with Section 54 of the Modern Slavery Act, there have been significant voluntary activities to report. For the first time ever, this research identifies these activities in the context of observed supply chain interactions on TISCreport.org, providing a reference for more widespread adoption. It also identifies key challenges local authorities have experienced in tackling modern slavery in public supply chains. These challenges provide the basis for a number of targeted recommendations to enable improved practice and bring down these barriers.

Given renewed interest in creating and sustaining resilient supply chains due to recent global events (from trade instabilities through to the current pandemic), and the Government announcement to include public sector organisations in updated MSA legislation, an analysis of challenges faced by public sector procurers seems incredibly timely.

Lack of supplier compliance is in part explained by limited enforcement by government agencies but also by an absence of enforcement by public procurement bodies. This missing part of this picture formed the basis for our research partnership with PaCCS. We are incredibly grateful to the PaCCS team, Dr Tristram Riley-Smith, Yongyu Zeng, Professor Michael Levi and Kate McNeil in particular, for making this research possible.

The body of work presented here focuses on the learnings and insights from procurement practitioners within local government, with the aim of providing local government leaders, policymakers and influencers with deeper insights into how to maximise the impact of Section 54 of the UK Modern Slavery Act.

This report is intended to help evolve current policy to fully support and resource our public sector leaders and practitioners in their work to ensure meaningful supply chain transparency in the face of all the other challenges arising. We very much look forward to working in partnership with everyone motivated to ensure that public procurement is even more effective as a force for positive change.

Jaya Chakrabarti MBE, CEO TISCreport.org

## Glossary

**Analytic or Risk Assessment** refers to the procedure searching for and analysing the relevant information to identify the cues that are likely to be associated with use of modern slavery in the suppliers on a contract. This might be included in a market sounding research to gauge the experienced suppliers' opinions on the potential use of modern slavery in a specific industry of the contract before the procurement is launched; a rigorous analysis of a supplier through documentation on such as the recruitment process and payroll system, worker survey, workplace audit; a supply chain mapping exercise to trace the product and service to the source and locate where the risk may lie in the chain.

**The Crown Commercial Service (CCS)** was established originally as the Buying Agency in 1991 and turned into the Crown Commercial Service in 2014. The CCS is an executive office for public procurement in the central government. Other public sector bodies including local authorities are able to buy through the CCS framework.

**Code of Practice or the Code** is the Ethical employment in supply chains: code of practice, guidance and training, developed by the Welsh Government in 2017. It is an advice piece that sets out the 12 commitments expected from public sectors in Wales to ensure ethical employment in public sector supply chains. The coverage of issues include not only modern slavery covered in the criminal law but also blacklisting, false self-employment, unfair use of umbrella schemes and zero-hour contracts, and paying the 'real living wage' set by the Living Wage Foundation.

**Compliance and Remediation as Risk Management:** refers to the practice to reduce and control modern slavery risks in supply chains. This includes compliance requirements such as policy, specification, standards, and contractual clauses that suppliers need to meet; and a remediation mechanism to correct and improve suppliers' behaviour such as non-compliance, and to terminate the supplier relationship.

**Modern slavery** is defined in accordance to the UK Modern Slavery Act 2015 as an umbrella term to include slavery and domestic servitude, forced or compulsory labour, and human trafficking. Forced or compulsory labour is relevant in the supply chain context where the work or service is extracted from the worker under physical, psychological or financial penalty, and that the worker has not offered himself voluntarily and lacks freedom of choice; and it constitutes human trafficking if the worker is forced to move and travel for the purpose of forced or compulsory labour.

**MSAT - Modern Slavery Assessment Tool** - is developed by the Home Office to help public sector organisations conduct Modern Slavery Risk Assessments; it was launched in 2019. The mechanism is for public sector organisations to invite suppliers to complete a questionnaire that generates a report regarding practices and conditions of modern slavery risks.

**Supply Chain Mapping** refers to the practice of understanding modern slavery risks in multi-tier suppliers and labour agencies at different stages from upstream raw material sourcing, manufacturing to distribution throughout the whole supply chain. This can be done through visual representation.

**Supply Chain Tracking** is the tracking of goods and materials throughout the supply chain in real-time, and the tracking of supplier behaviours in near-real time.

**TISC Provision or the Provision:** Section 54 ("Transparency in Supply Chains") under Part 6 of the Modern Slavery Act 2015 stipulates that a commercial organisation that supplies goods or services and has a total turnover of £36 million must prepare a slavery and human trafficking statement for each financial year to details the steps taken during the financial year to ensure that slavery and human trafficking is not taking place in any of its supply chains and any part of its own business, or disclose that the organisation has taken no such steps.

**Upstream Supply Chain:** A part of a supply chain system, process or relationship between a company and its raw materials and packaging suppliers. "Upstream" looks at the supply side of the supply chain toward the origin of a raw material in the supply chain process.



## Executive Summary

### Background

The UK government has committed to eradicate modern slavery and ensure decent work for all by 2030. Towards that, the UK has introduced the 'landmark' Section 54 (Transparency in Supply Chains Provision) of the Modern Slavery Act 2015 - the "TISC Provision". The intention is to enhance corporate transparency and accountability regarding associations with modern slavery incidents in supply chains. Recommendations, including the extension of the TISC Provision to include public sectors such as the local government, were made in the Independent Review of the Act<sup>1</sup> commissioned by the Home Secretary in 2019. This led to subsequent government responses including a guidance for public procurement officers, and the inclusion of the public sector within the next iteration of Section 54.

### Research Overview

This research project was commissioned to chart the current implementation of eradicating modern slavery in supply chains in local government across England and Wales and, gain a better understanding of the challenges facing local government to suggest potential improvements to overcome the barriers. It focuses on measures to undertake (and manage) Modern Slavery Risk Assessments in addition to the examining the transparency of relevant reporting practice within local government. This is the first empirical research on the topic where the evidence has been collected directly from officers of local authorities, to the author's knowledge. The research project empirically investigates the issue using a mixed method approach consisting of a survey (see Appendix 1) and in-depth semi-structured interviews, in addition to a desk-based research including literature review, and review on policy documents and Modern Slavery Statements by public sector organisations. *Our survey (undertaken over three months at the height of the COVID crisis when most procurement officers were being deployed in supply chain response teams trying to secure urgent PPE) generated responses from 26 Local Authorities in England and Wales (6.5%) - a small sample size that affects the reliability of the findings. Nevertheless, the findings provide useful insights that are worth exploring in one or more workshops involving a wider cross-section of stakeholders, before using them to help inform policy.*

### Research Findings

Our survey produced many positive signals, with evidence of action taken by local government to tackle modern slavery risks in the supply chain. This is all the more encouraging given this is not a statutory requirement. The following are worth highlighting:

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<sup>1</sup> Independent Review of the Modern Slavery Act 2015: Final Report  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/803406/Independent\\_review\\_of\\_the\\_Modern\\_Slavery\\_Act\\_-\\_final\\_report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/803406/Independent_review_of_the_Modern_Slavery_Act_-_final_report.pdf)

- 84% of respondents acknowledge support from Senior Management for pursuing TISC Provision actions against Modern Slavery (Chart 9);
- 86% report that all new contracts include Terms & Conditions addressing Modern Slavery, (Chart 6); according to our survey, 74% of these contracts require specific compliance with the TISC Provision (Chart 7);
- 77% report that they include a high-level Modern Slavery Risk Assessment in the pre-procurement process (Chart 2).

The resourcing challenges illustrated in Chart 10 suggest that a gap can develop between aspiration and practice. Procurement teams appear relatively satisfied with resources linked to Audit and Legal Advice, but are hampered by insufficient time, staff or funds to do the job effectively; and Chart 9 suggests collaboration between different units within a Council is less than perfect. We speculate that structural and resourcing problems are impacting detrimentally on the mission, reflected in the following:

- only 22% of respondents have identified higher-risk contracts (Chart 5);
- Whereas 87% of respondents use supplier self-declaration forms and 57% review suppliers' statements, only a few use other key sources of information for risk assessments (e.g. supplier due diligence or site visits) (see Chart 3)
- only 37% of respondents indicate that their Councils undertake Supply Chain Mapping (Chart 4);
- 40% of respondents reported that there were insufficient third-party data sources and audit capacity<sup>2</sup> (Chart 10);
- less than 30% of the respondents report the impact of the TISC Provision is measured by assessing the quality of supplier's statements and the transparency of supply chains (Chart 12).

Our survey only covered 25 local authorities and a relatively small sample size does provide its challenges with a conclusive picture of what's going on on the ground. Nevertheless there are indicators here worth examining.

Our interviews add qualitative flesh to the quantitative bone. The findings here need to be kept in perspective, of course, given the focus on the **challenges** facing local authorities (in tackling modern slavery in supply chains. Nevertheless, the research findings suggest that:

- a decade of austerity<sup>3</sup> has had a detrimental impact on contract management capacity, making it exceptionally challenging to run an effective risk monitoring and management regime;
- knowledge of what needs to be done to implement Modern Slavery Risk Assessments is patchy; this is reflected in the scarcity of supply chain mapping and the relative absence of procedures to handle suppliers identified as higher risk;

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<sup>2</sup> TISCreport usage statistics show that only 22% of local authorities have used freely available non-compliance data to increase compliance in suppliers (for spends over £500)

<sup>3</sup> By 2020, the LGA reports that local authorities will have faced a reduction to core funding from the Government of ~£16B over the preceding decade. Councils will have lost 60p out of every £1 the Government had provided to spend on local services in the last eight years. Next year, 168 councils will receive no revenue support grant at all.

[https://www.local.gov.uk/sites/default/files/documents/5.40\\_01\\_Finance%20publication\\_WEB\\_0.pdf](https://www.local.gov.uk/sites/default/files/documents/5.40_01_Finance%20publication_WEB_0.pdf)



- insufficient use is made of databases, toolkits and support systems that are available for more robust compliance checks and due diligence procedures;
- there are no clear or consistent lines of communication between local authorities and law enforcement agencies in relation to Section 54 activity;
- there are limited powers of enforcement by government agencies and a lack of statutory incentives;
  - the TISC Provision currently applies minimal requirements for information disclosure or actions to be taken (such as workplace inspection);
  - there is no standardised mechanism to validate, assess, and act on the quality of a Modern Slavery Statement;
  - there are limited opportunities to monitor outputs that could steer improvement in the implementation through greater accountability.

There is, in conclusion, evidence that procurement teams enjoy top management support for this work in this area. But competing operational and political priorities, combined with minimal powers of enforcement, and negligible direction from policymakers, undermine the ability of local government leaders to turn good intentions into effective procedures.

Despite these challenges, we have found that some local authorities have developed approaches to overcome, or at least minimise, the obstacles. Some have rejected use of a binary “pass/fail” question at the qualification stage, recognising that one size does not fit all; some produce a modern slavery risk profile for existing as well as new contracts; and in some instances there is active communication with suppliers to seek changes in their behaviour.

There are lessons that can be shared and learned here, as well as opportunities to tackle the challenges through collective and collaborative action. Our recommendations below are not restricted to local authority leaders, but also enrol the support of policymakers and legislators.

