



Preparing a Slavery and Human Trafficking Statement: Guidance for Higher Education

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About this Guidance

This Guidance is aimed at Higher Education providers and is part of the Business, Human Rights and the Environment Research Group (BHRE) work to support efforts towards more responsible social procurement and encourage institutions to respect, protect and promote human rights through their purchasing decisions. This Guidance aims to highlight useful insights and support those responsible for the preparation of their Slavery and Human Trafficking Statement but *does not* intend to provide a template or a “do this and you will be done with the Statement” guide. As we will see, the Statement should reflect the process of due diligence in your institution and the journey towards understanding your responsibility towards those who provide the products and services you procure.

The Statement is just one of the elements of the process, one that should be completed with care, attention and honesty.

This Guidance is based on our research and interactions with public buyers. We have kept it short and user-friendly, avoiding overloading the reader with data. In order to avoid providing statements which could be read as templates we have stayed clear of specific examples found in existing Statements.¹

About the transparency in supply chains provision

On 29th October 2015, the Transparency in Supply Chains Provision of the MSA (TISC, s.54) came into force. The provision requires commercial entities to report annually on their actions to identify, prevent and mitigate modern slavery in their supply chain. It aims to engage commercial organisations in the fight against slavery, human trafficking and forced labour by producing an annual Slavery and Human Trafficking Statement (the Statement). The legislation defines ‘commercial entities’ as suppliers of goods or services with a total annual turnover currently set at £36 million or more. This includes certain public bodies who are subject to the UK Public Contracts Regulations (2015). The main group of reporters from the public sector are universities and other Higher Education Providers. Other public

¹ In particular, Olga Martin-Ortega and Patrycja Krupinska (2018), "[UK Modern Slavery Act 2015 Transparency in Supply Chains: The Second Year of Reporting by Universities](#)." BHRE Research Series, Report no. 3. June 2018 and Olga Martin-Ortega, Anna Gorna and Rahima Islam (2018), "[UK Modern Slavery Act Transparency in Supply Chains: Reporting by Local Authorities](#)". BHRE Research Series, Report no. 2. March 2018. For previous reports see Further Resources, below.

buyers, which in principle are not caught by s.54, have chosen to voluntarily report for the financial years 2016/17 and 2018/19, e.g. purchasing consortia and a significant number of local authorities.

Organisations have to report annually, up to six months after the end of their financial year. Universities end their financial year on 31st July which means they should report before the end of January the following year on the activities and results of the previous financial year.

In 2015, the government published a useful guide on how to complete the statement for all commercial organisations ([the government guide](#)). It was updated in 2017. However, the government guide does not contain information specifically addressed to either public buyers in general or universities in particular, this is one of the reasons we have prepared this Guidance.

What should a slavery and human trafficking statement contain?

Section 54 contains mandatory requirements, which refer to the formal elements of the Statement and a series of suggestions regarding its contents.

Mandatory (Formal) Requirements

The MSA makes it mandatory for entities to publish their Slavery and Human Trafficking statements on their website via a link located on a prominent place on their homepage or in a relevant and obvious dropdown menu. Statements must be approved at the highest level of governance and signed by the most senior member of the organisation.

In the first two years of reporting there was a surprising lack of compliance with these formal requirements. Many statements were difficult to find on institutions websites and many others were not signed or dated.

For the financial years 2015/2016 and 2016/2017 most of the statements published by Universities were signed by a director or senior member of the institution. Members include the Chairman of the Board of Governors or Council, Vice Chancellors, Chief Executive Officers, Chief Operating Officers, Vice Provost and Head of Procurement. In the first year, less than half published a link to their

statements on their websites, but the compliance with this legal requirement grew significantly in the second year. Many institutions have chosen to provide this at the bottom of their homepages, whilst others have preferred to do so using relevant menus such as the ‘About’ link. Either is compliant, as long as it is visible and easy to find for the general public. In past years we have found statements in the most obscure places, including under “careers”.

There is no prescribed length for the statement. Its content needs to be clear and with sufficient detail so the reader can understand what the organisation does, how is it prepared to tackle the risks of modern slavery and how does it avoids contributing to violations in its supply chain. Overwhelming the reader with unrelated content, too much detail, technical or legal terms and excessive numbers does not help to comply with the spirit of the reporting exercise.

Here are some Dos and Don’ts regarding the mandatory formal requirements when preparing your Statement, you may want to consider:

<i>DO</i>	<i>DON'T</i>
<i>Report annually.</i>	<i>Publish it later than 6 months after the end of the financial year.</i>
<i>Report on the past financial year.</i>	<i>Report in advance of a financial year.</i>
<i>Improve the Statement year on year. It is a live document.</i>	<i>Reproduce your old statement with minor word changes or simply changing the date.</i>
<i>Make your past Statements available. This allows for progress to be monitored.</i>	<i>Delete old Statements.</i>
<i>Publish the Statement in a prominent place on your website, e.g. bottom of homepage; obvious drop down menu.</i>	<i>Publish it place difficult to find.</i>
<i>Ensure the Statement is approved at the highest level and signed by a senior member of the organisation; providing their post and name.</i>	<i>Simply state it has been approved or signed by someone who is not at the highest level of governance in the institution e.g. human resources, procurement or finance officer.</i>
<i>Include a date of approval and signature.</i>	<i>Simply state it has been approved, without stating the date of approval and signature.</i>
<i>Ensure the Statement is a genuine reflection of your business, practices, and culture.</i>	<i>Use templates without making the statement your own.</i>
<i>Provide relevant information in your Statement with sufficient detail.</i>	<i>Use the statement to showcase non modern slavery and human rights related activities and overwhelm the reader with excessive details, i.e. too much legal or technical information.</i>

