

**Context**

Welsh Government published the Code of Practice in March 2017, with an expectation that all Welsh public sector bodies agree to sign up to meet its commitments. In signing up, it is acknowledged that no organisation will be in a position to have fully satisfied all of the Code’s commitments. Instead, signing up represents a pledge to commence the journey to meet the requirements of Code’s commitments.

The table below sets out the impact on the Council’s against the requirements of the Code’s commitments. At present this primarily covers impacts and actions in respect to the Corporate Procurement Team, Human Resources section and individual service areas.

	<b>Code of Practice Commitment</b>	<b>Met?</b>	<b>Action needed to meet commitment</b>	<b>Impact of meeting commitment</b>	<b>RAG</b>	<b>Comment</b>
1.	Produce a written policy on ethical employment within our own organisation and our supply chains. Once produced we will communicate the policy throughout our organisation and we will review it annually and monitor its effectiveness. As part of this we will:	<b>No</b>	<p>The Corporate Procurement Team in conjunction with Human Resources Team will need to jointly develop a written policy on ethical employment and will need to consult with relevant stakeholders prior to launching.</p> <p>Ethical Employment written policy that includes:</p> <ul style="list-style-type: none"> <li>• Definition and corporate stance statement</li> </ul>	<p>Workload of producing such a policy is manageable.</p> <p>Commentary on the implications of each commitment in the policy is covered later.</p>	<b>Green</b>	Will be incorporated into the procurement strategy.

			<p>against each of the following: ethical employment issues:-</p> <ul style="list-style-type: none"><li>• Modern slavery</li><li>• False self-employment</li><li>• Unfair use of umbrella schemes and zero hours contracts</li><li>• Position on paying the Living Wage Foundation's Living Wage</li><li>• Position on engaging workers through direct employment, or via recruitment or employment agencies, or by using employment businesses</li><li>• Position on sub-contracting work, which includes circumstances in which sub-contracting takes place and whether all sub-contractors need to be approved</li><li>• Ensuring fair payment terms and fair delivery terms with sub-</li></ul>		
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			<p>contractors</p> <ul style="list-style-type: none"><li>• Position on using employment businesses, recruitment agencies, labour providers including the payment of recruitment fees</li><li>• Stance on Blacklisting and freedom of association</li><li>• Approach to monitoring global supply chains in particular to high risk area of labour exploitation</li><li>• Approach to supply chain management and monitoring including risk assessment, auditing, reviews and due diligence checks and remediation if evidence of child labour, slave labour or unfair employment contracts</li><li>• Approach in supporting Fairtrade products</li><li>• Approach and steps taken in organisation to</li></ul>			
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			<p>support workers who have spoken up</p> <ul style="list-style-type: none"> <li>• How the organisation will raise awareness of the policy e.g. through training, inductions, staff and supplier briefings</li> <li>• The reporting and management of associated risks</li> </ul>			
1.1	Appoint an Anti-Slavery and Ethical Employment Champion	No	This would be better included as a portfolio responsibility for the CM Corporate Management and Assets		Green	Each Portfolio will appoint a lead to ensure the code is implemented in any contracts
2.	Produce a written policy on whistle-blowing to empower staff to raise suspicions of unlawful and unethical employment practices, and which places a responsibility on staff to report criminal activity taking place within our own organisation and our supply chains. Once produced we will communicate the policy	In part	<ol style="list-style-type: none"> <li>1. Amend and expand the current Council Whistleblowing policy to apply to non-employees and include ethical employment issues</li> <li>2. Make available on internet + intranet</li> <li>3. Frequency of review is 1/3 years which is adequate</li> </ol> <p>Whistleblowing policy to be uploaded on to the</p>	Easily manageable	Green	The whistle blowing policy will need to be expanded to cover non-employees