## Recommendations

Based on these findings regarding the progress and challenges in tackling modern slavery in local government supply chains, we propose the following **recommendations**:

- Regional and Local Government Leaders are invited to promote best practice, sharing the practical solutions that have incentivised their teams to overcome challenges and implement the TISC Provision more effectively; for instance:
  - adopt the practice (followed by 118 authorities<sup>4</sup> in England and Wales) of appointing an elected councillor as modern slavery champion to oversee and steer the internal implementation;

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<sup>4</sup> Data recorded by the TISCreport: <https://tiscreport.org/public-sector/uk-transparency-report/>

- ensure Procurement is represented at board level and embed the TISC Provision into the corporate strategy, raising its profile within the organisation to promote coordination between different departments;
  - share learnings from work being done to raise awareness of modern slavery risks in different goods and services categories and contract labour agencies;
  - incorporate of modern slavery risk assessment into the full cycle of procurement practice (as advocated by the Home Office guidance and Welsh Code of Practice) and invest resources on strengthening the monitoring of risks in contract management<sup>5</sup>;
  - enhance risk assessment procedures by adopting more robust analysis (other than the “pass/ fail” supplier self-declaration)
  - require suppliers to add Modern Slavery social value clauses<sup>6</sup> to new contracts as this will incentivise good practice, including suppliers use of relevant tools and data sets<sup>7</sup>
  - build further capacity through training (eg on reporting practices, the pragmatic application of Modern Slavery Risk Assessments, and use of supply chain tracking in preference to mapping);
  - strengthen “communities of practice” where Authorities work to share best practice and achieve efficiencies of scale, e.g. cross-sectoral collaboration (public, private and voluntary) to share due diligence data<sup>8</sup> to inform audits.
- The UK Home Office is invited to build on the good work of the Home Office Modern Slavery Unit to increase the effectiveness of the TISC provision in Local Government. This can be achieved through:
    - enabling better access to relevant data sources, such as Law Enforcement data, previous Risk Assessment Reports, and outputs from use of the Modern Slavery Assessment Tool;

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<sup>5</sup> See an example of the application by the City of Cardiff Council on the TISCReport: <https://tiscreport.org/company/gb/TRN1125892918>

<sup>6</sup> <https://socialvalueportal.com/download/8715/>

<sup>7</sup> <https://tiscreport.org/resources-managing-non-financial-risks-uk-public-sector>

<sup>8</sup> Platforms across different sectors include Electronics Watch, Sedex, TISCReport and others

- enabling effective two-way data sharing channels between the Home Office and key data custodians across **all** sectors (including the Police, NGOs, private sector data platforms such as Amazon and TISCreport, and NHS Digital) via the existing Modern Slavery Data Group forum.
- The Cabinet Office, DCLG, the Independent Anti Slavery Commissioner and the APPG on Human Trafficking and Modern Slavery are invited to consider the findings of this report as part of a wider strategy to enable more effective local and central government buying decisions in preparation for the inclusion of public bodies in the scope of Section 54. In particular:
  - The issues around limited use of non-governmental open data could be resolved with greater guidance on share-alike and other open data usage licenses, and the development of a register of trusted non-government data sources.
  - Enforcement measures could helpfully be introduced in an update to Public Contracts Regulations 2015 (and other procurement-related legislation), enabling buyers to bear down on non-compliant suppliers; (this could cover, *inter alia*, payment practices, supply chain transparency, minimum wage).
  - The creation of a Central Government Transparency Code (in alignment with the [Local Government Transparency Code 2015](#)) would reinforce supply chain transparency across the whole of the UK's public sector.
- BEIS is invited to use these findings to inform their consultation for a Single Enforcement Body for Employment Rights. If sufficiently resourced, this Body would be well-placed to establish a labour inspection mechanism for public sector supply chains. This would enable the beneficial aggregation of data from cross-sectoral partners, facilitating evidence-based policy development and assessment.

## Introduction and Research Methodology

Modern slavery in supply chains has garnered much policy attention from the UK government, notably in the introduction of the Section 54 (Transparency in Supply Chains Provision) of the Modern Slavery Act 2015 the “TISC Provision”. The legislation was intended to spur corporate transparency through mandatory reporting on labour practices in supply chains and the goal was to engage the business sector more effectively in efforts to reduce and prevent modern slavery.

In 2019, an independent review of the Act commissioned by the Home Office (2019) recommended that the TISC Provision should be extended to the public sector including local government. Subsequently, the Home Office (2019) published a guidance outlining the steps on how to identify and mitigate modern slavery risks in public sector supply chains, and rolled out training to commercial staff in the central government. A Modern Slavery Assessment Tool (MSAT) was developed to encourage identification of modern slavery risks<sup>9</sup>. The CCS is now reviewing the risk assessment reports returned from high risk suppliers<sup>10</sup>.

The Welsh Government pioneered the Code of Practice<sup>11</sup> and the associated toolkit and training to promote ethical employment in public sector supply chains in 2017. The Code of Practice extends beyond the criminal focus of the Modern Slavery Act to the ethical dimension of blacklisting, false self-employment, and zero hours contracts. All 22 Welsh local authorities have signed up to the Code, and have been provided with access to due diligence data at the TISCReport.

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<sup>9</sup> MSAT is a tool developed for public sector organisations to work with existing suppliers to identify modern slavery risks on a self-declaration basis <https://supplierregistration.cabinetoffice.gov.uk/msat>

<sup>10</sup>This is important in the local government context as local government also uses these frameworks through the central government in their organisation, while carrying out independent procurement for those contracts up to 50,000 threshold. Email communications with the CCS staff suggested that CCS has conducted risk assessment of all existing framework contracts, which has identified a number of high to medium risk contracts where suppliers within those contracts have been invited to complete the MSAT, and the results are now under review by the CCS. Sharing these reports could help to increase impact at local government level.

<sup>11</sup> ‘Ethical employment in supply chains: Code of Practice’ was introduced by the Welsh government in 2017. It includes 12 commitments, in eradicating unlawful and unethical employment practices, expected from recipients of public money when procuring goods and services. Commitments are updated annually on TISCReport. <https://gov.wales/ethical-employment-supply-chains-code-practice-guidance-and-training>

The Local Government Association (LGA) produced a councillor guide on tackling modern slavery which includes one section regarding public procurement<sup>12</sup>, and showcased the approach undertaken by a number of local authorities<sup>13</sup>.

Whereas TISCreport data shows that a number of Welsh local authorities are making encouraging process to tackle modern slavery in supply chain, there is a lack of systematic research. The objective of this research project is to develop a better understanding of the procedures taken to address modern slavery risks within local government in both England and Wales; to describe the challenges facing local authorities in this work; and to identify recommendations on how to facilitate the implementation. This research undertakes a mixed research method including a survey and qualitative semi-structured interviews with key stakeholders, in addition to a desk-based research that reviews literature and key policy documents to provide contexts to the empirical data.

The desk-based research reviewed 25 Modern Slavery Statements produced by local authorities for the 2019/2020 financial year to acquire an understanding of the general reporting practice; it also looked at the policy guidance produced by the Cabinet Office, LGA and the Welsh Government to grasp the official expectation on best practice for the public sector; and academic literature on the sustainable procurement, corporate social responsibility and other grey literature on the topic. We have drawn on this research to illuminate our findings from the survey and semi-structured interviews.

A **survey** (see Appendix A) was developed with the purpose of providing an overview of the measures undertaken by local authorities and the challenges they encountered. It included questions on actions taken to mitigate modern slavery risks during the procurement cycle, and the drivers and challenges in terms of various resources, leadership, organisational structure, and supplier willingness. We received 25 responses from officers from different local authorities varying in geographical, political, demographic differences as well as council structures including unitaries, metropolitan boroughs and district councils.

One-to-one semi-structured **interviews** with 12 key stakeholders were conducted to explore the practices and challenges for combating modern slavery. The participants were those variously involved in implementing the TISC Provision or/and those in procurement, compliance and legal roles in local authorities across England and Wales<sup>14</sup>. The interviews

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<sup>12</sup> LGA (2017). Tackling modern slavery: A councillor guide.  
[https://www.local.gov.uk/sites/default/files/documents/22.12\\_Modern\\_slavery\\_WEB%202.pdf](https://www.local.gov.uk/sites/default/files/documents/22.12_Modern_slavery_WEB%202.pdf);

<sup>13</sup> LGA (2017). Tackling modern slavery: council case studies.  
[https://www.local.gov.uk/sites/default/files/documents/22.39%20Modern%20slavery%20case%20studies\\_web.pdf](https://www.local.gov.uk/sites/default/files/documents/22.39%20Modern%20slavery%20case%20studies_web.pdf)

<sup>14</sup> At the beginning of the data collection process, a convenience sampling strategy was used when those who indicated a willingness to participate and left contact details in the survey were contacted. A snowball sampling strategy was also used where interviewees recommended those who might qualify for participation. This strategy was important to overcome the initial difficulty in recruiting participants from the target population.

were conducted over online video conference software or via phone calls. The interview data was analysed thematically.

*Caveat. Small sample sizes may be affected by self-selection bias, and outlier responses will affect average values and confidence intervals. As a consequence, this sample is not representative of local authorities in England and Wales. However, this report considers the survey results to provide valuable information in understanding the problem and guiding future research. The interview findings do not claim to be statistically generalisable of local government's practices and challenges in tackling modern slavery in supply chains. However, they can be applied to the theoretical proposition and illustrate a range of practices and challenges facing local authorities.*

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During the data collection process, new participants were selected from new organisations and different management status to build extra heterogeneity into the sample. The final sample included participants from diverse local government bodies at different levels.



## Survey Findings

This section presents survey findings in four main areas: reporting practice; activity in tackling modern slavery in supply chains; organisational support and resourcing; and impact of the TISC Provision on the modern slavery risk.

### Reporting practice

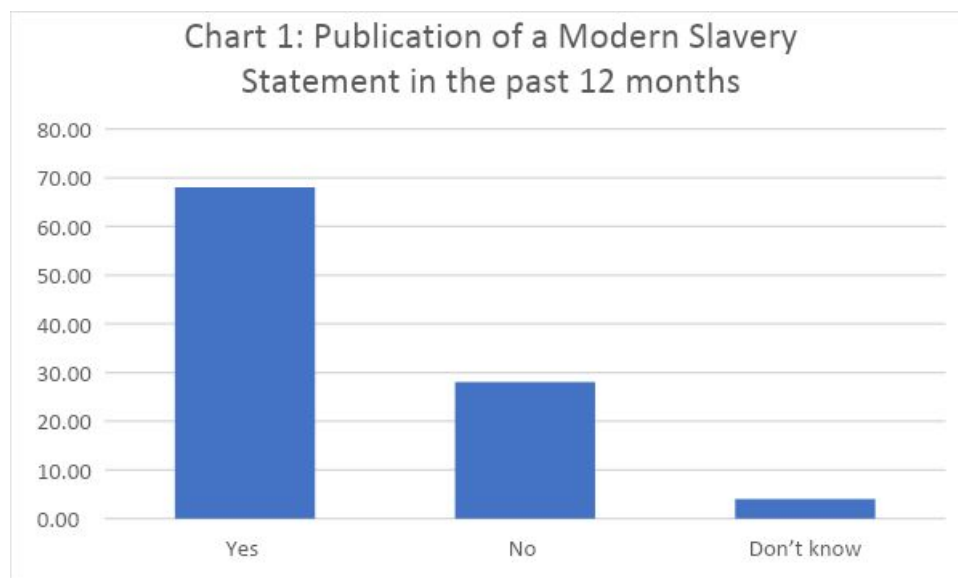
UK public sector organisations are recommended to comply with the TISC Provision by drafting and publishing an annual 'Modern Slavery and Human Trafficking Statement' (see Cabinet Office, 2019). The Statement should outline the activities taken to combat modern slavery in supply chains within the organisation, allowing for progress tracking and public scrutiny.

While this is not mandated for local government authorities, they are encouraged to ensure that 'their supply chains are free from modern slavery' (see LGA, 2017, Welsh Government, 2019). As shown in Chart 1 below, the majority of the survey respondents (68%) suggested that their organisations have correspondingly published a Statement in the past 12 months, with one third (28%) not yet reporting on the steps taken to mitigate Modern Slavery risks in the past 12 months.

While our sample size is small, the LGA Statements Portal<sup>15</sup> provides a more complete picture of the reporting practice. The Portal has recorded that there is about one third (132 out of 389 councils) of the local councils in England and Wales have published at least one Statement between 2016 and 2020. It has been observed that there has been an increasing number of councils with a Statement annually since 2016 (LGA, 2017, Olga et al ,2018).