Substantive Content

Paragraph 5.2 of s.54 MSA provides a non-exhaustive list of information that may be included in statements:

- (a) The organisation's structure, its business and its supply chains;*
- (b) its policies in relation to slavery and human trafficking;*
- (c) its due diligence processes in relation to slavery and human trafficking in its business and supply chains;*
- (d) the parts of its business and supply chains where there is a risk of slavery and human trafficking taking place, and the steps it has taken to assess and manage that risk;*
- (e) its effectiveness in ensuring that slavery and human trafficking is not taking place in its business or supply chains, measured against such performance indicators as it considers appropriate;*
- (f) the training and capacity building about slavery and human trafficking available to its staff.*

In the following sections we provide guidance on how to address these elements by organising the content in the following way: 1) the organization's structure, its business and its supply chain; 2) organisational policies; 3) due diligence, risk assessment and response, including effectiveness of such response, 4) training and capacitation; 5) Plans and commitments for the future.

1. The organisation's structure, its business and its supply chain

Effective reporting can only be achieved if organisations have good knowledge and understanding of their own supply chain and how their businesses are structured in terms of suppliers, contractors and subcontractors, as well as the origin of the products, materials and services which are used in their business activities. This applies to Universities too. Having a good knowledge of your supply chain helps you understand the level of risks within the sector, business model and specific activity of your institution.

Mapping your supply chain and reporting on it are two different things. It is a long and difficult process to map your own supply chain, but it is the first step into understanding it and being able to identify which are the potential risks to people working on it, but also the risks to your organisation itself, in terms of reputation

and even legal challenges. Start putting systems in place to map your supply chain as soon as possible and start reporting on your progress year on year.

With regards to how to report on this category, the government guidance highlights that a greater level of detail is likely to be more helpful but prevents from too much technical or legal information to be included in the Statements to allow accessibility to the public.

The statements produced by Universities so far have been inconsistent when reporting on the structure of the organisation and activities, and clearly insufficient in illustrating their supply chain.

Whilst most statements have provided lists of categories of products and services that the universities purchase, there have generally not provided proper insights into the institution’s supply chains and their existing business relationships. If institutions are not enabling themselves to assess their supply chains properly, and therefore lack the basic information or capacity to put in place processes to identify both potential and actual occurrences of force labour, modern slavery and human trafficking in their supply chains.

Here are some tips on how to report on this criterion:

<i>DO</i>	<i>DON'T</i>
<i>Provide relevant information that allows the reader to create a picture of the structure of your business and supply chains.</i>	<i>Simply state you are a University and your supply chain is complex.</i>
<i>Show insight into your existing business relationships, including overseas partnerships.</i>	<i>Simply state you have multiple business relationships.</i>
<i>Show your efforts to gather knowledge and understanding of the origin of your products, materials and services.</i>	<i>State that you procure from the UK. UK origin does not guarantee abuse free conditions.</i>
<i>Detail how you intend to increase your knowledge and understanding of it.</i>	<i>Treat your supply chain as static and unchanged over the years.</i>
<i>Keep this section concise and clear.</i>	<i>Overwhelm the reader with excessive detail and technical and legal language.</i>

2. Organisational Policies

Section 54 MSA suggests that companies may report on “b) [...] policies in *relation* to slavery and human trafficking.” [emphasis added]. The government guide further clarifies that organisations need not have a standalone policy in place. Instead they may develop one or explain how current policies and practices are relevant to the cause; either through their existing state or after having undergone modification by the organisation.

Many reporting universities reflect their strong commitments towards human rights and the respect of others. However, it is important to bear in mind that statements need to be backed by policies and procedures. During the first two years of reporting several statements included the phrase “the University has a zero-tolerance approach to modern slavery” or similar, which in themselves, without the backing of appropriate policies and procedures, does not guarantee a proper understanding of the risks and robust responses.

Some institutions have chosen to develop specific modern slavery policies, setting up obligations on the institution, staff, students, suppliers, business partners and agents to ensure modern slavery is not taking place in their business or supply chains.

However, most reporting entities have referred to pre-existing policies on sustainable procurement or social and ethical buying. On occasions, these policies have been amended to include reference to modern slavery. Other statements have indicated that preliminary work is underway to develop dedicated policies or include commitments to create standalone policies in future. If your institution is in the process of reviewing its policies do state it, but be specific, don’t just express a vague and general intention.

Some universities have, in the last two years, taken the opportunity to showcase a range of policies which are unrelated to modern slavery, including governance and sustainability strategies which did not contain references to how to manage human rights risk. This is not a social responsibility showcase exercise. It should be a meaningful reflection of a substantive commitment backed by a robust policy. If your institution does not have such a policy or has not yet planned to develop it or modify existing ones to reflect these new responsibilities, start now!

Compliance, financial and procurement teams should be involved in the drafting of the policy and have very specific competences regarding how to implement it. But other members of the staff and even student bodies also should have their say. Independently of how you formulate your overall policy, it is a good practice that you integrate modern slavery related objectives into your procurement and contracting policy and strategy. Only by integrating it transversally into the organisation, and in particular in the way it procures and does business can you guarantee combating modern slavery and human rights abuse becomes the priority which it deserves to be.