	throughout our organisation. We will review the policy annually and monitor its effectiveness. We will also:		PROACTIS Portal and included in all tender documentation templates			
2.1	Provide a mechanism for people outside our organisation to raise suspicions of unlawful and unethical employment practices.	No	<p>See above note on applying whistleblowing policy to non-employees</p> <p>Value Wales has a supplier feedback service where suppliers can email to raise these concerns. Suppliers need to be made aware of this service when necessary and we will need to amend our tender documentation to signpost the feedback service to suppliers</p> <p>Ensure Whistleblowing policy is on internet and intranet with clear contact details for the Monitoring Officer &amp; Deputy Monitoring Officer so issues can be raised.</p>	Easily manageable	Amber	We will provide a mechanism to report abuses under the code which the Council can lawfully tackle
3.	Ensure that those involved in buying/	No	Promotion and awareness of e-learning module on	Easily manageable	Green	Procurement officers will be

	procurement and the recruitment and deployment of workers, receive training on modern slavery and ethical employment practices, and keep a record of those that have been trained		<p>anti-slavery to be made to all middle managers and procurement related officers.</p> <p>The code of practice e-learning module to be also promoted once finalised and available from Welsh Government. All Middle Managers &amp; Procurement staff are expected to undertake the Anti-slavery training through the e-learning platform. The Council staff in appropriate roles will complete the eLearning module on the Code of Practice once it is finalised by Welsh Government</p>			trained on awareness of modern slavery
4.	Ensure that employment practices are considered as part of the procurement process. We will:	No	In principle, these aims are supported.			
4.1	Include a copy of our Policy on ethical employment	No	Ethical Employment Policy to be included in once finalised in all tender	Easily Managed	Green	Agreed

	(Commitment 1) in all procurement documentation.		documentation on Proactis.			
4.2	Include appropriate questions on ethical employment in tenders and assess the responses provided.	No	Ethical Employment Tender questions to be populated into the Questionnaire Library on the PROACTIS portal.  Procurement Category Business Partners to discuss inclusion of the questions on appropriate tenders.	Easily incorporated into the tender process. Though care needs to be taken not to make the paperwork burdensome for smaller suppliers or social enterprises	Green	
4.3	Incorporate, where appropriate, elements of the Code as conditions of contract.	No	Conditions of contract clauses to be included in the specification or terms of contracts as deemed appropriate.		Green	
4.4	Ask bidders to explain the impact that low costs may have on their workers each time an abnormally low quote or tender is received.	No	Potential amendment to the current CPR's to stipulate explanation on impact on workers if tender bids are deemed abnormally low.  Consider asking a default question on worker pay	Could increase costs of contracts but as few contracts for services are let impact likely to be minimum	Green	

			rates in comparison to total unit cost rates to determine impact of low costs on the workers.			
5.	Ensure that the way in which we work with our suppliers does not contribute to the use of illegal or unethical employment practices within the supply chain. We will:					
5.1	Ensure that undue cost and time pressures are not applied to any of our suppliers if this is likely to result in unethical treatment of workers.	No	Future Contract management training to include consideration of ethical employment issues.	Impractical to assess or enforce without great expense but we could follow up any specific allegations of failure to adhere to the requirement(s)	Amber	As above
5.2	Ensure that our suppliers are paid on time – within 30 days of receipt of a valid invoice.	Yes	This commitment is already in place with the Council aiming to pay all valid invoices within 30 days and this is monitored as a principle corporate KPI measure.  The Council has also amended its General Terms		Green	This is our current practice



			<p>&amp; Conditions of contract to seek fair payment to all sub-contractors within 30 days as well.</p> <p>The Council where appropriate will look into the use of Project Bank Accounts on typically construction / infrastructure projects</p>			
6.	Expect our suppliers to sign up to this Code of Practice to help ensure that ethical employment practices are carried out throughout the supply chain.	No	Update tender documentation on PROACTIS with a link to the new written policy once in place.	Impractical to assess or enforce without great expense but we could follow up any specific allegations of failure to adhere to the requirement(s)	Amber	We will encourage suppliers to adopt the code. Due to possible cost implications especially for SMEs it will not be mandatory
7.	Assess our expenditure to identify and address issues of modern slavery, human rights abuses and unethical employment practice. We will:	No	The Corporate Procurement Team will work in conjunction with Value Wales and Atamis the WG spend analysis provider to identify category spend areas that are deemed high risk sub-category areas for unethical employment practices			