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<sup>15</sup> The LGA set up the Portal to collect the Modern Slavery Statement produced by local councils in England and Wales and produced good practice case studies for sharing. See <https://www.local.gov.uk/topics/community-safety/modern-slavery/transparency-statements>



Several problems were identified in reporting practices during our review of 25 Modern Slavery Statements produced by local authorities in 2019/2020, suggesting this risks becoming a ‘tick the box’ exercise.

One problem relates to the clarity of the reporting period: several Statements did not specify the financial year, and not all Statements are published on an annual basis. This might be due to a misunderstanding of which financial year needs to be assigned for a statement<sup>16</sup>; or it might indicate a loss of momentum after the initial promotion of the anti-modern slavery agenda by various public and private entities.

Some Statements are published in a form of organisational policy or strategy statements; and, in some cases, these are irrelevant to the question of modern slavery in supply chains. These policy or strategy statements do not fulfil the requirements in the TISC Provision in reporting the actual actions taken, i.e., how has the policy been put into practice on an annual basis.

These pitfalls would create challenges for the public scrutiny process that could be otherwise used to steer performance improvement among councils by tracking annual reporting practices.

The review also found diverse reporting practices across local councils:

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<sup>16</sup> According to TISCreport, in October 2020, AI analysis of the compliance of 16835 UK companies showed that only 1115 of those companies met all the basic criteria set out by the Home Office statutory guidance. See <https://tiscreport.org/news/tiscreport-uk-modern-slavery-act-companies-compliance-list-2020>

- ‘compliance only’ that are the very short and uninformative Statements that indicate a likely tick-box approach
- ‘structured compliance’ where councils adhere to the six reporting criteria outlined by the Home Office;
- ‘transparency, soft remediation’ that emphasises certain commitments such as making progress in supply chain mapping;
- ‘transparent, hard remediation’ that embeds a zero tolerance approach to modern slavery in supply chains (see Stevenson and Cole, 2018).

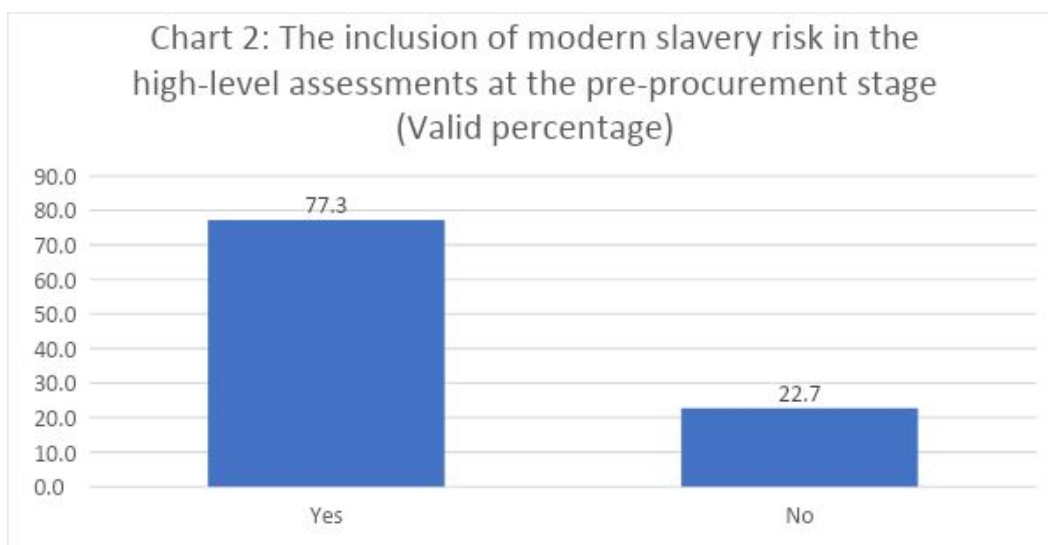
This heterogeneity is understandable given the absence of mandatory reporting requirements and the novelty of legislation. However, occasionally, a high level of homogeneity in the content was found between councils. This could be attributed to the result of best practice sharing, but it could be an indication of a lack of active engagement to understand and mitigate modern slavery risks in its supply chains while using templates shared across councils. The review also found instances of homogeneity in the Statements across different financial years by the same council, which could suggest slow progress made to address modern slavery risks in supply chains, or a lack of commitment on the issue, especially when previous research has identified some of these problems in reporting (see Martin-Ortega, 2017).

## Activity in tackling modern slavery in supply chains

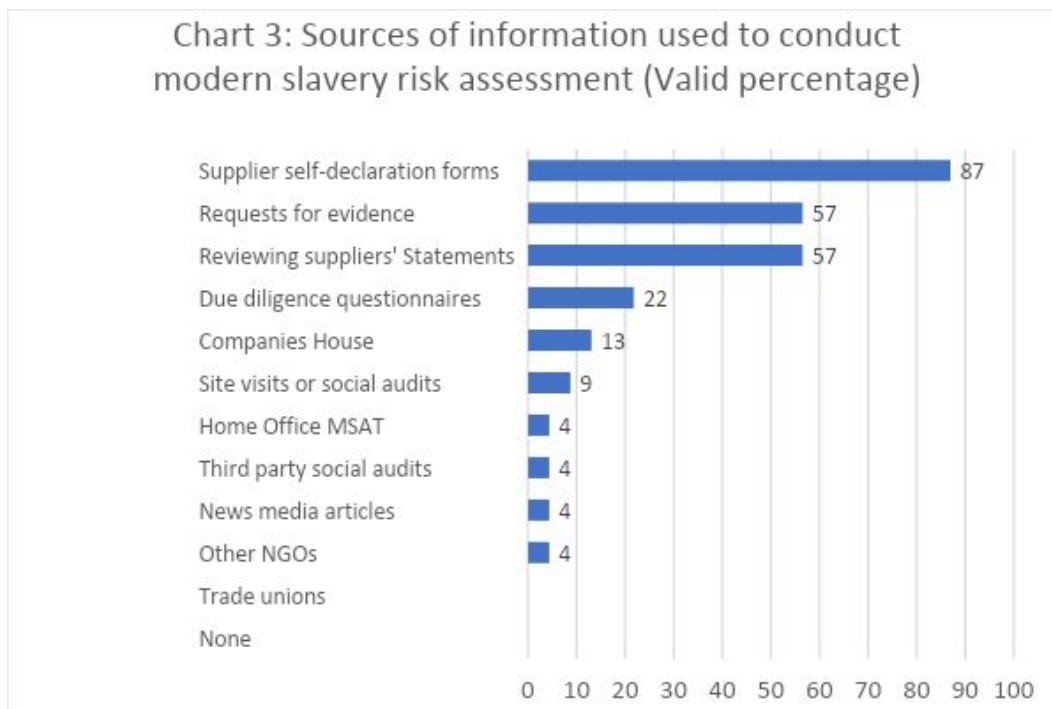
This section presents the survey findings by categorising the reported activity and procedure into patterns of (1) Analytics (i.e. risk assessment); and (2) Compliance (i.e. risk management). We also investigate the extent to which these activities are implemented during the full procurement process of (a) pre-procurement; (b) specification; (c) selection/qualification (d) award; and (e) contract management (Cabinet Office, 2019).

### *Analytics*

Local government is encouraged to **engage with the market on modern slavery issues prior to the launch of a new procurement**. This is to enable organisations to understand modern slavery risks in contracts and associated markets so that the management of risks can be factored into the procurement cycle. The survey asks respondents to indicate whether this is implemented in their organisations. The results are presented below in valid percent that excludes the responses of ‘Don’t know’ (n=3). As Chart 2 shows, the majority of the respondents (77.3%) suggested that they did include Modern Slavery Risk Assessments at the pre-procurement stage, with 22.7% responding “no”. *These results exclude three respondents who reported that they did not know. They might be officers who were not directly involved in the procurement function but compliance or legal positions, or probably in the contract management team.*



Seeking to understand how local authorities assess modern slavery risks in suppliers, the survey asks the respondents about the **sources of information used to review modern slavery risks** in their organisations' supply chains. Chart 3 below presents the valid percent of the responses. The main source of information used by local authorities is supplier self-declaration forms (87%). One respondent suggested that his/her organisation, at times, applied additional supplier selection questions regarding ethical employment in supply chains put forward by the Welsh Government's Code of Practice at the pre-qualification stage. There are two other major sources of information used here: evidence requested from suppliers; and a review of suppliers' modern slavery statement during the contract award stage, among just over a half of the respondents in their organisations (56.5%). Some respondents reported that their organisations would also issue slavery and trafficking due diligence questionnaires to suppliers (21.7%) and used the Companies House platform to cross-check modern slavery risks. Only a minority of those surveyed reported that additional sources of information were used to obtain a more robust understanding of modern slavery risk in suppliers' businesses and their supply chains. These include inviting suppliers to complete the Home Office Modern Slavery Assessment Tool (MSAT) and conducting site visits or social audits. None of the respondents reported information from trade unions was used.



The results are not surprising given that Welsh Government developed the selection question template as part of the ethical employment practice toolkit for local authorities<sup>17</sup> and, the Home Office has revised the public procurement policy in contracting authorities in England and Wales where the official Standard Selection Questionnaire now includes self-certification questions on the compliance with the TISC Provision (see Cabinet Office and Crown Commercial Service, 2016). In the Standard Questionnaire, suppliers are to declare whether they have an annual turnover of £36 million or more, and if so, whether they are compliant with the annual reporting requirements. This is intended to enable exclusion of non-TISC compliant bidders from the tendering process, although the evidence from our interviews suggests that the "bite" of the Provision is limited<sup>18</sup> (not least because of resource constraints and lack of expertise). Other official templates include questions regarding the use of policies such as prohibiting modern slavery. Local government might further ask for evidence such as a link to the Statement or the use of certain policy in suppliers' organisations at the selection and contract award stage, which however appears to be practiced to a lesser degree. The due diligence questionnaire and site visit (in the post-qualification stage) appear not to be commonly used by local government. This

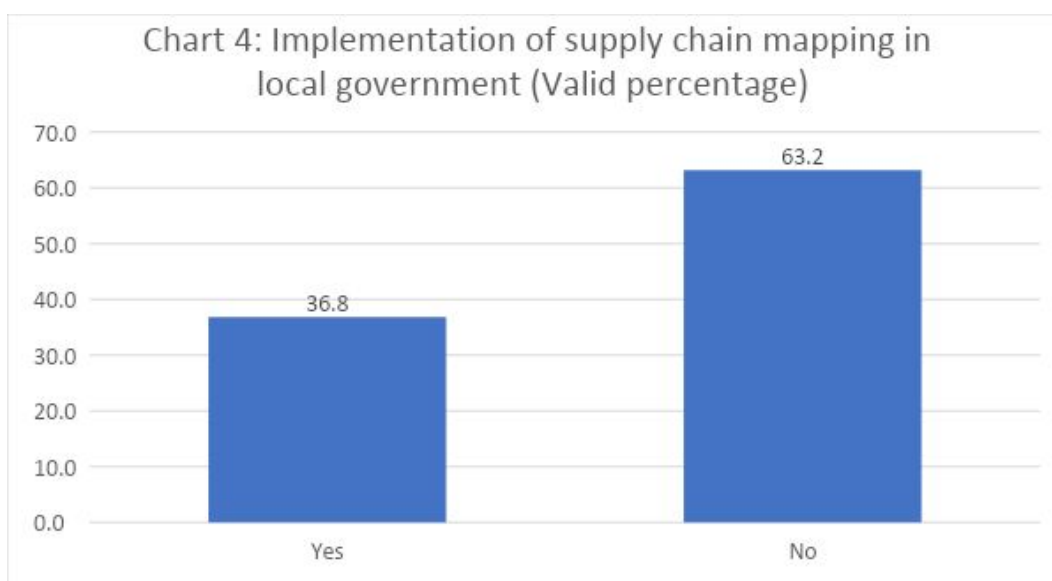
<sup>17</sup> Welsh Government administers signatories of their Code of Practice on TISCReport and makes TISCReport supply chain compliance & reporting tools available to all Welsh public bodies for all their suppliers.