Clarity over who is responsible for the implementation of the policy or policy objectives is paramount. **This is not only a procurement team's responsibility; it should be an overall goal of your institution not to harm some whilst providing an education to others.** As with the formulation of the policy senior management, compliance, finance and procurement teams all have a responsibility in the implementation. And they should recruit academic staff and students to support such process. Don't forget academics, you may have experts in the field working right down the corridor, seek their help!

The government guide also states that for policies to have the desired impact, they must be supported through effective communications and, where appropriate, training, resourcing and collaboration of effort by appropriately skilled personnel. **Clear policy circulation** is essential in any organisation, but especially with regards to an issue such as modern slavery which has only recently become a public policy priority. At a minimum your compliance, finance and procurement staff needs to be familiar with the policy and clear about their implementation and reporting obligations. But in order to become embedded as standard practice, all staff needs to be aware of the responsibilities of the university regarding its supply chain and incentivised to be part of the challenge which the institution, as a whole, faces.

Here are some tips to report on your policies and implementation efforts:

<i>DO</i>	<i>DON'T</i>
<i>Provide a link between your existing policies and modern slavery.</i>	<i>List or reproduce all of your organisational policies.</i>
<i>Amend existing policies to include references to modern slavery if your current ones do not.</i>	<i>Refer to policies that have no relation to modern slavery.</i>
<i>If creating a standalone modern slavery policy, clearly set out the obligations on staff, suppliers, business partners and agents, as well as procedures to be followed.</i>	<i>Make a modern slavery policy into a lip-service document or a collection of empty statements not backed by policies or evidence, e.g. zero-tolerance approach.</i>
<i>Make it clear who is responsible for the implementation of the policy and how they should collaborate to monitor its implementation and report on it.</i>	<i>Leave it only to the procurement department</i>
<i>Circulate policies in your organisation to make it known to all parties.</i>	<i>Have policies your staff, students, business partners, suppliers and other stakeholders don't know about.</i>

3. Due diligence, risk assessment and response

Reporting on human rights due diligence is not something public buyers are used to do and therefore has been challenging until now. This section considers the main elements your institution needs to be thinking about and reflecting in its statement regarding how to undertake, assess, monitor and report on its due diligence.

a) Understanding and undertaking due diligence

As the government guide mentions for many organisations, due diligence in relation to modern slavery is likely to form part of a wider framework around ethical trade, corporate social responsibility and human rights. This is definitively the case with universities.

What is Human Rights Due Diligence?

Due diligence is the process of identifying human rights risks in an organisation's supply chain, preventing them from occurring or mitigating those risks and reducing their impact. It includes planning remedial or corrective action.

Human rights due diligence is not about the risk to the organisation, it is about the risk to the people involved in providing services and producing goods in the supply chain.

Reproduced from Olga Martin-Ortega and Andy Davies (2017), [Protecting Human Rights in the Supply Chain. A Guide for Public Procurement Practitioners](#), CIPS Knowledge (p. 12)

Therefore, due diligence is about: identifying risks, preventing and mitigating risks and remedying violations when they occur. Risks are not static, supply chains change, new challenges appear, and strategies and procedures need to be updated and adapted, this is why monitoring the effectiveness of due diligence procedures is essential. Let's see how universities can report on these elements of due diligence:

Identifying risks: risk assessment and prioritisation

The first step within a human rights due diligence process should be to identify potential risks within the supply chain and prioritise action over them. It is not possible to map all supply chains and identify all risks at once, and public bodies do not have sufficient resources to do so. Therefore, prioritisation in risk identification and response is essential.

Until now, universities' statements have provided quite vague and general information, mostly merely stating that they have, or will put in place systems to identify and assess risk, mitigate and monitor them. Some of these statements do provide some more detail, but such information is generally minimal. This needs to change.

It is important to remember that assessing the risks in the supply chain refers to the risks that the activities of the organisation or its partners and suppliers (along the supply chain, not just direct suppliers) pose on people. So far, most statements have referred only to the risks of abuse regarding their own staff, either employed directly or through recruitment agencies. Whilst it is important to be aware of and have robust recruitment practices, in the past year nearly all of the statements have limited the mentions of risks assessment to recruitment processes and the due diligence taken during them. Limiting the risk assessment process to those directly employed by the institution or subcontracted demonstrates that there is a significant number of institutions which are still not aware of the impact that their purchasing decisions may be having beyond their own gates and how the products they buy may be produced in conditions of abuse.

Reference to risk to those working on the supply chain of the institution beyond staff and students is very limited and should be improved.

Some organisations have identified specific risks sectors and research has been done listing these. Research by Dr. Caroline Emberson has identified the top 10 risk categories identified by universities in their first year of reporting.

The top 10 high risk categories ranked by frequency

- 1 IT/IST/ICT Equipment
- 2 Estate Goods and Services
- 3 Construction
- 4 Cleaning
- 5 Office supplies
- 6 Security services
- 7 Laboratory consumables (including lab goods)
- 8 Catering/ food supply chain
- 9 Clothing (including healthcare & reception uniforms, sports clothing and gowning)
- 10 Facilities management (including maintenance)

Source: Caroline Emberson, Modern Slavery Act Statements in the University Sector – The Start of the Journey (27 April 2017) at <https://www.hepa.ac.uk/>

The government guide indicates that modern slavery risk assessment should be part of an organisation's wider approach to risk management and could form part of a more general risk assessment. It suggests considering risks according to country risks, sector risks, transaction risks and business partnership risks. Some universities have established modern slavery working groups with representatives from different departments of the organisation, to identify risk areas and decide on best ways to deal with them. This is definitively a practice to follow!

Being aware of the causes of vulnerability and showing that processes to mitigate the risk of each category are being developed should be key during the reporting exercise.

