

REPORT TO:	CABINET 15 OCTOBER 2018
SUBJECT:	CONSTRUCTION, MODERN SLAVERY AND EMPLOYER WITH HEART CHARTERS AND IHRA DEFINITION
LEAD OFFICER:	SARAH WARMAN, DIRECTOR OF COMMISSIONING AND PROCUREMENT GAVIN HANDFORD, HEAD OF POLICY AND COMMUNITIES
CABINET MEMBER:	COUNCILLOR TONY NEWMAN, LEADER OF THE COUNCIL
WARDS:	ALL
<p>CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON:</p> <p>The Labour Administration in its 2018 manifesto made a commitment to create a borough where everyone has the opportunity to benefit from the economic investment coming to our town and where no community is left behind. The Corporate Plan (2018 to 2022) outlines the Councils key priorities including how the Council will reduce inequality and promote fairness for all of its communities by working with partners in the public, business and voluntary sector organisations to secure better outcomes for all.</p>	
<p>FINANCIAL IMPACT:</p> <p>There are no direct financial implications arising from the Council signing up to these Charters.</p>	
<p>KEY DECISION REFERENCE NO.: This is not a key decision</p>	
<p>The Leader of the Council has delegated to the Cabinet the power to make the decisions set out in the recommendations below:</p> <p>1 DRAFT RECOMMENDATIONS:</p> <p>The Cabinet is RECOMMENDED to</p> <p>1.1 Note that the Leader of the Council will be signing up to Unite the Union’s Construction Charter, as set out in Appendix 1;</p> <p>1.2 Note that the Leader of the Council has signed up to the Co-operative Party’s Charter against Modern Slavery, as set out in Appendix 2;</p> <p>1.3 Note that the Leader of the Council has signed up to The Smallest Things’ Employers with Heart Charter, as set out in Appendix 3; and</p> <p>1.4 RECOMMEND that the Council adopt the International Holocaust Remembrance Alliance working definition of antisemitism as part of its commitment against any form of discrimination as set out in Appendix 4.</p>	

2. EXECUTIVE SUMMARY

- 2.1 Croydon is London's growth borough with excellent transport connections, sizeable inward investment and the development of a fantastic cultural quarter and offer. Croydon is also socio-economically diverse and culturally rich with dynamic differences between each of our wards.
- 2.2 There is a significant opportunity for the Council to use its influence and leverage Croydon's growing economy to benefit the diverse communities, residents and local businesses. The Council remains the biggest buyer in the borough, with our third party spend of around £400m accounting for two thirds of our overall spend.
- 2.3 Spend of this magnitude enables us to be strategic and harness the supply chain opportunities that our commissioning activity creates with a strong focus on market stewardship, ethical and fair trade purchasing. This brings significant benefits to Croydon and the people the Council serves by delivering a social return, wherever possible, on every pound it spends.
- 2.4 The Council has made a commitment to equality and fairness, including as an employer and as a large purchaser of services. Since 2014, the Council has:
- Become a London Living Wage employer and a London Living Wage Friendly Funder;
 - Driven the creation of Social Value through all its third party spend;
 - Ensured council contracts are supporting local businesses;
 - Set up Value Croydon to support local businesses and residents to access, tender and have sub-contracting opportunities with the council and its partners;
 - Launched the Good Employer Charter – an accreditation scheme co-developed with local businesses to create Social Value across the borough (e.g. paying living wage, employing local, buying local and including all);
 - Set up Croydon's Job Brokerage Scheme – Croydon Works to support local people to get into work;
 - Set up the Council's apprenticeship programme;
 - Established the Community Fund investing around £6m in the Voluntary Sector over 3 years to deliver projects in the local community.
 - Become a White Ribbon borough working with partners across Croydon;
 - Taken a lead, along with the voluntary sector to tackle modern day slavery;
 - Secured Timewise accreditation; and
 - Being named amongst the top 30% of employers in the Stonewall Workplace Equality Index.
- 2.5 The Council is committed to equal opportunities and protecting people from discrimination. The Council has adopted an equal opportunities policy that sets out the following statement of intent:

The Council will treat all people with dignity and respect, recognising the value of each individual. The Council is committed to eliminating all forms of discrimination in service delivery and employment on grounds of race, gender, disability, age, sexuality and religion.