7.1	Carry out regular reviews of expenditure and undertake a risk assessment on the findings, to identify products and/or services where there is a risk of modern slavery and/or illegal or unethical employment practices within the UK and overseas.	No	As above and the Council already submits full expenditure data to the Atamis as part of Welsh Government spend analysis programme	Monitoring supply chain issues overseas will clearly be difficult and expensive. Relying on externally validate accreditation marques may increase cost and/or administrative burden for small supplier	Amber	The Council will seek to identify modern slavery.
7.2	Investigate any supplier identified as high risk, by direct engagement with workers wherever possible.	No	In high risk spend areas, more robust contract management processes will be required on those particular contracts. However there is limited due diligence that can be undertaken due to complexity of the supply chains and the available resource capacity.	This is potentially highly problematic especially where workers are located outside Flintshire	Amber	The Council will work to address legal practices
7.3	Work with our suppliers to rectify any issues of illegal or unethical	No	Legal Services in conjunction with Procurement Officers will		Amber	The Council will investigate any reported illegal

	employment practice.		review any issues identified of unethical employment practice and take appropriate action.			practices, or report them to appropriate enforcement authorities.
7.4	Monitor the employment practices of our high risk suppliers, making this a standard agenda item for all contract management meetings/reviews.	No	Amend the current Contract Procedure Rules to incorporate a requirement under the contract management section that employment practices should be monitored for high risk suppliers as standard	Impractical to assess or enforce without great expense but we could follow up any specific allegations of failure to adhere to the requirement(s)	Amber	
8.	Ensure that false self-employment is not undertaken and that umbrella schemes and zero hours contracts are not used unfairly or as a means to:	In part	The web based New Supplier creation database will continue to check if a supplier has a unique tax reference (UTR). These above checks will include IR35 checks	These are easily manageable in respect of our own employees. However it will be difficult and/or expensive to apply in respect of contractors.	Green	The Council will ensure this is the case for its own employees and directly engaged agency workers
8.1	Avoid, or facilitate avoidance of, the payment of tax and National Insurance contributions and the relevant minimum wages.	In part	As above.	As above	Amber	The Council will ensure this is the case for its own employees and directly engaged agency workers

8.2	Unduly disadvantage workers in terms of pay and employment rights, job security and career opportunities.	In part	As above, but with regard to Zero hours contracts the use of such contracts will be kept under review, since in some particular instances, e.g. social care, zero hour contracts provide flexibility for the workers	As above	Green	
8.3	Avoid Health and Safety responsibilities	Yes	Health and Safety considerations should be monitored as part of the contract management process.		Green	The Council will do this for its own employees and directly engaged agency workers
9.	Ensure that workers are free to join a Trade Union or collective agreement and to undertake any related activity and raise worker concerns without risk of discrimination. We will:-					
9.1	Not make use of blacklists/prohibited lists.	Yes	The Council already adopt this process where appropriate, by asking relevant questions within the Pre-Qualification Questionnaire (PQQ) for construction projects which is based on the national		Green	This is the Councils practice already

			Squid questionnaire from Value Wales.			
9.2	Ensure that our suppliers do not make use of blacklists/prohibited lists	Yes	The Council already adopt this process where appropriate, by asking relevant questions within the Pre-Qualification Questionnaire (PQQ) for construction projects which is based on the national Squid questionnaire from Value Wales.		Amber	
9.3	Not contract with any supplier that has made use of a blacklist/prohibited list and failed to take steps to put matters right.	Yes	PQQ Evaluation Methodology to be amended to provide clarity that any supplier which makes use of blacklisted lists will be disqualified from the procurement process.	As above	Green	
9.4	Expect our suppliers to ensure that Trade Union representatives can access members and contracted workers.	Yes	Amend our specification template to ensure that Trade Union representatives can access members who work for our contracted suppliers.	This will be difficult to monitor in practice and could be used as a means of involving the council in workplace disputes	Amber	
10.	Consider paying all staff the Living Wage Foundation's Living Wage as a minimum	In part	The Council is committed to re-looking at the consideration and the impact of paying the living	Costly and time consuming	Amber	Subject to affordability