Once the higher risks categories have been identified institutions should establish processes to assess specific risks within each one. Only by having a proper risk assessment process in place will we be able to identify violations which may be taking place and be able to address them specifically and act to prevent and mitigate them in the future.

But remember this is a dynamic process and risks may change and your capacity to assess them will increase.

As the government guide points out, appropriate resources need to be deployed to ensure that risk assessment strategies can be effective. This is always difficult, especially considering competing social demands public institutions must tend to and the limitations and constraints that the public procurement legal regime establishes on secondary priorities and particularly regarding socially responsible procurement. If you are doing it, if you are investing in it, say it!

Here are some tips about reporting on your risk assessment:

<i>DO</i>	<i>DON'T</i>
<p><i>Show you understand YOUR risks:</i></p> <ul style="list-style-type: none"> • <i>of abuse towards your own staff,</i> • <i>related to your own products/services,</i> • <i>in your supply chains,</i> • <i>related to recruitment agencies,</i> • <i>related to sub-contracting.</i> 	<p><i>Just reproduce the risks found in other statements or templates without assessing how they relate to your own practice and suppliers</i></p>
<p><i>Consider risks according to country risks, sector risks, transaction risks and business partnership risks.</i></p>	<p><i>State that procuring solely from the UK means your supply chains are at low or no risk of modern slavery. Modern Slavery risks exist in UK.</i></p>
<p><i>Understand and highlight your high risk categories and the main countries where these products are produced or staff is recruited from</i></p>	<p><i>Simply list categories of products that are procured or random lists of countries which your products may be produced.</i></p>
<p><i>Show prioritisation of risks through identifying high-risk categories first and carrying out supply chain mapping on them first.</i></p>	<p><i>It is not possible to map all of the supply chain at once.</i></p>
<p><i>Understand that risks may change.</i></p>	<p><i>Reproduce the same risks year on year in your statement without investigating it and taking action</i></p>

Preventing and mitigating risks: taking action to engage with suppliers and collaborate with others

In order to be able to identify your risks and also to take action to prevent and mitigate them it is key that you engage with your suppliers. Most universities who have reported on their due diligence procedures so far mention ***informing suppliers*** of their policies and ***seeking some sort of assurance*** from new suppliers, usually during the tendering process. The most common way of obtaining pre-contractual assurances is through questionnaires which require potential

suppliers to confirm that they have arrangements in place to prevent incidences of modern slavery. For the majority of the institutions reporting in previous years, a quick checklist during the tendering process seemed to be sufficient. But this is not enough. The effectiveness of limiting supply engagement exclusively through assurances is questionable, and risks becoming merely a “tick-box” exercise rather than a substantial engagement between public authorities and their suppliers. Organisations need to follow up during the life of the contract but even then it is not enough to just ask, it needs to be followed up with and engagement should be meaningful.

Several institutions have reported that they would *exclude bidders* convicted of modern slavery related offences from their tendering processes. Whilst this seems like an effective action to take in fact it would not have a major impact on managing your risks. Convictions on modern slavery offences are very rare and have so far focused on individuals rather than companies, therefore prevention and mitigation through this procedure will very limited.

Collecting data on your suppliers, their own levels of awareness and commitments towards preventing modern slavery and the ways they are assessing their own risks is essential to having a good knowledge and understanding on where your own risks lie. There are several tools and databases which are been developed to do this, both privately and through your purchasing consortium, so keep an eye out for these tools.

A particularly powerful instrument to use in order to manage relationships with suppliers and exercise leverage over the supply chain is the introduction of *contract clauses regarding modern slavery*. Many universities have reported already having or having the intention to incorporate anti-slavery clauses into standard terms and conditions of agreements. They vary in content, providing more or less leverage to the contracting authority over the supplier. Contract clauses used so far by universities have required suppliers to comply with relevant laws combatting modern slavery and human trafficking; to confirm that they have not breached such laws and requiring them to notify breaches or potential breaches; and to ensure that these obligations are flowed down to sub-contractors of suppliers. Other clauses have required suppliers to demonstrate their ongoing commitment to ensuring that they take steps on our behalf to guard

against modern slavery, human trafficking, forced and bonded labour and labour rights violation in their supply chains, throughout the term of the agreement.

Introducing contract clauses allows institutions to have contractual rights over their suppliers to demand collaboration, disclosure of information, the setup of mitigation processes or any other procedures that the university considers relevant to fulfil its own modern slavery responsibilities. They will be generalised practice soon.

We have created sample Contract Conditions which you could consider inserting in your contracts to make it a contractual obligation for your suppliers to engage with you in the identification, prevention and mitigation of modern slavery in your supply chain.

Sample Contract Conditions

Modern Slavery, human trafficking, forced and bonded labour, and labour rights violations in the supply chain

1. The Supplier will work with the Authority to identify and mitigate the risk of modern slavery, human trafficking, forced and bonded labour and human rights violations in its supply chain.
2. The Supplier will, within 90 days of the commencement date, produce a Modern Slavery in the Supply Chain Due Diligence Report identifying the main risks of modern slavery, human trafficking, forced and bonded labour and human rights violations in its supply chain, highlighting the main products and countries involved and the steps to be taken to mitigate the risks in the short, medium and long term.
3. The Supplier will update the Modern Slavery in the Supply Chain Due Diligence Report annually for the duration of the contract. More regular updates will be provided when risks of modern slavery, human trafficking, forced and bonded labour and human rights violations in its supply chain are assessed as imminent either by the Supplier or the Authority.
4. The Supplier agrees that the Authority will assess the Modern Slavery Due Diligence Report and the annual progress to prevent and mitigate risks of modern slavery, human trafficking, forced and bonded labour and human rights violations in its supply chain.
5. The Supplier agrees to work with the Authority in the implementation of the Modern Slavery in the Supply Chain Due Diligence Report by jointly drafting a Modern Slavery in the Supply Chain Action Plan.
6. The Supplier agrees to appoint a nominated person to liaise with the Authority in the drafting and implementation of the Modern Slavery in the

Supply Chain Due Diligence Report and the Modern Slavery in the Supply Chain Action Plan.