<sup>18</sup> If an Authority lacks confidence to act, concerns can also arise about the risk of legal challenge from an excluded supplier.

suggests that *much reliance is placed on suppliers' honesty in their own declaration of compliance and policy status, as verification for the information and additional checks to be less performed in local government.*

The above findings suggest that local authorities variously factor in modern slavery risks mainly at the pre-procurement stage. Considerations are also given at the supplier selection and award stages for new contracts at over half of the surveyed respondents' organisations.

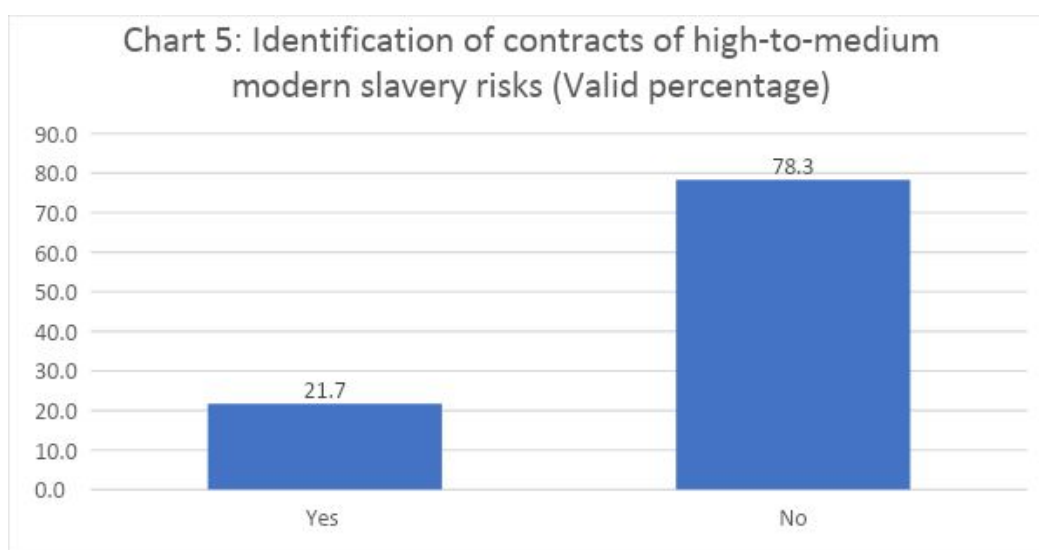
However, it has been suggested that the risk not only lies in tier one suppliers but also those upstream and in the labour supply chains where suppliers and labour agencies may locate in the UK or outside the UK (Crane et al, 2019). In this context, **supply chain mapping** remains a useful tool to better establish the modern slavery risk profile of suppliers and supply chains by improving supply chain visibility and transparency (Stevenson and Cole, 2018). The Cabinet Office guidance (2019) encourages public sector bodies to undertake a proportionate approach to conduct supply chain mapping and effectively cooperate with suppliers to acquire information regarding modern slavery risks in supply chains. To understand the implementation, the survey asks local government officers whether the organisation is working with tier one suppliers to conduct supply chain mapping. The responses are presented in Chart 4 below. Just over one third of the respondents suggested that their organisations have conducted supply chain mapping (36.8%), whereas two thirds of the respondents suggested that it was not practiced within their organisations (63.2%).



The aim of analytics is to **highlight the higher-risk areas** on which procedures should be strengthened for risk management. The government has identified high modern slavery risks



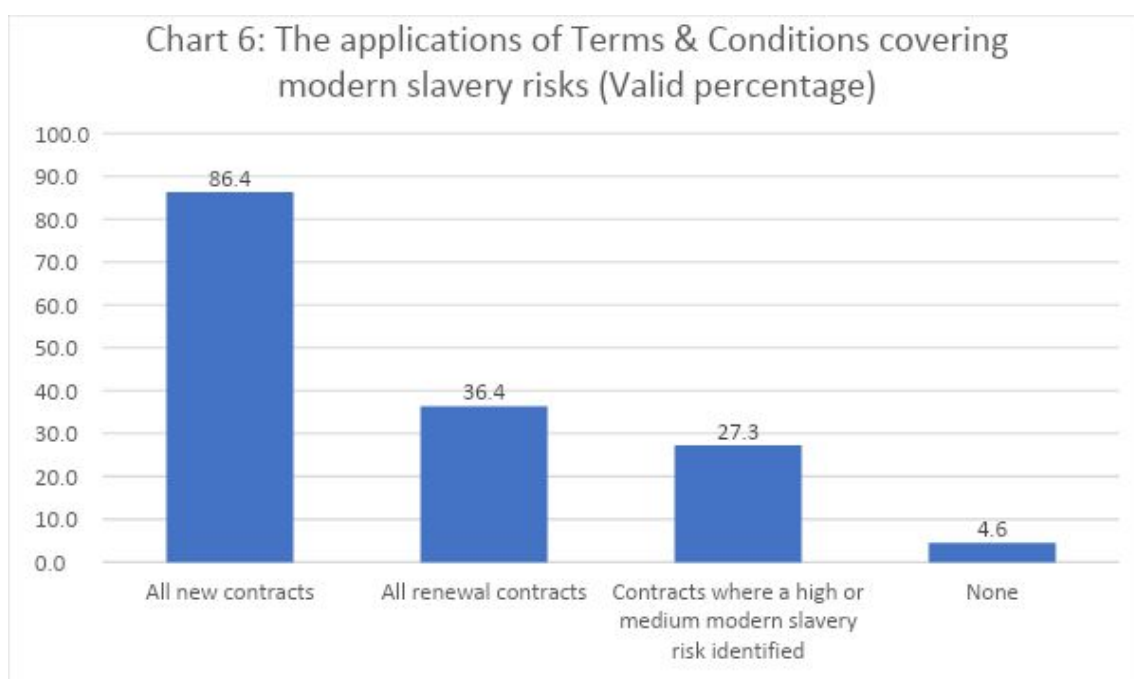
among contracts of information and communications technology (ICT) and electronics, construction, services such as cleaning, catering, security and health care in the central government (see HM Government, 2019). These areas also feature local government contracts. According to the Ministry of Housing, Communities & Local Government (2019), local government has a budgeted expenditure on services of £96.2 billion in 2019-20, including key service areas of social care, highways and transport and environmental services and so on. The social care, construction and maintenance, cleaning and security sectors are known to be vulnerable to modern slavery (CIOB, 2016). However, as shown in chart 5 below, a majority of respondents (78.3%) indicated that their organisations did not identify high-to-medium risk contracts. *It is worth mentioning that this is a valid percent with an 8% non-response rate to this question. This raises questions of the accuracy and sufficiency of analytics in fully understanding modern slavery risks in local government supply chains.*



### Compliance

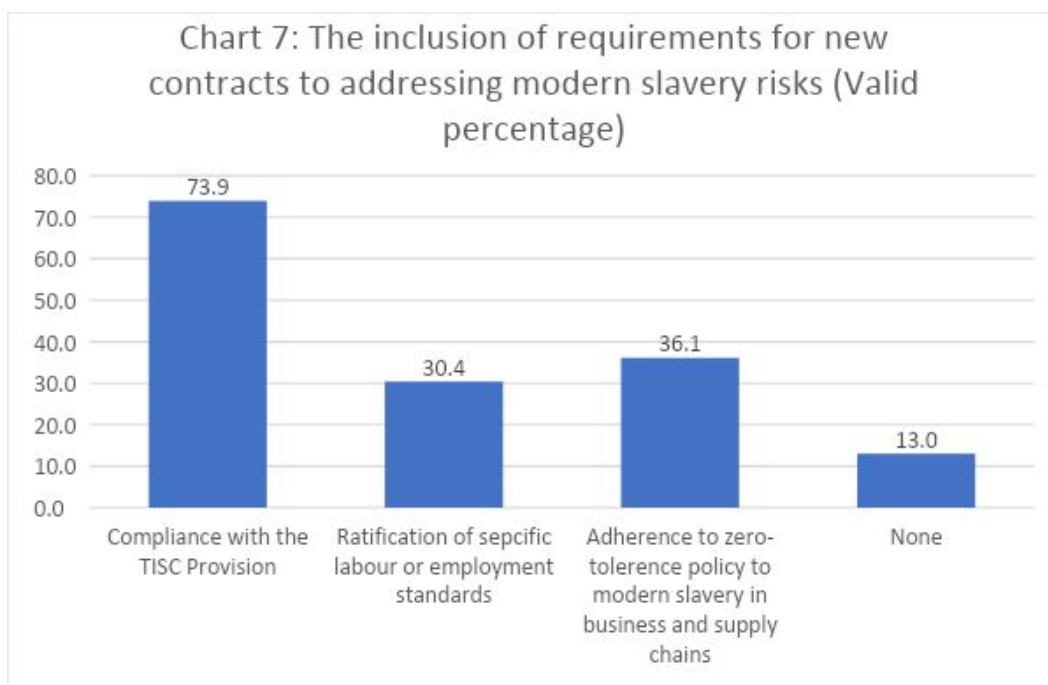
To effectively manage modern slavery risks in contracts, local government is encouraged to adopt compliance procedures by specifying and enforcing requirements for suppliers (HM Government, 2019). This is underpinned by a governance rationale where the main buyers – local government in this context – apply strict principles to govern and improve working conditions in supply chains (Locke et al, 2019). It can take forms of policy, codes of conduct and, can be included in contractual terms and conditions to give local authorities legal leverages to govern supply chains.

To understand the extent to which **contractual terms and conditions** are used to address modern slavery risks, respondents were asked to indicate the types of contracts where terms and conditions covering modern slavery risks would be applied. As shown in chart 6 below, over two thirds of the respondents (86.4%) indicated that the relevant contractual terms and conditions covering modern slavery risks were applied among new contracts in their organisations. Just over one third of respondents (36.4%) said that their organisations would include such terms and conditions in renewal contracts. However, less than one third of respondents (27.3%) suggested they were included in contracts where a high to medium modern slavery risk was identified; this might, of course, be associated with the paucity of the identification of high to medium risk contracts among contracts in local government shown previously (see Chart 5). A small percentage of respondents (4.6%) suggested an absence of application of the relevant terms and conditions in combating modern slavery in supply chains. One respondent noted that the “terms and conditions were applied based on a proportionate approach where the nature of the requirements was taken into considerations”.



The survey asks what **requirements in relation to addressing modern slavery in supply chains** are included among new contracts. Chart 7 below presents the breakdown of the type of requirements that new contracts must meet. A significant proportion of the respondents (73.9%) reported that their organisations required new contracts to comply with the TISC Provision of the Modern Slavery Act 2015. That is, businesses need to submit a

Statement that details the actions taken to address modern slavery risks if they have an annual turnover of £36 million or more. When asked whether new contracts should conform to specific labour or employment standards such as the international labour standards set by the International Labour Organisation (ILO), just one third of the respondents (30.4%) said “yes”. Over one third of the respondents (36.1%) reported that top management advocated a zero-tolerance culture. A minority of the respondents (13%) reported an absence of requirements for new contracts to meet in order to address modern slavery risks in their organisations.

