

Meeting Title	Board of Directors		
Date	21 September 2023	Agenda item	Bo.9.23.22

MODERN SLAVERY AND HUMAN TRAFFICKING STATEMENT

Presented by	Laura Parsons, Associate Director of Corporate Governance/Board Secretary		
Author	Laura Parsons, Associate Director of Corporate Governance/Board Secretary		
Lead Director	Matthew Horner, Director of Finance		
Purpose of the paper	To present the modern slavery and human trafficking statement for approval		
Key control	N/A		
Action required	For approval		
Previously discussed at/ informed by	ETM – 11 September 2023		
Previously approved at:	Committee/Group	Date	
	N/A		

Key Options, Issues and Risks

The Modern Slavery Act 2015 is designed to consolidate various offences relating to slavery and human trafficking. The legislation addresses slavery, servitude, forced or compulsory labour and human trafficking. Section 54 of the Act specifically relates to transparency in supply chains. It states that commercial organisations with a total turnover in excess of £36million per year must publish a written slavery and human trafficking statement for the financial year. This should include the steps taken to ensure that slavery and human trafficking is not taking place, including within its supply chain.

The Act does not specify what constitutes a business, and the potential therefore exists for NHS bodies, particularly NHS providers, that earn income from providing services to be considered to be within the scope of the Act's reporting requirements.

Discussions between the Department of Health and Social Care and Home Office have established that NHS bodies are not considered to be carrying on a business where they are engaged in publicly funded activities and that it was not intended that such activities should be within the scope of the Act. Income earned by NHS providers from government sources, including ICBs and local authorities, is considered to be publicly funded for this purpose.

Where NHS bodies engage in profit-making activities, these may still be sufficient to trigger the reporting requirements. This is likely to be the case where income is earned from non-government sources, such as private patients, and where this income exceeds £36 million in total. It is ultimately for individual NHS bodies to consider whether they have activities that require them to be treated as a commercial organisation for the purpose of the Act, and to produce the required statement accordingly.

Whilst BTHFT does not meet the criteria above, there have been some instances where research funders have requested to see our Modern Slavery and Human Trafficking Statement as part of their funding conditions. Publishing a statement would also demonstrate our commitment to combatting slavery and human trafficking. Many other NHS trusts have chosen to publish statements.

A draft statement has been produced with input from colleagues in HR, finance, procurement, safeguarding and Freedom to Speak Up and is attached at Appendix 1.

The format of the statement includes the suggested information as outlined within the Act, and the statements produced by other NHS organisations have also been reviewed to ensure we are in line with best practice.

Where a slavery and human trafficking statement is required, the Act specifies that entities must publish this on their website (if it has one), and a link must be included in a prominent place on the homepage.

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The statement must be approved by the board of directors and be signed by a director.

Recommendation

The Board is asked to **review** and **approve** the Modern Slavery and Human Trafficking Statement attached at Appendix 1, for publication on the Trust's website.

The statement will then be reviewed on an annual basis.

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Risk assessment						
Strategic Objective	Appetite (G)					
	Avoid	Minimal	Cautious	Open	Seek	Mature
To provide outstanding care for our patients, delivered with kindness				g		
To deliver our financial plan and key performance targets				g		
To be one of the best NHS employers, prioritising the health and wellbeing of our people and embracing equality, diversity and inclusion					g	
To be a continually learning organisation and recognised as leaders in research, education and innovation				g		
To collaborate effectively with local and regional partners, to reduce health inequalities and achieve shared goals					g	
<i>The level of risk against each objective should be indicated. Where more than one option is available the level of risk of each option against each element should be indicated by numbering each option and showing numbers in the boxes.</i>	Low		Moderate	High	Significant	
	Risk (*)					
Explanation of variance from Board of Directors						
Agreed General risk appetite (G)						

Benchmarking implications (see section 4 for details)	Yes	No	N/A
Is there Model Hospital data relevant to the content of this paper?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is there any other national benchmarking data relevant to the content of this paper?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the Trust an outlier (positive or negative) for any benchmarking data relevant to the content of this paper?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Risk Implications (see section 5 for details)	Yes	No
High Level Risk Register and / or Board Assurance Framework Amendments	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Quality implications	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Resource implications	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Legal/regulatory implications	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Equality Diversity and Inclusion implications	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Performance Implications	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Regulation, Legislation and Compliance relevance
NHS England: (please tick those that are relevant)
<input type="checkbox"/> Risk Assessment Framework <input type="checkbox"/> Quality Governance Framework <input type="checkbox"/> Code of Governance <input type="checkbox"/> Annual Reporting Manual
Care Quality Commission Domain: Choose an item.
Care Quality Commission Fundamental Standard: Choose an item.
NHS England Effective Use of Resources: Choose an item.
Other (please state):

Relevance to other Board of Director's academies: (please select all that apply)			
People	Quality & Patient Safety	Finance & Performance	Other (please state)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>