7. The Supplier will share its Modern Slavery and Human Trafficking Statement, if required by the Modern Slavery Act to produce such statement, with the Authority. If not required to report, the Authority encourages the supplier to voluntarily produce a Modern Slavery and share it with it.

*Clauses drafted by Olga Martin-Ortega for LUPC
Reproduced from Olga Martin-Ortega and Andy Davies (2017), [Protecting Human Rights in the Supply Chain. A Guide for Public Procurement Practitioners](#), CIPS Knowledge (p. 15)*

It is difficult for organisations to *directly monitor and audit their supply chains*. Monitoring the supply chain is complex and expensive, but it is essential to understand whether the risks materialise, and actual violations are occurring. Even in the private sector, with more experience and resources, this is a challenging endeavour. Most organisations are only just beginning to consider how they can effectively monitor potential risk areas to ensure compliance. Universities are having to take decisions over how they will audit their own supply chains and processes without any previous experience or existing guidance. This is where collaboration with external organisations (see below) is essential. Only a few universities report on procedures to monitor risks externally, in their supply chains. Of these most are using traditional internal auditing systems.

Some universities have reported working with contracted suppliers to implement and commit to new monitoring regimes where corporate codes of conduct and social auditing policies and practices are failing in their transparency and effectiveness. Others state that procurement teams may decide to audit suppliers to ensure compliance at their own discretion. In other cases, they express intentions to review the ability inside a contract to perform an unannounced audit of any supplier location of work or manufacturer to ensure no breaches are taking place.

Effective auditing processes, such as planned audits combined with unannounced visits to suppliers, would allow institutions to be able to react to actual violations, but they normally require the intervention of specialist organisations, as discussed below in the section on collaboration.

As a response to violations many of the analysed statements only mention the possibility of **terminating agreements** with suppliers who are found to be non-compliant with the MSA, rather than *engaging with* suppliers to develop corrective

action plans and remedial processes. Terminating contracts is not necessarily the best solution, unless the supplier is unresponsive or a persistent violator of the performance clauses, as it removes the leverage that the institution has over their suppliers and therefore their ability to influence the conditions in the supply chain.

Remedying violations

Your institution needs to have a procedure in place to react if actual instances of modern slavery, human trafficking or any other human rights violation are identified in the supply chain. Involving law enforcement is the first step. Consider too how you can be part of the solution and whether you can have any role in redressing the harm to the victims of these abuses and providing better options for the future. External partners would be key in designing these actions.

If you suspect someone is being exploited, call:

- 999 if there is intimidate risk of harm
- 101 Police
- 08000 121 700 Modern Slavery Helpline

Also, if you find violations in your supply chain these should be reported. Some leading organisations are doing this in the private sector, for example with regards to the risks of slave labour in the fishing industry or migrant child labour in the textile industry. It is difficult to admit there are violations in your supply chain, but it is the only way to tackle it and work to put an end to it.

Here are some tips for assessing and monitoring risks, including engaging with suppliers, that may be helpful when reporting on your due diligence:

<i>DO</i>	<i>DON'T</i>
<i>Ensure that you have functioning due diligence processes in place. Describe those in detail.</i>	<i>Do not make vague and generalised declarations.</i>
<i>Seek assurances from suppliers during the tendering process. Ex. Using questionnaires.</i>	<i>A quick checklist during the tendering process is not enough. Do not allow this to become a tick box exercise.</i>
<i>Engage with suppliers.</i>	<i>Simply inform of your policies.</i>
<i>Be clear in your expectations to suppliers.</i>	<i>Simply ask for their policies.</i>
<i>Introduce modern slavery related clauses into contacts and terms & conditions.</i>	<i>State that you seek assurances in vague and general terms.</i>
<i>When contracting services report on robust recruitment processes.</i>	<i>Simply state you vet new employees to comply with the law.</i>
<i>When using subcontractor or agencies report on robust procedures that demand the same level of due diligence that you should carry</i>	<i>Simply state that you use reputable agencies without understanding their own due diligence procedures.</i>
<i>Report how you plan to audit and monitor your own sites and sites of your suppliers or take alternative action if this is not possible.</i>	<i>Outsource the responsibility on your suppliers assuming they would be doing it.</i>
<i>When using 3^d party audits engage in the process and plan the response to the results.</i>	<i>Just mention you have commissioned audits.</i>
<i>Identify violations which may be taking place and how you have addressed them and taken specific actions to mitigate their harmful effect.</i>	<i>Hide violations or dismiss them because they are taking place lower down your supply chain.</i>
<i>Report violations to suppliers and law enforcement.</i>	<i>Just ask suppliers to resolve it, it is your supply chain too.</i>
<i>If you identify a supplier has a problem, work with them and create action plans and take corrective measures.</i>	<i>Immediately terminate the business relationship.</i>
<i>Consider taking measures against suppliers who refuse to cooperate in identifying, preventing and mitigating modern slavery form their supply chain.</i>	<i>Immediately terminate the business relationship.</i>
<i>Establish modern slavery working groups involving all those involved who can contribute to your due diligence processes.</i>	<i>Make it the responsibility of one sole individual or department in the institution, it is an organisational wide process.</i>