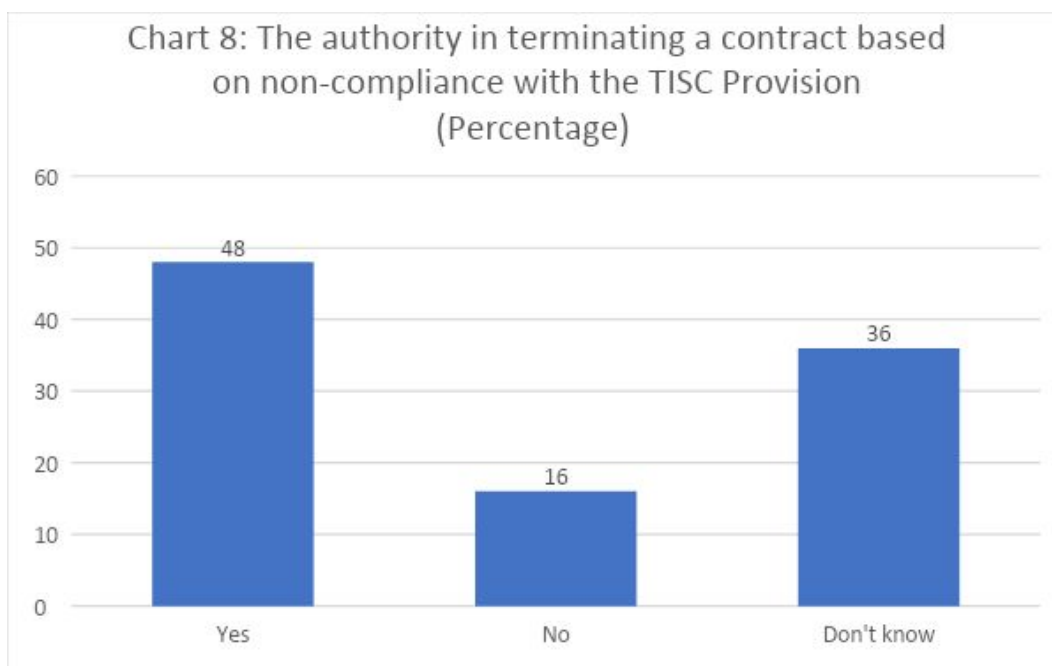


The above findings highlight that the main compliance procedures used by local authorities include the requirement for new contracts to comply with the TISC Provision by submitting a Statement when the bidders have an annual turnover of £36 million or more. There are also stricter compliance procedures for suppliers such as ratification with specific labour standards and the adherence to a zero-tolerance policy, although they appear to be less applied among the surveyed participants' organisations.

For compliance procedures to be effective, there should be an enforcement system. The compliance with the TISC Provision primarily relies on buyers. As highlighted by the Home Office's Independent Review of the Modern Slavery Act (2015), there is currently no public enforcement body to tackle non-compliance with the TISC Provision. The recommended actions for local authorities to handle high risk suppliers are to communicate the concern and

expectation and cooperate with suppliers to mitigate risks. Where the remedial attempts fail, local authorities may consider contract termination (see Cabinet Office, 2019<sup>19</sup>).

To provide insights into the approach to non-compliant suppliers, the survey asks whether the local government has the **authority to terminate a contract based on non-compliance** with the TISC Provision, if efforts to address non-compliance have failed. As seen in Chart 8 below, whereas almost half of the respondents (48%) suggested that their organisations did have the authority to terminate the contract under the circumstance described, over a third of them (36%) reported that they did not know, and less than one quarter of the respondents (16%) suggested that they had no authority to do so. This suggests insufficient leverages are available to local authorities to handle non-compliance or due to the fear of litigation pursued by suppliers. This also raises questions of how effective the compliance procedures are if local government is uncertain regarding remedial tools to tackle non-compliance.



## Organisational support, resourcing, and supplier willingness

In addition to investigating the practice of tackling modern slavery in local supply chains, the survey also aims to examine the challenges that might be faced by local government in tackling modern slavery in supply chains in terms of organisational support, resourcing and

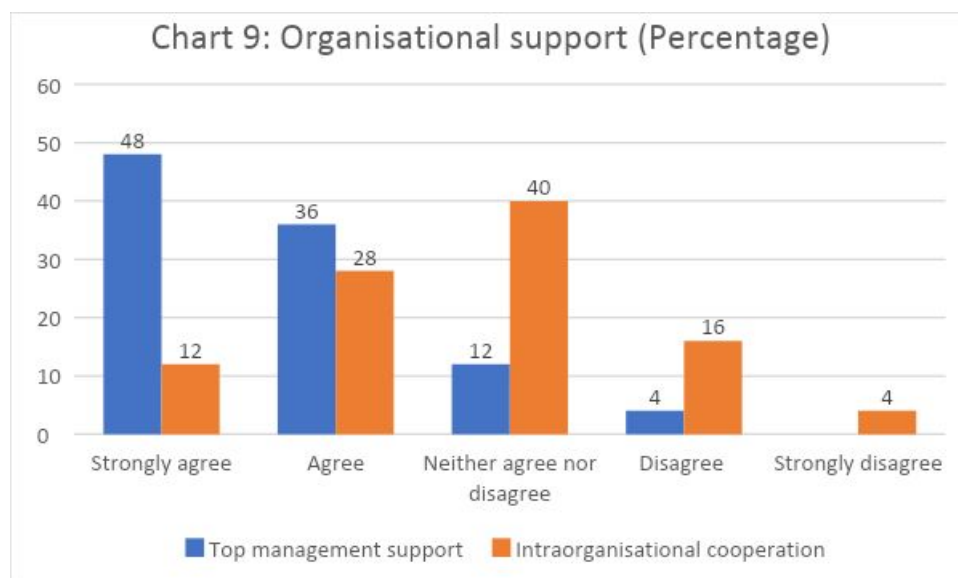
<sup>19</sup> Cabinet Office. (2019). Tackling modern slavery in government supply chains. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/830150/September\\_2019\\_Modern\\_Slavery\\_Guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/830150/September_2019_Modern_Slavery_Guidance.pdf)

supplier willingness. These three dimensions have previously been found to play an important role in shaping the practical implementation of policy in a public procurement context (Geldernman et al, 2006). This section presents the survey results accordingly.

### *Organisational support*

Organisational support for addressing modern slavery risks is crucial to the implementation including senior level commitment (Geldernman et al, 2006). Previous research on sustainability in public procurement also finds that new initiatives require intraorganizational trust and cooperation between departments (Preuss and Walker, 2011).

Seeking to understand whether there is sufficient organisational support, the survey includes two questions to measure its two dimensions including management support and cross-departmental support. They ask respondents to indicate the degree of agreement to the statements of 'top management in my organisation is supportive in addressing modern slavery risks in supply chains (senior management support)' and 'my organisation has a joined-up approach in addressing modern slavery risks in supply chains, with different departments working well together (intraorganisational cooperation)'. Chart 9 below presents the responses to these two questions. Regarding top management support, 84% of the respondents either strongly agreed or agreed with the statement with only 4% disagreeing. On the other hand, when asked whether they perceive the tackling modern slavery in supply chains entails a joint-approach with different departments working well together in their organisations, less than one third of the respondents indicated that they strongly agreed (12%) or agreed to the statement (28%). Almost half of the respondents suggested that they neither agreed or disagreed (40%), whereas 20% of the respondents disagreed.

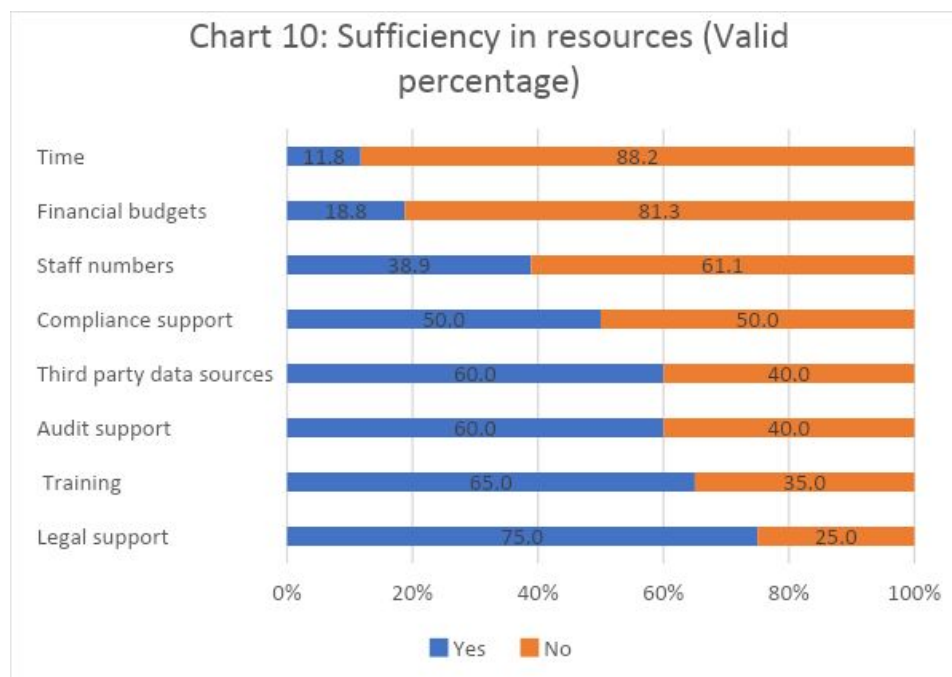


### *Resourcing*

Public sector organisations are found to be constrained by the available resources at their disposal in implementing policy of sustainable procurement that advances social justice such as human rights (Walker and Brammer, 2009). The survey asks respondents to indicate whether they perceive there are sufficient resources – of training, staff numbers, time, third party data sources, financial budgets, legal, audit and compliance support – to conduct efficient and effective modern slavery risk management. Based on research in supply chain management, training is suggested to be important in providing the necessary knowledge for the transformation of policy of tackling modern slavery into practice within the local government (Ambe and Bradenhorst-Weiss, 2012). Sufficient human resources might also be vital in influencing the degree to which considerations of social factors are taken into the procurement processes (Walker and Brammer, 2009). Further, local government is suggested to be facing tight budget constraints, according to a report published by the Institute for Fiscal Studies, which might become a challenge in tackling modern slavery within local authorities (Harris et al 2019). In relation to the modern slavery risk assessment specifically, data availability has been found to be important in enabling the implementation of supply chain due diligence (Hofmann, et al, 2018).

The breakdown of results regarding the perceived sufficiency of resources is presented in Chart 10 below. The biggest challenge here is ‘time’: almost 90% of those surveyed felt that there was not enough time to manage modern slavery risks. This is followed by financial budgets with the majority of the respondents (81.3%) suggested that they were insufficient. Almost two-thirds of the participants (61.1%) felt there were not enough staff for the work. Half of those surveyed (50%) indicated that effective modern slavery risk management would require compliance support in their organisations. 40% respondents reported that there were insufficient third-party data sources and audit capacity; just over one third (35%) felt the training was not enough in their organisations whereas legal support is only deemed as insufficient by 25%.