- 2.6 In supporting this statement, the equal opportunities sets out the following principles that the Council follows in everything it does:
- placing good equalities practice at the core of all Council activities
 - challenging past and continuing discrimination
 - listening and responding to individuals, communities and staff
 - fairly allocating appropriate resources and being openly accountable to the community
 - ensuring that its commitment is an ongoing process
- 2.7 However the Council is not complacent and recognises there is more to do. The council recognises that working with our supply chain we can continue to lead the way to drive fairness and equality for all residents of Croydon, including eradicating modern slavery from our supply chain and ensure improved conditions for workers on construction projects.
- 2.8 This report provides information to assist Members to agree to the signing of:
- The **Unite construction charter** that seeks to ensure that conditions for workers on construction projects under Croydon Council's control meet the highest standards.
- 2.9 This report provides information to inform Members that the following have been signed:
- The Co-operative Party's Charter against Modern Slavery, **ensuring that Croydon remains a lead borough in the fight against modern day slavery** by monitoring compliance in our supply chain as well as in our local businesses.
 - The charity The Smallest Things' **Employers With Heart Charter**, that ensure that Croydon offers to extend maternity leave for mothers who give birth prematurely, offers their partners more time to be with the baby in hospital and support both parents when they return to work.
- 2.10 This report also provides information to assist Members to agree the adoption of the **International Holocaust Remembrance Alliance working definition of antisemitism**.

3. DETAIL

- 3.1 The Council is currently signed on to several charters to improve the equality offer in Croydon. An overview of these are provided below:

London Living Wage

- 3.2 The Council's Administration made it one of its key election pledges in 2014 to introduce the London Living Wage. The Council pays the London Living Wage to all its employees and made a commitment to ensure its service and works

providers also pay the equivalent rate to staff that work on all new contracts.

- 3.3 The Council was officially declared a London Living Wage employer in 2015, and became a Living Wage Friendly Founder in 2016. We have also gone beyond the supply chain and introduced London Living Wage across the businesses in Croydon through making it a requirement for the Good Employer Charter. The ambition is to see the London Living Wage rolled out across every company and organisation in our borough and beyond.

Social Value

- 3.4 Since 2012, the Council has driven the creation of Social Value by going beyond the requirements of the Public Services (Social Value) Act 2012 and mandating social value considerations across all commissioned spend. In 2015, Value Croydon became the Council's brand for delivering social value through our commercial relationships. The Council requires its service and works providers to ensure Croydon, as a place, benefits from the expenditure related to the contracts to be procured. This supports the Council's ambition to change people's lives for the better in terms of local employment, training, sub-contracting opportunities, community support and environmental initiatives.
- 3.5 The Council is committed to maximising social value not only through ensuring that social benefits are at the core of the commissioning and procurement activity, but also by encouraging borough-wide responsible business practices through the Good Employer Charter. The authority is one of the national leaders for embedding social value in the commissioning of services.

New Addington Skills Academy

- 3.6 In March 2018, the Council unveiled a new skills academy to provide residents with the chance to undergo training and gain qualifications in construction in New Addington. The academy was launched as part of the new multi-million pound New Addington leisure and community centre development, and provides training and qualifications for local people interested in working in construction. The first cohort of students entered the academy to start their training in April.
- 3.7 The Council partnered with Willmott Dixon, builder of the new leisure centre, MRG Services, Carshalton College and Croydon Council's jobs brokerage service Croydon Works, to provide the training hub.
- 3.8 After their training, the newly qualified candidates will be supported by Croydon Works to apply for work placements with Willmott Dixon, supply chain partners or other construction jobs advertised by the employment service.

Champions of white ribbon campaign

- 3.9 The council is a White Ribbon borough working with partners across Croydon; to change attitudes to domestic abuse and sexual violence (DASV) and to reduce offending. This includes supporting White Ribbon Campaign, the UK branch of the global drive to encourage men to take more responsibility for ending male violence against women.

Modern Day Slavery Charter

- 3.10 London Borough of Croydon is fully committed to eradicating modern slavery from its supply chain and signed up to the Co-operative Party's Charter against Modern Slavery.
- 3.11 The Charter includes a commitment to 10 areas:
1. Train its corporate procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply's (CIPS) online course on Ethical Procurement and Supply.
 2. Require its contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance.
 3. Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.
 4. Highlight to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.
 5. Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.
 6. Require its tendered contractors to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.
 7. Review its contractual spending regularly to identify any potential issues with modern slavery.
 8. Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.
 9. Refer for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.
 10. Report publicly on the implementation of this policy annually.
- 3.12 The Council has taken steps to ensure our supply chains are not contributing to modern slavery such as including robust requirements for our contractors in our terms and conditions and monitoring our contracts to ensure compliance with the Act. However, we want to go even further and created an action plan based on the commitments set out in the charter that enabled us to sign up to the Charter.