Collaboration with external partners

Identifying, preventing and mitigating modern slavery is not an easy task, and you can't do it along. It is essential to partner with those who can help you and have the knowledge and experience to do so. Several universities are already collaborating with third parties, and have reported so in past statements, including with Electronics Watch, the Ethical Trading Initiative, CIPS, HEPA and their own consortia. Use these collaborations for guidance, training and help identifying and taking action on specific risks. Collaboration is essential not just because universities do not have the expertise and capacity to assess every sector from which they purchase goods and contract services, but because these organisations have established practices, relationships and procedures which can multiply the effect of one single institutions and, in time, galvanise the energy and leverage of the university sector as a whole. Also, help others, share your good practice in the statement and beyond!

<i>DO</i>	<i>DON'T</i>
<i>Provide details of your collaboration with external partners and how these are helping you</i>	<i>Just sign up to organisations expecting for them to resolve the problem.</i>
<i>Collaborate with other organisations in the same sector and share good practice.</i>	<i>Treat the statement as a competition, we are all in this together.</i>
<i>Make the most of collaborations but make the process your own.</i>	<i>Copy collaborators' statements or produce joint statements, every institution should have its own</i>

4. Measuring effectiveness and planning for the future

Establishing systems to measure effectiveness in identifying, preventing, mitigating and remedying modern slavery in your supply chain cannot be done without understanding the risks, therefore you will only be able to report on this criterion if you have robust procedures in place to do so. Effectiveness of due diligence and engagement measures appeared to be the least reported criterion in past years.

The government guide encourages organisations to report on the effectiveness of their measures by providing information on existing or additional Key Performance Indicators (KPI's) related to anti-slavery actions. Very few universities mentioning

they had KPIs in place and were vague in indicating that reviewing and monitoring their supply chains and contract management as a performance indicator.

It is important to start a process to define, develop and enhance institutional systems which should include the formulation of subsequent KPIs related to identifying, preventing and mitigating the risks of human rights violations in the supply chain. This directly links with the need to make commitments for the future that we explore below.

KPIs need to be specific, measurable, attainable, relevant, and time-based goals (SMART). **Remember that aiming to have a slavery free supply chain is not realistic** without major changes in consumer and production practices, which in many occasions are beyond our control. What we should primarily aim for is that our purchasing practices and demands on the supply chain do not contribute to abuse, and if they do, we have ways to remedy the harm.

These effectiveness measures should allow you to **plan for the future, establish goals, strategise and plan your actions and future partnerships and business relations**. The Statement must be considered a **live document**; it will improve year on year. **It should reflect the evolution of the organisation’s commitment, understanding and practice of its responsibilities towards those who make the goods they purchase and provide the services they contract.**

<i>DO</i>	<i>DON'T</i>
<i>Report on how you will measure effectiveness and who is responsible for this measurement</i>	<i>Simply state you will review your procedures without assessing their impact.</i>
<i>Provide information on existing Key Performance Indicators (KPIs).</i>	<i>Make vague and general commitments for the coming years.</i>
<i>Ensure KPIs are modern slavery related.</i>	<i>List general sustainability and/or procurement commitments which are not directly relevant.</i>
<i>Track progress at short, medium and long term, and allow for substantive measurement.</i>	<i>Reproduce the same KPIs year on year without measuring their effectiveness.</i>
<i>Review your aims, goals and KPIs annually.</i>	<i>Reproduce your same KPIs year on year without measuring their effectiveness.</i>
<i>Set further goals and aspirations for the following years as an ongoing improvement and self-awareness process.</i>	<i>Reproduce your statement year on year</i>

5. Training and capacity building about slavery and human trafficking available to staff

The introduction of section 54 has created intense activity of training and consultancy in the private sector, which has generally served as an awareness raising exercise but also, to some extent, an outsourcing of responsibility to consultants.

In the public sector, particularly among universities, procurement departments have sought training. HEPA has run several training workshops in the country, widely attended. This Guide complements these capacity building exercises. Efforts to attend external training, or develop internal ones, are reflected in many universities' statements so far. Most of the statements so far refer to training and over half of those reported training to be targeted at those in the procurement teams, management or involved in the recruitment and selection processes. Several reporting universities have referred to training as part of their overall staff induction processes, which we consider to be too limited and often staff is not able to absorb all the information conveyed at once. We suggest providing more focused training and for this to be updated and regularly refreshed. Several universities mention that their staff has already received training, whilst most express their plans to introduce it in the future.

Training is essential; however this issue is complex and the responsibilities within institutions related to it are diverse. This needs to be reflected in the support given to staff. Here are some tips on training and capacitation:

<i>DO</i>	<i>DON'T</i>
<i>Provide modern slavery training to staff, including on how to spot the signs of abuse.</i>	<i>Cite training unrelated to modern slavery in your statement.</i>
<i>Provide ongoing training and awareness, including refresher and new courses.</i>	<i>Limit it to staff induction processes or general information about your policy</i>
<i>Provide targeted training for relevant staff, including procurement, compliance and legal and finance teams</i>	<i>Use a one fits all approach</i>
<i>Use external and internal training.</i>	<i>Outsource all training responsibilities to consultants.</i>

Conclusions

Today we are all aware of our shared responsibility as public buyers have regarding preventing and mitigating human rights violations in global supply chains. Whilst most Higher Education providers have produced a Statement, many are yet to take significant steps to develop human rights due diligence procedures and act on risks and potential violations. It is encouraging to see such level of organisational commitment and leadership in the sector.