	and encourage our suppliers to do the same. We will:		wage as part of the review of the pay policy. However, although this is a national agenda, in reality there is no budget to pay for the additional costs of implementation, but also to deal with potential future staff inequality claims and the knock on effect of additional costs arising from amending the pay grade structure.			
10.1	Consider paying at least the Living Wage Foundation's Living Wage to all our staff in the UK.	In part	See above	See above.	Green	The Council will consider this subject to affordability
10.2	Consider becoming an accredited Living Wage Employer.	In part	See above	See above.	Green	The Council will consider this subject to affordability
10.3	Encourage our suppliers based overseas to pay a fair wage to all staff, and to ensure that staff working in the UK are paid at least the minimum wage.	In part	Due diligence on adherence to national minimum wage should be part of the contract management monitoring on individual contracts.	The consequential cost increases of paying a "fair wage" as part of supply contracts will need to be assessed	Green	The Council will consider this subject to affordability

			Consideration to be given to ask staff payment specific question in the tender process to assess supplier compliance with national minimum wage requirements.			
11.	Produce an annual written statement outlining the steps taken during the financial year, and plans for future actions, to ensure that slavery and human trafficking are not taking place in any part of our organisation and its supply chains. We will:	No	Annual Written Statement and action plan to be developed in conjunction with Value Wales.	The Council will need further support from Value Wales to develop an annual written statement and action plan.	Green	The Council will do this
11.1	Ensure that the statement is signed off at senior management/board level.	No	As above	As above	Green	The Council will do this
11.2	Publish the statement on our website. If this is not possible, we will provide a copy to anyone within 30 days of a request being made.	No	As above	As above	Green	Agreed

	<i>All organisations signing up to this Code are expected to produce and publish this annual written statement. We encourage all organisations to publish their statements on the Transparency in Supply Chains (TISC) register <a href="http://www.tiscreport.org">www.tiscreport.org</a> free of charge for all public and small organisations. In exchange, they can make use of the Wales Anti- Slavery Logo.</i>	<b>No</b>	Amend the Specification Template to require suppliers who sign up to the Code of Practice to produce and publish an annual written statement and that such statements are also published <i>Transparency in Supply Chains (TISC) register <a href="http://www.tiscreport.org">www.tiscreport.org</a> free of charge for all public and small organisations. In exchange, they can make use of the Wales Anti-Slavery Logo.</i>			
12.	For Public sector to whom the Code of Practice on Workforce Matters (2014) applies: Ensure all those undertaking work on an outsourced contract are treated fairly and equally. We will:					
12.1	Ensure that public sector staff who are transferred as part of a public	<b>Yes</b>	The Council already adopts this process as part of any TUPE transfer.		<b>Green</b>	This is the Council's current practice



	service which is outsourced to a third party retain their terms and conditions of employment.					
12.2	Ensure that other staff working on an outsourced public service are employed on terms and conditions that are comparable to the transferred public sector staff.	No		This would be impossible to enforce and would be unattainable for some or most providers and would mean they would have to change terms of employment by doing a single status review. Note it says comparable which means not the same but taking everything in the round. This requirement is just unattainable and query if we can state this in a contract anyway. This also possibly interferes with TUPE as we would envisage that what will happen is that the public sector	Red	Affordability makes this unachievable and the effect would be to make transfers impractical

			<p>staff would be subject to a review under TUPE for ETO reasons and would have their terms reduced. There is no reason why we could not say it is desirable but not mandatory.</p> <p>Also, the Council could end up paying a lot of additional costs which is a burden on the public purse so Members would have to take this into account as to whether they wanted to foot the bill.</p>		
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