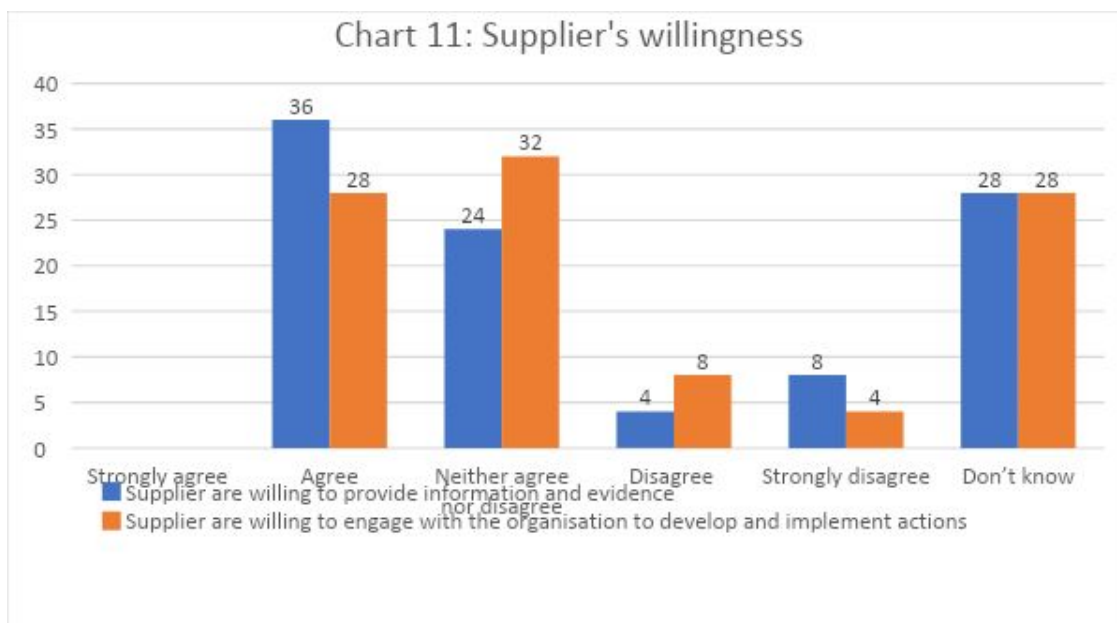




### Supplier willingness

The degree to which tackling modern slavery in local government supply chains is implemented might also be contingent on the supply side factor. Suppliers' attitude is suggested to influence the implementation of public procurement policies (Gelderman et al, 2006). The survey has two questions asking respondents to assess suppliers' willingness to cooperate by providing information and evidence to local authorities (Question 12); and by engaging with local authorities in developing and implementing remedial actions (Question 13). Chart 11 below presents the results.

None responded 'strongly agree'; just one third of the respondents (36%) agreed that suppliers were willing to cooperate with information and evidence, and only 24% agreed that suppliers were willing to address modern slavery risks. A minority of the respondents indicated that they disagreed or strongly disagreed with the supplier's willingness (4%-8% in both categories). Interestingly, 28% of respondents answered 'don't know' to both questions, with similar results for 'neither agree or disagree'. The reason could be that local government officers are uncertain about interpreting the attitudes of suppliers. *Future research might consider phrasing the question as asking about suppliers' behaviour rather than attitudes that might allow for more insights and reduce the non-response rate.*



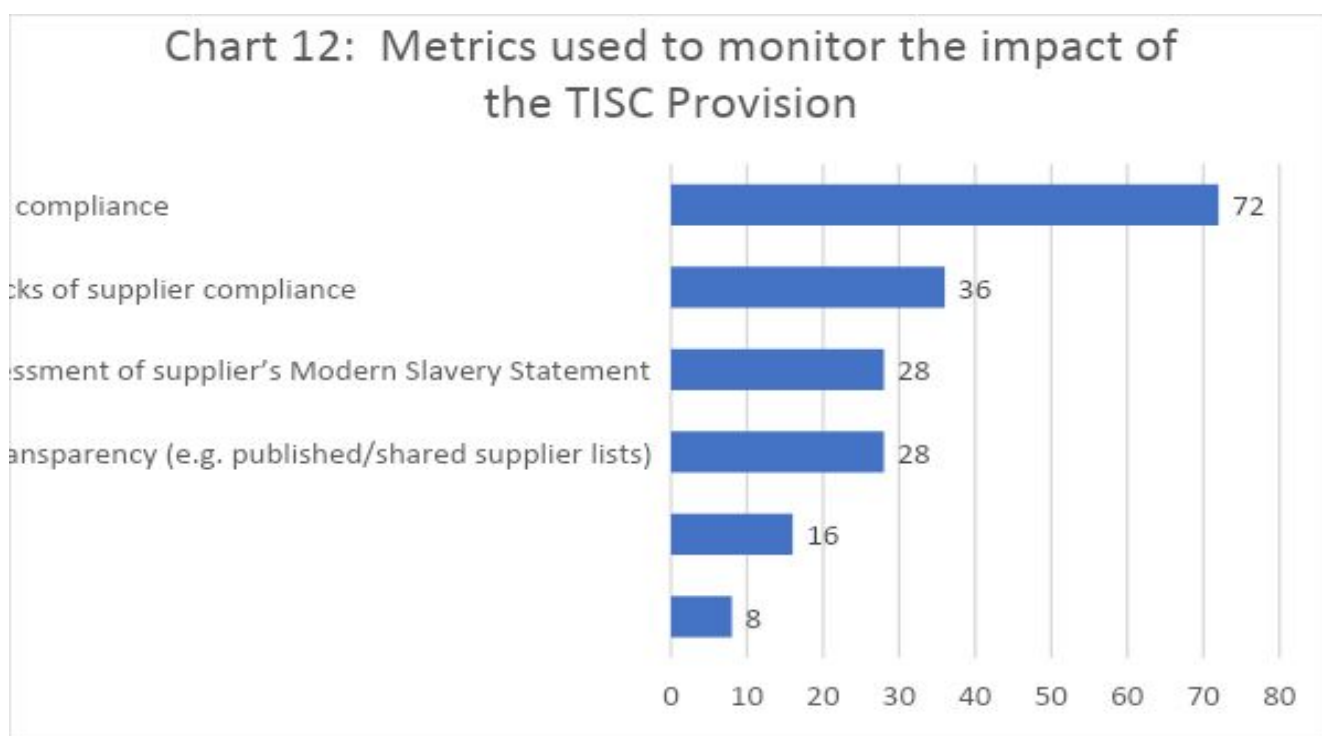
## TISC Provision's impact

The monitoring of the impact of the application of the TISC Provision is important in tracking local authorities' progress and can be used as a reference point to continue developing future plans for tackling modern slavery in supply chains. According to the statutory guidance by the Home Office (2020), organisations are recommended to use performance indicators to drive performance by measuring progress against reducing modern slavery risks in supply chains. As shown in the chart 12 below, when asked about metrics to monitor the impact of the Provision:

- 72% of respondents reported that their organisations used self-declarations of supplier compliance;
- 36% indicated that their organisations used in-house or outsourced checks of supplier compliance;
- 28% said that their organisations used in-house assessment of suppliers' modern slavery statements and evidence of supply chain transparency
- 28% used outsourced assessments of the above;
- a minority of those surveyed suggested that none of the metrics was used.

Whereas the analysis shows that multiple metrics are used in some local authorities, there appears to be a higher use of self-declaration in measuring impacts and relatively less use of rigorous checks or assessment. A limitation of the use of supplier self-declaration in

measuring TISC Provision's impact lies in the reliance on suppliers honestly and correctly understanding the issue. Without verifying the compliance, and more importantly, assessing the statement content and supply chain transparency, the impact measured might be limited in reflecting the actual compliance status and the quality of the compliance. On the other hand, simply measuring compliance might not be able to assess the actual impact in eradicating modern slavery' as the Provision's goal. This appears to be a challenge due to the lack of available data on working conditions in local government supply chains.



The survey further asks the respondents to indicate whether they agree that the application of the TISC Provision reduces modern slavery risks in their organisations' supply chains. As shown in Chart 13 below, only a minority of the respondents (14%) strongly agreed and just over one third "agreed (36%). 32% of the respondents indicated that they neither agreed or disagreed, and 28% suggested that they did not know. This result might indicate moderate confidence among local government officers in the application of the TISC Provision and its impact in changing working conditions in local government supply chains. The reason could be attributed to the absence in measuring the actual impact in reducing modern slavery. Or it could also be related to the limitation of the TISC Provision as a commonly adopted light compliance procedure in addressing modern slavery risks in supply chains.



## Interview findings

Given the focus of this project on challenges to operating the TISC Provision, interviews inevitably concentrated on these obstacles and how to overcome them. This needs to be kept in perspective: what follows is not intended to detract from the many positive and promising signals reflected in our survey.

The key discussion topics during interviews were (1) the practical implementation of tackling modern slavery in supply chains, (2) challenges facing local authorities and (3) ways in which local authorities can be better supported le.

This section presents six major themes to emerge from the interviews: the complexity of supply chains; contract management capacity; financial and technical resourcing; intergovernmental cooperation; efficacy of the law; and leadership and political will.

### Supply chain complexity

Local authorities procure goods and services from a range of third parties. The absence of direct oversight from in-house management could increase the modern slavery risk for an authority. In some councils, there can be up to 10,000 suppliers on an annual basis. Local authorities rely on procurement practices to qualify suppliers on a pass or fail basis in relation to modern slavery risks. It often includes confirming whether the supplier has a modern slavery statement. In some authorities, it includes questions around health and safety, living wage, and other policies related to the prohibition of modern slavery. When awarding contracts, local authorities may codify terms and conditions including ensuring

compliance, to avoid any activity that could constitute an offence under the Act. Interviewees reported how a complex supply chain of their organisation can create a range of challenges during this procurement exercise:

We are working with our tier one suppliers at the moment, it is very difficult for us to go beyond that. I mean our council has a massive number of contracts, hundreds of contracts, and to go beyond tier one is very much a challenge, we try the best we could with what we've got here. Doing tier one is already a huge amount of work. When it needs to go beyond that, we do not have that capacity. Sometimes, we do ask the question about subcontractors, just a handful of times, a yes or no question about their direct suppliers, but what we don't have is the capacity to follow on and check as thoroughly as for our tier one. (Interviewee 2)

In some organisations, the procurement exercise may go beyond tier one suppliers, but it is suggested to be rather challenging to go beyond tier two:

We also ensure that each of its subcontractors and their suppliers to comply with the anti-slavery policy and with all applicable laws, we not only ask them through the questionnaire about their own position around presenting an annual statement, we ask them for each of their subcontractors...some of the flaw is that it probably only stopped at tier two, so you got your own suppliers, and then you've got their own subcontractors, but how far forward does that go? How many layers does that effectively cover...there probably aren't many instances where we go beyond tier two or three? (Interviewee 4)

The above extracts perhaps demonstrate the practical challenges and the difficulties in gaining a more robust understanding of the risk beyond tier one suppliers. Accounts from interviewees also suggest that the supply chains cover different areas where blind spots might be in specific service areas and labour agencies:

We work with the commissioner purchasing the service they put forward. Putting a pass/fail question about the statement is as far as we go. There is no emphasis on modern slavery here. Terms and conditions? No, there is nothing on modern slavery. They might be in other categories, but I have not come across that with social care...Labour providers is a challenging one. So if you look at some of the professional services, when we - say - contract for - say - cleaning or for security, we don't check them that much besides from the statement. The other thing is, they are often not over the £36 million threshold. So lots of them may just bypass the compliance check (Interviewee 11)

The quote above shows inconsistency in the application of risk assessment and management across different contract categories with insufficiency in social care and other professional services in several local authorities.

## Contract management capacity

Contract management has an important role in tackling modern slavery in local government supply chains. It can start at the pre-procurement stage where experience in managing contracts can feedback into the risk assessment:

We (procurement) use the standard questionnaire template. Additional questions would be down to the contract managers in the departments. They would probably be the people who know what to include, what are the right questions to ask. (Interviewee 7)

Another key role is to ensure the expected outcome is achieved during contract delivery:

You can build in all sorts of questions in the procurement, all sorts of terms and conditions, ticks all the boxes, you asked your suppliers...but does anyone actually follow through and check during the delivery...ensure that there aren't people that are exploitative on the working site...these are not on the minds of those doing the procurement...(Interviewee 12)

However, several interviewees have pointed out its limited capacity in the local government and suggests contract management requires funding to be able to effectively tackle modern slavery:

Over time, contract management is being reduced, so procurement is focusing on more and more a small part of the process, and contract management is just floating around...bouncing around, and contract management is under threat, when contracts goes lives...probably for four years, the delivery happens, who is going to monitoring and looking at the certificate, unless local government can have a well-managed contract management role, it's going be a struggle...(Interviewee 11)

This quote above shows that the organisational structure in the local authorities does not necessarily allow sufficient contract management capabilities to monitor suppliers' compliance on an ongoing basis during the contract delivery, with main efforts in tackling modern slavery devoted to the pre-award stage. How effective are the compliance procedures if local authorities lack analytics in the post-contract award stage to monitor compliance?