In the coming years we should expect that institutions are able to demonstrate their commitment and the effectiveness of their policies, procedures and engagement processes, both with suppliers and external organisations, which are currently being designed. As the knowledge and understanding of the risks and the processes to tackle them increases we will also see quality of the Statements to improve and know-how and best practices to be shared among the sector and beyond.

Let's get your organisation to lead this process and show its commitment to its supply chain and the rights of those working on it!

In a nutshell

Mandatory (Formal) Requirements

<i>DO</i>	<i>DON'T</i>
<i>Report annually.</i>	<i>Publish it later than 6 months after the end of the financial year.</i>
<i>Report on the past financial year.</i>	<i>Report in advance of a financial year.</i>
<i>Improve the Statement year on year. It is a live document.</i>	<i>Reproduce your old statement with minor word changes or simply changing the date.</i>
<i>Make your past Statements available. This allows for progress to be monitored.</i>	<i>Delete old Statements.</i>
<i>Publish the Statement in a prominent place on your website, e.g. bottom of homepage; obvious drop down menu.</i>	<i>Publish it place difficult to find.</i>
<i>Ensure the Statement is approved at the highest level and signed by a senior member of the organisation; providing their post and name.</i>	<i>Simply state it has been approved or signed by someone who is not at the highest level of governance in the institution e.g. human resources, procurement or finance officer.</i>
<i>Include a date of approval and signature.</i>	<i>Simply state it has been approved, without stating the date of approval and signature.</i>
<i>Ensure the Statement is a genuine reflection of your business, practices, and culture.</i>	<i>Use templates without making the statement your own.</i>
<i>Provide relevant information in your Statement with sufficient detail.</i>	<i>Use the statement to showcase non modern slavery and human rights related activities and overwhelm the reader with excessive details, i.e. too much legal or technical information.</i>

The organisation's structure, its business and its supply chain

<i>DO</i>	<i>DON'T</i>
<i>Provide a link between your existing policies and modern slavery.</i>	<i>List or reproduce all of you organisational policies.</i>
<i>Amend existing policies to include references to modern slavery if your current ones do not.</i>	<i>Refer to policies that have no relation to modern slavery.</i>

<i>If creating a standalone modern slavery policy, clearly set out the obligations on staff, suppliers, business partners and agents, as well as procedures to be followed.</i>	<i>Make a modern slavery policy into a lip-service document or a collection of empty statements not backed by policies or evidence, e.g. zero-tolerance approach.</i>
<i>Make it clear who is responsible for the implementation of the policy and how they should collaborate to monitor its implementation and report on it.</i>	<i>Leave it only to the procurement department</i>
<i>Circulate policies in your organisation to make it known to all parties.</i>	<i>Have policies your staff, students, business partners, suppliers and other stakeholders don't know about.</i>

Organisational Policies

<i>DO</i>	<i>DON'T</i>
<i>Provide a link between your existing policies and modern slavery.</i>	<i>List or reproduce all of you organisational policies.</i>
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Due diligence: Identifying risks and prioritising risks

<i>DO</i>	<i>DON'T</i>
<i>Show you understand YOUR risks:</i> <ul style="list-style-type: none"> • <i>of abuse towards your own staff,</i> • <i>related to your own products/services,</i> • <i>in your supply chains,</i> 	<i>Just reproduce the risks found in other statements or templates without assessing how they relate to your own practice and suppliers</i>

<ul style="list-style-type: none"> related to recruitment agencies, related to sub-contracting. 	
Consider risks according to country risks, sector risks, transaction risks and business partnership risks.	State that procuring solely from the UK means your supply chains are at low or no risk of modern slavery. Modern Slavery risks exist in UK.
Understand and highlight your high risk categories and the main countries where these products are produced or staff is recruited from	Simply list categories of products that are procured or random lists of countries which your products may be produced.
Show prioritisation of risks through identifying high-risk categories first and carrying out supply chain mapping on them first.	It is not possible to map all of the supply chain at once.
Understand that risks may change.	Reproduce the same risks year on year in your statement without investigating it and taking action

Due diligence: Preventing, mitigating and remedying abuses

<i>DO</i>	<i>DON'T</i>
Ensure that you have functioning due diligence processes in place. Describe those in detail.	Do not make vague and generalised declarations.
Seek assurances from suppliers during the tendering process. Ex. Using questionnaires.	A quick checklist during the tendering process is not enough. Do not allow this to become a tick box exercise.
Engage with suppliers.	Simply inform of your policies.
Be clear in your expectations to suppliers.	Simply ask for their policies.
Introduce modern slavery related clauses into contacts and terms & conditions.	State that you seek assurances in vague and general terms.
When contracting services report on robust recruitment processes.	Simply state you vet new employees to comply with the law.
When using subcontractor or agencies report on robust procedures that demand the same level of due diligence that you should carry	Simply state that you use reputable agencies without understanding their own due diligence procedures.
Report how you plan to audit and monitor your own sites and sites of your suppliers or take alternative action if this is not possible.	Outsource the responsibility on your suppliers assuming they would be doing it.
When using 3 rd party audits engage in the process and plan the response to the results.	Just mention you have commissioned audits.