Employers with Heart – The Smallest Things Best Practice Charter

- 3.13 London Borough of Croydon already supported parents of premature babies, and was fully compliant with ACAS best practice. We have now enhanced the support offered by signing up to The Smaller Things' Better Employer Charter to become Employers with Hearts. We are one of the first local authorities in the country to sign up to this charter.
- 3.14 The Charter includes a commitment to the following three areas:

1. Extending maternity leave for mothers who give birth prematurely (before 37 weeks gestation) by the number of days a baby was born prior to their due date, paying extended leave at full pay and classing time taken as compassionate leave.
2. Offering father at least two weeks' paid compassionate leave on the birth of their premature baby and offering additional compassionate leave as required to allow them to be present for baby's arrival at home.
3. Supporting parents returning to work following the birth of a premature baby by considering formal and informal flexible working patterns and offering additional paid or unpaid leave.

3.15 The Council has signed this charter, pledging to extend maternity leave for mothers who give birth prematurely, offer their partners more time to be with the baby in hospital and support both parents when they return to work. The necessary changes to the Council's employment policies are being made to fully incorporate this charter.

RECOMMENDED FURTHER CHARTER

The Construction Charter

- 3.16 The Construction Charter commits to working with Unite in order to achieve the highest standards in respect of:
- direct employment status,
 - health & safety,
 - standards of work,
 - apprenticeship training and
 - The implementation of appropriate nationally agreed terms and conditions of employment.
- 3.17 Fifteen local authorities have signed the charter to date, which requires the Council to ensure construction contracts have conditions around:
- Direct employment of staff;
 - Health and safety conditions;
 - Working with trade unions and allowing union reps time and facilities to do their role;
 - Documenting employee competence to undertake work;
 - Provide training opportunities for local residents (especially in skill shortage areas);
 - Compliance with national industry collective agreements;
 - Fair recruitment practices and no blacklisting; and
 - Materials meeting BES 6001 Responsible Sourcing of Construction Products
- 3.18 Croydon Council has already committed to improving the opportunities and conditions for employment in the Borough, as set out below. The Construction Charter would therefore align well with the Council's existing charter commitments.

ADOPTION OF IHRA WORKING DEFINITION

International Holocaust Remembrance Alliance Working Definition of Antisemitism

- 3.19 The International Holocaust Remembrance Alliance (IHRA) is an intergovernmental organisation founded in 1998 to strengthen, advance and promote Holocaust education, research and remembrance worldwide. The United Kingdom has been a member of IHRA since its formation.
- 3.20 The IHRA adopted the Working Definition of Antisemitism in 2016. The non-legally binding working definition includes illustrative examples of antisemitism to guide the IHRA in its work. The definition, attached as Appendix 4 to this report, has been adopted by numerous organisations across the world.
- 3.21 Adopting the IHRA working definition will further strengthen the Council's approach to promoting equality and protecting people from discrimination.

4. CONSULTATION

- 4.1 The Leader of the Council, Cabinet members, non-executive members and minority group members have been consulted on the content of this report.

5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 5.1 There are no direct financial implications arising from signing up to these charters.

Approved by Lisa Taylor, Director of Finance, Investment and Risk

6. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER

- 6.1 The Solicitor to the Council comments that signing the Charters may necessitate a review of contractual terms, procurement arrangements and employment policies in operation at the Council. All proposed revisions will need to accord with relevant legislation. Any changes may require an update to the Council's Constitution and in particular the Tender and Contract Regulations set out in Part 4I.

Approved by: Sandra Herbert Head of Litigation and Corporate Law for and on behalf of Jacqueline Harris Baker Director of Law and Monitoring Officer.

7. HUMAN RESOURCES IMPACT

- 7.1 The Council has a workforce of over 3000 employees and we need to ensure our employment offer leads by example. We will ensure our employment terms and conditions are kept under review to respond to best practice initiatives.

There is no direct impact on the LBC workforce by this report.

Approved by: Sue Moorman, Director of Human Resources

8. CRIME AND DISORDER REDUCTION IMPACT

8.1 There is no specific crime and disorder impact arising from this report.

9. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

9.1 This report sets out the intentions for the Administration and outlines the priority themes against which the work will be delivered.

10. OPTIONS CONSIDERED AND REJECTED

10.1 This report is for noting with no options for consideration.

CONTACT OFFICER:	Gavin Handford, Head of Policy and Communities
BACKGROUND PAPERS:	None
APPENDICES TO THIS REPORT:	Appendix 1 – Construction Charter Appendix 2 – Modern Slavery Charter Appendix 3 – Employers with Heart – The Smallest Things Best Practice Charter Appendix 4 – IHRA Working Definition of Antisemitism