## Financial and technical resourcing

Under the public policy of austerity of the Coalition government since 2010, local government and local service suffered from a disproportionately high amount of the cuts in resources of staff, budgets organisational continuity as the foundation of policy development and implementation. This can lead to 'active policy dismantling' where local authorities face



no option but to weaken public provision (Eckersley and Tobin, 2019). This interview reveals examples of actively dismantling the anti-slavery policy in the procurement function:

It is now a matter of resourcing, austerity has been and still is a big problem, you got the government shouting at local authorities to deal with things, but you've got to prioritise if you don't have the budget to address everything. There are already legal requirements for councils to do things but [the fact that] they are not doing it is because there is no resource to do it, unless you fund them to do it, they are not going to be able to do it. (Interviewee 6)

The other challenge is associated with technical resourcing. This includes tools and data that are necessary for facilitating the modern slavery risk assessment and management. Preceding these is the importance of raising awareness, training and a clear guidance and checklist to guide the operation:

I think most people would want to do something about it once they are aware of it...understanding that it actually happens...and giving people guidance...if you Google it, you'd probably find guidance, it's whether the guidance comes out that I was made aware of it in some way...an idiot's guide, an easy guide, some simple guidance...examples of what has happened in the past without people realising it, people would kind of think how it relates to them...(Interviewee 5)

It would be really helpful for me to understand what's the right thing to do, how to best investigate modern slavery in supply chains...I am really struggled to find out how to do this. I have completed training provided by my organisation. I also attended other training provided by the external organisations. Generally, it tells us what does labour exploitation mean, how to identify it, but it does not have much of a procurement perspective. How can we identify it when sitting in the office? Some other training that I found are really expensive to afford. (Interviewee 3)

That is the big hold in all of this is the practical doing side of it...so many pieces of guidance and you kind of read through it and you come to the end of it and ah it is good, but how do i actually do this, still don't know...it doesn't actually say what, you need to sit down and do this...a checklist of stuff that people need to be doing and thinking about (Interviewee 10)

This highlights the importance of training for raising awareness and capacity building. In our survey, 65% of respondents reported that they had sufficient training resources, suggesting there is room for improvement here. Another way is to issue guidance, with interviewees highlighted the importance of guiding local authorities step by step through the process. Some of our interviewees further suggested that it would be helpful if they can have access to toolkits providing all information required for a compliance check:

It is difficult you know, there is no such thing as toolkits off the shelf that you just type in things and click enter where you got all the results in to check the risks. What

would be really helpful is a toolkit or a prescriptive checklist that we could use. (Interviewee 7)

The main thing we do is financial check. We use various sources for that. But nothing specifically on modern slavery. At the moment, there isn't any available site to do that kind of check. (Interviewee 1)

There's a lot of information out there to look for, it is a bit in different places, a central database pulling all these together would be so much easier. There is much more that can be done to make it much more streamline. If it was that much easier to do these compliance checks, then more people would be more inclined to do it, realising it doesn't take quite as long as it might. (Interviewee 2)

### Inter-organisational network

During interviews, interorganisational collaboration emerged to be helpful in combating modern slavery in local government supply chains. This includes collaboration between local authorities and law enforcement bodies. Such relationships exist in different community safety programmes. What appears to be lacking is the standardised information sharing between them, which could be an area for support:

We all have completely different computer systems that don't talk to each other in the public sector...There is currently not so much of information sharing, frontline officers need to specifically asked for pieces of information...you need a good legal cause as to why you would share, you need evidence to suggest that there was some criminal activity. (Interviewee 6)

What the quote above shows is the problem associated with the IT infrastructure and information sharing agreement. The other way of collaboration might be helpful is to aggregate the compliance check across councils<sup>20</sup>. As suggested by one of the interviewees:

Some of the contracts we have, lots of other councils might have similar suppliers, so it would be good if there's some sort of cooperation to make it more efficient. (Interviewee 12)

Other forms of networks mentioned during interviews include procurement networks, partnerships, and information sharing networks. It is suggested that these networks have helped individual councils to learn from each other and created competition in driving regional performance.

...a community [of experts and councils]...so anyone has got any question, they can email them or post them...[councils] help each other...and we had regional

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<sup>20</sup> Welsh Government regularly updates TISCReport.org with their supplier data in order to facilitate such collaborations across all Welsh Public bodies.

seminars...[the community] track where councils are at with the commitments...(Interviewee 8)

With modern slavery the push has definitely come in locally and in District Council A in general because County Council B has got a good network, facilitated by NGO X...so we are motivated (Interviewee 7)

The quote above exemplifies how a network in County A consisting of local authorities and non-governmental organisation helps stimulating incentives in tackling modern slavery in supply chains. Regionally there are nine well attended heads of procurement networks as well as the LGA National Advisory Group (NAG) for Procurement which is regionally represented. Modern Slavery in the Supply Chain is one of main workstream areas.

### Gap in regulation framework

Despite the various challenges associated with organisational incentives, structure and resources, most of the interviewees suggest that the lack of statutory requirement is associated with insufficient incentives for local government to adopt the TISC Provision, but expect the legislation might be amended in the coming year and suggest it would create a step change. Some interviewees suggested that a role in monitoring local authorities would be helpful to steer performance, and this has already been established in the Welsh Government.

The more concerned challenge is the perceived gap in the TISC Provision in undermining authorities' incentives in combating modern slavery or adopting more rigourous due diligence procedures:

yes it is pass or fail base...so Person A came along at the start of the piece of work...very keen to make it part of the procurement process...to score people on that and decide who is the best...for modern slavery...and as you know the modern slavery statement that we interrogate them on...and we basically said that...first of all, the regulations don't allow it...we aren't qualified to say that's believable or not believable, that's good, or its bad or its brilliant...(Interviewee 5)

I would actually say the lack of what is it that they want us to do about modern slavery? You have seen how many people have gotten a statement, but how do you build on that going forward? ...where is the mechanism for all of that...or the infrastructure to help us to investigate the suppliers on site...(Interviewee 1)

The challenge is, how we actually gonna identify the (risks in) supply chains? If we just focus on the statement, that's fine, how do you actually audit that? You just gonna take somebody's words for it or is it way to increase the confidence in what it is that they are telling us. To fill that gap, you probably need a whole of a reform to the system to allow a labour inspection capacity (Interviewee 9)

The quotes above indicate perceived inefficacy of the TISC Provision among stakeholders due to its *lax requirements, an absence of a model to validate, assess, and act on the quality of the statement, and an absence of mechanism for workplace inspections*. TISC Provision will eventually stipulate mandatory requirements regarding the quality of the Statement once the Transparency in Supply Chains Consultation recommendations have been implemented by the UK Government<sup>21</sup>. Until then, a supplier is deemed as compliant even if it suggests no action has been taken to combat modern slavery in supply chains as long as it reports it and, it will subsequently pass all the checks in relation to modern slavery. This remains as a concern among stakeholders interviewed who suggest that the regulation does not yet allow them to disqualify a bidder because it does ‘less’ in preventing modern slavery or the information provided seems ‘less convincing’. The regulation of modern slavery in supply chains is currently characterised by a patchwork of initiatives where the criminal justice focus of the Modern Slavery Act appears ineffective in addressing the challenges: law enforcement agencies undertake limited workplace inspections (Crane et al, 2017) and the local authorities that have a limited visibility of the supply chains. It is greatly hoped that the commitments for change made by the UK Government will address these issues.

### Leadership and political will

There appears to be an inconsistency in the approach to combating modern slavery in supply chains across different councils: at one end of the spectrum, councils are conducting supply chain mapping to understand the risk and managing the supplier/contractual relationships to mitigate the risk; others adopt nothing other than the Standard Selection Questionnaire provided by the government. It is recognised that support from top management is crucial in shaping the implementation of policy in public procurement (Walker and Brammer, 2009), and interviews have corroborated with the role of leadership in affecting how the sector deals with this issue. Several policy and procurement officers said that the implementation highly relied on the chief executive, arguing that the elected Leader of the council needs to be accountable for monitoring the effectiveness of TISC procedures (Interviewee 5 and 8). It is suggested that the strong support from the council’s Leader was the main driver behind the efforts devoted to supply chain mapping (Interviewee, 2); but this is not always the case:

No, it is not a priority. They have their own pressing priorities, and these things seem to be so far removed in terms of where they are at. It only ever becomes an issue for that senior level membership and directorship when something goes wrong, and they react, until such time, they take assurance from their staff doing their job...I have come across difficulties in telling them this is important to do, but there isn’t any political will to delving into that. (Interviewee 4)

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<sup>21</sup> The Home Office Transparency in supply chains consultation Government response was published on 22nd Sept 2020

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/919937/Government\\_response\\_to\\_transparency\\_in\\_supply\\_chains\\_consultation\\_21\\_09\\_20.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/919937/Government_response_to_transparency_in_supply_chains_consultation_21_09_20.pdf)

You can see the people at the very high level in the council, move on to the next thing, we have done that now, what's the big pressure that we need to respond to, so everybody is pushed to look at the next thing whether it will be quality or something else. So probably when the Modern Slavery Act came in and the guidance was issued, probably a bit of a focus on that, for a period, we put something on the website, right, and we expected everything to happen, and then we move on to the next thing (Interviewee 11)

Whereas the survey gives strong evidence that procurement teams enjoy top management support for their work in this area, the perceived lack of managerial support is likely to be associated with the problem of resourcing indicated by several interviewees as shown previously and as illustrated by survey results in Chart 10, in addition to competing operational and political priorities. The other possible reason might be the lack of direction from policy-makers for local government, as the training has only been delivered to commercial staff in the central government, which undermines the ability of local government leaders to always turn good intentions into well-resourced operations. The reality is that insufficient support from top management - for whatever reason - can form a barrier for an organisation to initiate modern slavery risk assessment and management, even if the procurement officers are willing to take up the role. One challenge lies in sustaining commitment from the top even when external pressure diminishes over time.

This is policy that runs through the whole organisation. So we have to recognise the whole organisation needs to see the benefit...modern slavery issue can't just be seen as procurement issues, they are organisation wide issues...it is not about saying procurement or contract management or legal or compliance, if you give it to just those departments, they'll operate in silos and nobody actually contribute anything...(Interviewee 4)

In councils where there is a political will to combat modern slavery, successful implementation can depend upon incorporating plans into the wider organisational strategy. Incorporating the anti-slavery agenda in the strategy of an organisation as a whole rather than of a specific department is suggested to be important for effectively combating modern slavery in supply chains (see the quote above). The potential problem, if not implemented as an organisational matter, might be that of the organisational structure. This finding echoes survey results in Chart 9 where only 40% of the respondents suggested they perceived a joint-approach with different departments working together well in their organisation.

## Concluding remarks

The survey findings contain positive evidence for action being taken by local government to tackle modern slavery risks in the supply chain; this is all the more encouraging given this is not a statutory requirement. The following are worth highlighting:

- 84% of respondents acknowledge support from Top Management for pursuing TISC Provision actions against Modern Slavery (Chart 9);
- 86% report that all new contracts include Terms & Conditions addressing Modern Slavery, (Chart 6); according to our survey, 74% of these contracts require specific compliance with the TISC Provision (Chart 7);
- 77% report that they include a high-level Modern Slavery Risk Assessment in the pre-procurement process (Chart 2).