<i>Identify violations which may be taking place and how you have addressed them and taken specific actions to mitigate their harmful effect.</i>	<i>Hide violations or dismiss them because they are taking place lower down your supply chain.</i>
<i>Report violations to suppliers and law enforcement.</i>	<i>Just ask suppliers to resolve it, it is your supply chain too.</i>
<i>If you identify a supplier has a problem, work with them and create action plans and take corrective measures.</i>	<i>Immediately terminate the business relationship.</i>
<i>Consider taking measures against suppliers who refuse to cooperate in identifying, preventing and mitigating modern slavery form their supply chain.</i>	<i>Immediately terminate the business relationship.</i>
<i>Establish modern slavery working groups involving all those involved who can contribute to your due diligence processes.</i>	<i>Make it the responsibility of one sole individual or department in the institution, it is an organisational wide process.</i>

Collaborating with external partners

<i>DO</i>	<i>DON'T</i>
<i>Provide details of your collaboration with external partners and how these are helping you</i>	<i>Just sign up to organisations expecting for them to resolve the problem.</i>
<i>Collaborate with other organisations in the same sector and share good practice.</i>	<i>Treat the statement as a competition, we are all in this together.</i>
<i>Make the most of collaborations but make the process your own.</i>	<i>Copy collaborators' statements or produce joint statements, every institution should have its own</i>

Measuring effectiveness and planning for the future

<i>DO</i>	<i>DON'T</i>
<i>Report on how you will measure effectiveness and who is responsible for this measurement</i>	<i>Simply state you will review your procedures without assessing their impact.</i>
<i>Provide information on existing Key Performance Indicators (KPIs).</i>	<i>Make vague and general commitments for the coming years.</i>
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<i>Set further goals and aspirations for the following years as an ongoing improvement and self-awareness process.</i>	<i>Reproduce your statement year on year</i>

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<i>DO</i>	<i>DON'T</i>
<i>Provide modern slavery training to staff, including on how to spot the signs of abuse.</i>	<i>Cite training unrelated to modern slavery in your statement.</i>
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<i>Use external and internal training.</i>	<i>Outsource all training responsibilities to consultants.</i>

Further resources

UK Government Guide: UK Home Office (2017), [Transparency in Supply Chains Etc. A practical Guide](#).

Olga Martin-Ortega and Andy Davies (2019), [Modern Slavery Statement Checker. Points to check for when reviewing a suppliers modern slavery statement](#). **CIPs Knowledge**.

Olga Martin-Ortega and Andy Davies (2017), [Protecting Human Rights in the Supply Chain. A Guide for Public Procurement Practitioners](#), **CIPS, LUPC-APUC-BHRE Guidance**, CIPS Knowledge.

Repositories of Statements

- [Business and Human Rights Resource Centre Modern Slavery Registry](#)
- [TiSC Report](#). Modern Slavery Act Compliance Tracker.

E-Learning: [Protecting Human Rights in the Supply Chain](#). Free e-learning for public buyers. LUPC-BHRE (https://www.lupc.ac.uk/modern_slavery).

BHRE Policy Papers

- Olga Martin-Ortega and Patrycja Krupinska (2018), "[UK Modern Slavery Act 2015 Transparency in Supply Chains: The Second Year of Reporting by Universities](#)." BHRE Research Series, Report no. 3. June 2018.
- Olga Martin-Ortega, Anna Gorna and Rahima Islam (2018), "[UK Modern Slavery Act Transparency in Supply Chains: Reporting by Local Authorities](#)". BHRE Research Series, Report no. 2. March 2018.
- Olga Martin-Ortega and Rahima Islam (2017), [UK Modern Slavery Act 2015 Transparency in Supply Chains: The First Year of Reporting by Universities](#), BHRE Research Series, Report 1.
- Opi Outhwaite and Olga Martin-Ortega (2017), [Monitoring Human Rights in Global Supply Chains. Insights and Policy Recommendations for Civil](#)

[Society, Global Brands and Academics](#). BHRE Research Series. Policy Paper n.3.

- Olga Martin-Ortega (2016), [Modern Slavery and Human Rights in Global Supply Chains: Roles and Responsibilities of Public Buyers. Policy and Practice Insights for Higher Education Institutions in the Framework of their Obligations under the UK Modern Slavery Act](#). BHRE Research Series. Policy Paper n.2.
- Olga Martin-Ortega and Opi Outhwaite (2014) [Promoting Responsible Electronics Supply Chains through Public Procurement](#), BHRE Research Series. Policy Paper n. 1.

Other Resources

- Anti-Slavery International, <https://www.antislavery.org/>
- Anti-Slavery Partnership Toolkit, <https://iasctoolkit.nottingham.ac.uk/>
- CIPS, www.cips.org
- CORE, <http://corporate-responsibility.org/>
- Ethical Trading Initiative, www.eti.org
- Gangmasters and Labour Abuse Authority, <http://www.gla.gov.uk/>
- Global Slavery Index, www.globalslaveryindex.org
- Unseen, <https://www.unseenuk.org/>

About us

The Business, Human Rights and Environment Research Group (BHRE) is led by Professor Olga Martin-Ortega. It brings together the expertise and research interests of several leading academics in the field of Business and Human Rights, International Environmental Law and International Criminal Law. As part of our research we focus on the roles and responsibilities of public buyers regarding their own supply chain. In particular, we are studying the implementation of the Transparency in Supply Chains provision of the Modern Slavery Act 2015 (MSA) by the public sector. We are also supporting initiatives in amending the law to include obligations for public authorities to report on their efforts to prevent and mitigate modern slavery, and to increase accountability for human rights violations in global supply chains.

For more information, visit www.bhre.org.

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