

Ethical Procurement Code of Practice Progress Tracker

	Code of Practice Commitment	Action needed to meet commitment	Status
1.	<p>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:</p>	<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"> • Definition and corporate stance statement against each of the following: ethical employment issues:- • Modern slavery • False self-employment • Unfair use of umbrella schemes and zero hours contracts • Position on paying the Living Wage Foundation's Living Wage • Position on engaging workers through direct employment, or via recruitment or employment agencies, or by using employment businesses • Position on sub-contracting work, which includes circumstances in which sub-contracting takes place and whether all sub-contractors need to be approved • Ensuring fair payment terms and fair delivery terms with sub-contractors • Position on using 	<p>Ethical procurement has been written into the draft updated procurement policy.</p>

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		<p>employment businesses, recruitment agencies, labour providers including the payment of recruitment fees</p> <ul style="list-style-type: none"> • Stance on Blacklisting and freedom of association • Approach to monitoring global supply chains in particular to high risk area of labour exploitation • 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 • Approach in supporting Fairtrade products • Approach and steps taken in organisation to support workers who have spoken up • How the organisation will raise awareness of the policy e.g. through training, inductions, staff and supplier briefings • The reporting and management of associated risks 	
1.1	Appoint an Anti-Slavery and Ethical Employment Champion.	This would be better included as a portfolio responsibility for the Cabinet Member for Corporate Management and Assets.	The Cabinet Member for Corporate Management and Assets has been appointed.
2.	Produce a written policy on whistle-blowing to empower staff to raise suspicions of unlawful and unethical	1. Amend and expand the current Council Whistleblowing Policy to apply to non-employees and include ethical	The existing Whistleblowing Policy already covered non-employees but it

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	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 throughout our organisation. We will review the policy annually and monitor its effectiveness. We will also:	<p>employment issues</p> <p>2. Make available on internet + intranet</p> <p>3. Frequency of review is 1/3 years which is adequate.</p> <p>Whistleblowing Policy to be uploaded on to the PROACTIS Portal and included in all tender documentation templates.</p>	has been updated to make the processes even clearer to follow for someone outside the Council.
2.1	Provide a mechanism for people outside our organisation to raise suspicions of unlawful and unethical employment practices.	<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 & Deputy Monitoring Officer so issues can be raised.</p>	This is set out in the revised policy. There will be a function on the website under "Report It" for concerns to be raised by anyone.
3.	Ensure that those involved in buying/ procurement and the recruitment and deployment of workers, receive training on modern slavery and ethical employment practices, and keep a record of those that	<p>Promotion and awareness of e-learning module on 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</p>	<p>Procurement officers have been given awareness raising training on modern slavery.</p> <p>An e-module on modern slavery is being procured for deployment to</p>

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	have been trained	and available from Welsh Government. All Middle Managers & 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.	users of the purchasing system Proactis. New users of Proactis will undertake the module as part of their training on the system.
4.	Ensure that employment practices are considered as part of the procurement process. We will:	In principle, these aims are supported.	
4.1	Include a copy of our Policy on ethical employment (Commitment 1) in all procurement documentation.	Ethical Employment Policy to be included in once finalised in all tender documentation on Proactis.	Done.
4.2	Include appropriate questions on ethical employment in tenders and assess the responses provided.	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.	The questions have been included in the questionnaire.
4.3	Incorporate, where appropriate, elements of the Code as conditions of contract.	Conditions of contract clauses to be included in the specification or terms of contracts as deemed appropriate.	Done.
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.	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	A requirement to question bidders on the impact of abnormally low tenders on their workforce has been included in

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		question on worker pay rates in comparison to total unit cost rates to determine impact of low costs on the workers.	the draft contract procedure rules which are under revision at the moment.
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.	Future Contract management training to include consideration of ethical employment issues.	This has been included in the Whistleblowing Policy so that employees of supplier have a mechanism to raise any concerns with the Council.
5.2	Ensure that our suppliers are paid on time – within 30 days of receipt of a valid invoice.	<p>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.</p> <p>The Council has also amended its General Terms & 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>	This is our current practice in any event.
6.	Expect our suppliers to sign up to this Code of Practice to help ensure that ethical employment practices are carried out	Update tender documentation on PROACTIS with a link to the new written policy once in place.	We will encourage suppliers to adopt the code. Due to possible cost implications