The resourcing challenges illustrated in Chart 10 suggests that a gap can develop between aspiration and practice. Procurement teams appear relatively satisfied with resources linked to Audit and Legal Advice, but are hampered by insufficient time, staff or funds to do the job effectively; and Chart 9 suggests collaboration between different units within a Council is less than perfect. We speculate that structural and resourcing problems are impacting detrimentally on the mission, reflected in the following:

- Only 22% of respondents make the effort to identify higher-risk contracts (Chart 5);
- Whereas 87% of respondents use supplier self-declaration forms and 57% review suppliers' statements, only a few use other key sources of information for risk assessments (e.g. supplier due diligence or site visits) (see Chart 3)
- only 37% of respondents indicate that their Councils undertake Supply Chain Mapping (Chart 4);
- 40% of respondents reported that there were insufficient third-party data sources and audit capacity<sup>22</sup> (Chart 10);
- less than 30% of the respondents report the impact of the TISC Provision is measured by assessing the quality of supplier's statements and the transparency of supply chains (Chart 12).

Our survey only covered 6.5% of local authorities, and we should expect some discrepancy between these figures and realities on the ground. Nevertheless, there are indicators here worth exploring in greater detail. Our interviews, focusing on the **challenges** facing local authorities in tackling modern slavery in supply chains, adding some qualitative flesh to the quantitative bone. The research findings suggest that:

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<sup>22</sup> TISCreport usage statistics show that only 22% of local authorities have used freely available non-compliance data to increase compliance in suppliers (for spends over £500)



- a decade of austerity<sup>23</sup> has had a detrimental impact on contract management capacity, making it exceptionally challenging to run an effective risk monitoring and management regime;
- knowledge of what needs to be done to implement Modern Slavery Risk Assessments is patchy; this is reflected in the scarcity of supply chain mapping and the relative absence of procedures to handle suppliers identified as higher risk;
- insufficient use is made of databases, toolkits and support systems that are available for more robust compliance checks and due diligence procedures;
- there are no clear or consistent lines of communication between local authorities and law enforcement agencies for Section 54 activity;
- there are limited powers of enforcement by government agencies and a lack of statutory incentives;
  - o the TISC Provision currently applies minimal requirements for information disclosure or actions to be taken (such as workplace inspection);
  - o there is no standardised mechanism to validate, assess, and act on the quality of a Modern Slavery Statement;
  - o there are limited opportunities to monitor outputs that could steer improvement in the implementation through greater accountability.

There is, in conclusion, evidence that procurement teams enjoy top management support for this work in this area. But competing operational and political priorities, combined with minimal powers of enforcement, and negligible direction from policymakers, undermine the ability of local government leaders to turn good intentions into effective procedures.

Despite these challenges, we have found that some local authorities have developed approaches to overcome, or at least minimise, the obstacles. Some have rejected use of a binary “pass/fail” question at the qualification stage, recognising that one size does not fit all; some produce a modern slavery risk profile for existing as well as new contracts; and in some instances there is active communication with suppliers to seek changes in their behaviour.

There are lessons that can be shared and learned here, as well as opportunities to tackle the challenges through collective and collaborative action. Our recommendations below are not restricted to local authority leaders, but also enrol the support of policymakers and legislators.

Based on these findings regarding the progress and challenges in tackling modern slavery in local government supply chains, we propose the following **recommendations**:

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<sup>23</sup> By 2020, the LGA reports that local authorities will have faced a reduction to core funding from the Government of ~£16B over the preceding decade. Councils will have lost 60p out of every £1 the Government had provided to spend on local services in the last eight years. Next year, 168 councils will receive no revenue support grant at all.

[https://www.local.gov.uk/sites/default/files/documents/5.40\\_01\\_Finance%20publication\\_WEB\\_0.pdf](https://www.local.gov.uk/sites/default/files/documents/5.40_01_Finance%20publication_WEB_0.pdf)



- Regional and Local Government Leaders are invited to promote best practice, sharing the practical solutions that have incentivised their teams to overcome challenges and implement the TISC Provision more effectively; for instance:
  - adopt the practice (followed by 118 authorities<sup>24</sup> in England and Wales) of appointing an elected councillor as modern slavery champion to oversee and steer the internal implementation;
  - ensure Procurement is represented at board level and embed the TISC Provision into the corporate strategy, raising its profile within the organisation to promote coordination between different departments;
  - share learnings from work being done to raise awareness of modern slavery risks in different goods and services categories and contract labour agencies;
  - incorporate modern slavery risk assessment into the full cycle of procurement practice (as advocated by the Home Office guidance and Welsh Code of Practice) and focus and invest resources on strengthening the monitoring of risks in contract management<sup>25</sup>;
  - enhancing risk assessment procedures by adopting more robust analysis (other than the “pass/ fail” supplier self-declaration)
  - require suppliers to add Modern Slavery social value clauses<sup>26</sup> to new contracts as this will incentivise good practice, including suppliers use of relevant tools and data sets<sup>27</sup>
  - build further capacity through training (eg on reporting practices, the pragmatic application of Modern Slavery Risk Assessments, and use of supply chain tracking in preference to mapping);
  - strengthen “communities of practice” where Authorities work to share best practice and achieve efficiencies of scale, e.g. cross-sectoral collaboration (public, private and voluntary) to share due diligence data<sup>28</sup> to inform audits;

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<sup>24</sup> Data recorded by the TISCReport: <https://tiscreport.org/public-sector/uk-transparency-report/>

<sup>25</sup> See an example of the application by the City of Cardiff Council on the TISCReport: <https://tiscreport.org/company/gb/TRN1125892918>

<sup>26</sup> <https://socialvalueportal.com/download/8715/>

<sup>27</sup> <https://tiscreport.org/resources-managing-non-financial-risks-uk-public-sector>

<sup>28</sup> Platforms across different sectors include Electronics Watch, Sedex, TISCReport and others

- The UK Home Office is invited to further build on the good work of the Home Office Modern Slavery Unit to increase the effectiveness of the TISC provision in Local Government. This can be achieved through:
  - enabling better access to relevant data sources, such as Law Enforcement data and previous Risk Assessment Reports (including MSAT responses);
  - enabling effective two-way data sharing channels between the Home Office and key data custodians across all sectors (including the Police, NGOs, private sector data platforms such as Amazon and TISCreport, and NHS Digital) via the existing Modern Slavery Data Group forum.
- The Cabinet Office, DCLG, the Independent Anti Slavery Commissioner and the APPG on Human Trafficking and Modern Slavery are invited to consider the findings of this report as part of a wider strategy to enable more effective local and central government buying decisions in preparation for the inclusion of public bodies in the scope of Section 54. In particular:
  - The issues around limited use of non-governmental open data could be resolved with greater guidance on share-alike and other open data usage licenses, and the development of a register of trusted non-government data sources. This would enable much faster progress transparently and efficiently across public, private and voluntary sector organisations.
  - Enforcement measures could helpfully be introduced in an update to Public Contracts Regulations 2015 (and other procurement-related legislation), enabling buyers to bear down on non-compliant suppliers; (this could cover, inter alia, payment practices, supply chain transparency, minimum wage).
  - The creation of a Central Government Transparency Code (in alignment with the Local Government Transparency Code 2015) would reinforce supply chain transparency across the whole of the UK's public sector.
- BEIS is invited to use these findings to inform their consultation for a Single Enforcement Body for Employment Rights. If sufficiently resourced, this Body would be well-placed to establish a labour inspection mechanism for public sector supply chains. This would enable the beneficial aggregation of data from cross-sectoral partners, facilitating evidence-based policy development and assessment.

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## Appendix 1: Survey questionnaire

# *Tackling Modern Slavery in Local Government Supply Chains*

### Section 1 - Tackling Modern Slavery in Supply Chains

1. My organisation has published a Modern Slavery statement in the past 12 months

-Yes

-No

-Don't know

2. My organisation includes the Modern Slavery risk in the high-level assessments required at the pre-procurement stage of any contract:

- Yes

- No

- Don't Know

3. My organisation applies Terms & Conditions covering Modern Slavery risks for the following: (Select all that apply)

- All new contracts

- All renewal contracts

- Contracts where a high or medium Modern Slavery risk is identified

- None

- Don't know

4. My organisation requires new contracts to meet the following where applicable (select all that apply):
- Complying with the TISC Provision (Section 54, Transparency in Supply Chain, of the Modern Slavery Act 2015)
  - Ratifying with specific labour or employment standards (e.g. ILO International Labour Standard)
  - Following directions from Top Management to explicitly prohibit the use of Modern Slavery in its business and supply chains
  - Other (please specify) \_\_\_\_\_
  - None
  - Don't know
5. What sources of information are used by your organisation to identify and review Modern Slavery risks in your supply chain (Select all that apply)?
- Supplier self-declaration forms
  - Requests for evidence from suppliers in relation to managing Modern Slavery risks
  - Issuing slavery and trafficking due diligence questionnaires to suppliers
  - Reviewing suppliers' Modern Slavery statements
  - Inviting suppliers to complete the Home Office Modern Slavery Assessment Tool (MSAT)
  - Conducting site visits or social audits to monitor Modern Slavery risks
  - Third party social audits
  - News media articles
  - Companies House
  - Trade Unions
  - Other Non-Governmental Organisations
  - Other data sources (Please specify) \_\_\_\_\_



- None of the above
  - Don't know
6. My organisation has the authority to terminate a contract based on non-compliance with the TISC Provision (if efforts to address non-compliance have failed):
- Yes
  - No
  - Don't know
7. My organisation is actively working with Tier 1 suppliers to conduct supply chain mapping in:
- Yes
  - No
  - Don't know
8. My organisation has identified suppliers carrying a high risks of Modern Slavery over the last three years:
- Yes
  - No
  - Don't know

## Section 2 – Organisational support and resourcing

9. My organisation has identified suppliers carrying a high risks of Modern Slavery over the last three years:
- Strongly agree
  - Agree
  - Neither agree nor disagree
  - Disagree

- Strongly disagree
- Don't know

10. My organisation has a joined-up approach in addressing Modern Slavery risks in supply chains, with different departments working well together.

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

11. My organisation has sufficient resources (in the following categories) to conduct efficient and effective Modern Slavery risks management in (Select all that apply):

- Training
- Staff numbers
- Time
- Third party data sources (e.g. Companies House, TISCreport etc)
- Financial budgets
- Legal support
- Audit support
- Compliance support
- Other (please specify) \_\_\_\_\_

### Section 3 – Impact of the TISC Provision on Modern Slavery Risk

To what extent do you agree that:

12. Suppliers are willing to provide information and evidence in relation to Modern Slavery risks.

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know
- Not applicable

13. Suppliers are willing to engage with my organisation to develop and implement actions to reduce Modern Slavery risks

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know
- Not applicable

14. Do you use any of the following metrics to monitor the impact of the TISC Provision?

- Self-declarations of supplier compliance
- In-house or outsourced checks of supplier compliance
- In-house or outsourced assessment of supplier's Modern Slavery Statement

- Evidence of Supply Chain Transparency (e.g. published/shared supplier lists)
- Other (please specify) \_\_\_\_\_

15. My organisation's application of the TISC Provision reduces Modern Slavery risks in supply chains

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

#### Section 4: About Your Role

16. Describe your current position

- Senior Management
- Middle Management
- No management role

17. What is your primary responsibility?

- Procurement
- Legal
- Compliance
- Finance/Accounting
- Other (please specify) \_\_\_\_\_

18. How long have you worked in this role (in your current and previous employment together)?

- Under 2 years
- 2-5 years
- Over 5 years

19. Which organisation are you working for? (This information will be treated confidentially but helps with “sample balancing”).

20. Are you willing to be contacted if our researcher has follow-up questions? If yes, please provide your preferred contact details.

## Appendix 2: Demographic data of the interviewees

Interviewee pseudonym	Organisation
Interviewee 1	Local council
Interviewee 2	Local council
Interviewee 3	Local council
Interviewee 4	Other local authority (Procurement)
Interviewee 5	Local council
Interviewee 6	Local government membership association
Interviewee 7	Local council
Interviewee 8	Other governmental body (Policy)
Interviewee 9	Law enforcement
Interviewee 10	Local government membership association
Interviewee 11	Local council
Interviewee 12	Other governmental body (Policy)

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