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	throughout the supply chain.		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:	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.	As above and the Council already submits full expenditure data to the Atamis as part of Welsh Government spend analysis programme.	The Council currently uses software to assess its suppliers and the capability of this software to risk assess suppliers is being assessed.
7.2	Investigate any supplier identified as high risk, by direct engagement with workers wherever possible.	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 will be included in the contract terms.
7.3	Work with our suppliers to rectify any issues of illegal or unethical employment practice.	Legal Services in conjunction with Procurement Officers will review any issues identified of unethical employment practice and take appropriate action.	The Council will investigate any reported illegal 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	Amend the current Contract Procedure Rules to incorporate a requirement under the contract	This has been included in the CPR's as a requirement of

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	for all contract management meetings/reviews.	management section that employment practices should be monitored for high risk suppliers as standard.	contract management meetings.
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:	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.	
8.1	Avoid, or facilitate avoidance of, the payment of tax and National Insurance contributions and the relevant minimum wages.	As above.	The Council already ensures 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.	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.	The Council already ensures this is the case for its own employees and directly engaged agency workers.
8.3	Avoid Health and Safety responsibilities.	Health and Safety considerations should be monitored as part of the contract management process.	The Council already ensures this is the case 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.	The Council already adopt this process where appropriate, by asking relevant questions within the Pre-Qualification	This is the Councils practice already.

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		Questionnaire (PQQ) for construction projects which is based on the national Squid questionnaire from Value Wales.	
9.2	Ensure that our suppliers do not make use of blacklists/prohibited lists.	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.	This is the Councils practice already.
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.	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.	
9.4	Expect our suppliers to ensure that Trade Union representatives can access members and contracted workers.	Amend our specification template to ensure that Trade Union representatives can access members who work for our contracted suppliers.	This is already enshrined in legislation and the Council will at on any instance that is brought to its attention.
10.	Consider paying all staff the Living Wage Foundation's Living Wage as a minimum and encourage our suppliers to do the same. We will:	The Council is committed to re-looking at the consideration and the impact of paying the living 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.	This has been considered and is an aim of the current revision of the pay model.
10.1	Consider paying at least the Living Wage	See above.	This has been considered and is

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	Foundation's Living Wage to all our staff in the UK.		an aim of the current revision of the pay model.
10.2	Consider becoming an accredited Living Wage Employer.	See above.	If the Council is able to achieve Living wage as part of the pay model then it will apply for accreditation.
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.	Due diligence on adherence to national minimum wage should be part of the contract management monitoring on individual contracts. Consideration to be given to ask staff payment specific question in the tender process to assess supplier compliance with national minimum wage requirements.	Adherence to the national minimum wage is a requirement for UK based suppliers. The Council will respond to any concerns raised with it about overseas suppliers.
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:	Annual Written Statement and action plan to be developed in conjunction with Value Wales.	
11.1	Ensure that the statement is signed off at senior management/board level.	As above.	Being reported to Cabinet for approval March 2019.
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.	As above.	This will be done as soon as the statement is approved.
	All organisations signing	Amend the Specification	

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	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 www.tiscreport.org free of charge for all public and small organisations. In exchange, they can make use of the Wales Anti- Slavery Logo.	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 Transparency in Supply Chains (TISC) register www.tiscreport.org free of charge for all public and small organisations. In exchange, they can make use of the Wales Anti-Slavery Logo.	
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:	The majority of Council services are managed under a direct employment model or a publicly accountable and socially responsible business e.g. an alternative delivery model (ADM) (as demonstrated in our most recent annual return to Welsh Government under the Two Tier Workforce Code). The Council will always honour its obligation to apply the Two Tier Code (in full or in part), and also the TUPE regulations when considering the transfer of any employees whether to an ADM or to a contracted provider.	
12.1	Ensure that public sector staff who are transferred as part of a public service which is outsourced to a third party retain their terms and conditions of employment.		This is the Council's current practice.
12.2	Ensure that other staff working on an outsourced public service are employed on	The Council would always aim to secure comparable terms and conditions in such cases, noting that	Each case needs to be considered on its own merits. There can be

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	<p>terms and conditions that are comparable to the transferred public sector staff.</p>	<p>'comparable' might vary from the current terms and conditions in some way. The achievement of the same terms might not be possible in a commercial negotiation. This could possibly interfere with TUPE and its longevity in such cases. Reviews under TUPE for ETO reasons are possible. Therefore we will aim for comparable terms as a desirable outcome in such cases.</p>	<p>practical and financial implications from attempting to secure equal rather than comparable terms and conditions. For example, where a provider might be supplying services to two or more Councils in Wales it would need to reconcile terms and conditions of employment across them all; this could result in a potentially lengthy and costly "levelling up" of terms and conditions.</p>