



Ethical Sourcing and Modern Slavery Policy

Version 2.0

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1. Purpose

This policy sets out the context for ethical trade practices and the ethical core objectives that Brighter Futures Learning Partnership Trust has committed to deliver through operational and procurement activities.

The Trust is committed to ensuring a high standard of ethical practices, across its operations and procurement activities. In accordance with this policy the Trust expects its staff, suppliers, service providers and contractors to observe the policy's provisions and to demonstrate a similar commitment to an ongoing programme of ensuring and, where necessary, improving ethical practices locally and globally.

The Trust will proactively work to ensure that all goods, works and services it procures are sourced ethically in terms of both the way the Trust procures and in terms of the standards that we expect our suppliers, service providers and contractors to meet. Within the Trust's obligations and in compliance with UK and underpinning EU legislation, the Trust will conduct its procurement process in line with this Policy which is based upon the principles of the Ethical Trading Initiative (ETI) Base Code ([ETI Base Code | Ethical Trading Initiative \(ethicaltrade.org\)](#)) which were founded on the conventions of the International Labour Organisation (ILO) and is an internationally recognised code of labour practice.

2. Scope

The aim of the policy is not to alter the commissioning and procurement processes, but to ensure that as part of these processes, the Trust gives consideration to the wider impact of the operational delivery. It allows the Trust to, for example, choose a supplier under a tendering process who not only provides the most economically advantageous service, but one which goes beyond the basic contract terms and secures wider benefits and improvement to the students and their communities, lives and the environment.

The policy applies to all areas of the Trust and to its direct suppliers and contractors. The Trust requires all direct suppliers and contractors to observe the provisions of this policy and requires that such suppliers and contractors, in turn obtain similar compliance with its provisions from their suppliers and contractors. All parties to whom this policy applies are also required to comply with applicable national and international laws.

This policy statement sets out the Trust's aims in this regard. In particular it seeks to:

- Set out a definition of ethical practice for the Trust and its operations
- Set out a clear statement of policy for ethical practice
- Set out the core policy objectives for the Trust and its operations
- Promote the adoption and improvement of ethical practices globally

3. Defining Ethical Practices

Procurement processes which respect fundamental standards and conduct relating to criminal/non criminal conduct, and human rights/environmental abuse which are designed to discourage conduct and behaviours resulting in progressive improvement to the lives of people and the environment to the extent that the same can be influenced by supply chain decision-making.

Criminal/Non Criminal Conduct includes but not exhaustive to:

- Transparency

- Bribery
- Fraud
- Corruption
- Tax Abuse
- Conflict of interest
- Fairness

Human Rights/Environmental Abuse includes but not exhaustive to:

- **Employment**
 - Improving working conditions
 - Paying a living wage
 - Health and safety inclusive of but not limited to accidents and diseases
 - Right to be part of a trade union
 - Child employment
 - Working hours - zero hour contracts
 - Training inclusive of apprenticeships
 - Abuse
 - Equality – hiring, compensation, access to training, promotion, termination or retirement
 - Race
 - Caste
 - National Origin
 - Religion
 - Age
 - Disability
 - Gender and Gender Identity
 - Marital status
 - Sexual orientation
 - Union membership
 - Slavery
 - Abuse – Physical, Verbal and Sexual
- **Environment**
 - Sustainability
 - Global Warming
 - Global Climate Change
 - Deforestation
 - Pollution
 - Threat of Extinction

4. Working with the Trust

All employees, suppliers, service providers and contractors to the Trust must commit to employing the highest ethical standards in every area listed in all sections of this policy, in their own operations and those within their supply chain. In addition, social value principles and practices apply to suppliers, service providers and contractors and their supply chain as required in the Trust's social value priorities ensuring maximum benefits are gained for improving economic, social and environmental well-being.

Recruitment

The Trust has robust and transparent recruitment and selection processes ([final-recruitment-and-selection-policy-version-10.pdf](#)) and ensures that all new employees recruited into a post, whether full or part-time employees have the requisite checks, which includes identification and right to live and work in the UK.

Our offer of employment is subject to the following rigorous process:

- Acceptance of the terms and conditions contained within the contract of employment
- The receipt of satisfactory references
- Evidence of any required professional qualifications and essential requirements.
- Details of any gaps in employment
- A fully enhanced Disclosure and Barring Service checks
- The receipt of eligibility to work in the UK identification check.

The Trust, when working with supply agencies, other suppliers and service providers, ensures that they also carry out the requisite checks.

Agency Staff

Where there is a need to source agency staff the Trust requests that all the same prerequisites are completed as those staff in employment. This ensures that recruitment practices form part of the contractual arrangements and have been checked in advance of accepting any staff. This rigorous process minimises the risk of unscrupulous employment practices. Any supplier, service provider or contractor who fails to comply with our ethics will be suspended or terminated from the Trust's supply chain.

5. Improve Labour Conditions in the Supply Chain

The Trust seeks to do this by applying the following principles:

Freedom of association and the right to collective bargaining are respected

- Workers, without distinction, have the right to join or form trade unions of their own choosing and to bargain collectively.
- The employer adopts an open attitude towards the activities of independent trade unions or other workers' associations and their organisational activities.
- Workers representatives are not discriminated against and have access to carry out their representative functions in the workplace.
- Where the right to freedom of association and collective bargaining is restricted under law, the employer facilitates, and does not hinder, the development of parallel means for independent and free association and bargaining.

Equalities:

- Practice no discrimination in hiring, compensation, training, promotion, termination or retirement either directly or indirectly.
- Suppliers, service providers and contractors shall not unlawfully discriminate within the meaning and scope of any Law (whether in age, race, gender, religion, disability, sex orientation or otherwise in employment) including but not limited to the Equality Act 2010 or other relevant or equivalent legislation, or any statutory modification or re-enactment thereof.

Blacklists:

Suppliers, service providers and contractors shall not unlawfully compile, use, sell or supply a prohibited list which:

- contains details of persons who are or have been members of trade unions or persons who are taking part or have taken part in the activities of trade unions, and
- is compiled with a view to being used by employers or employment agencies for the purpose of discrimination in relation to recruitment, or in relation to treatment of works within the meaning of The Employment Act of 1999 (Blacklists) Regulations 2010.
- contains details of persons who are or have been involved in whistleblowing to appropriate bodies as a result of becoming aware of any deficiency in service provision, impropriety, fraud, customer abuse, breach of procedure or maladministration.

Employment is freely chosen:

- There is no forced, bonded or involuntary prison labour.
- Workers are not required to lodge "deposits" or their identity papers with their employer and are free to leave their employer after reasonable notice.
- Afford employees the freedom to choose to work and not use forced, bonded or non-voluntary prison labour.
- Afford employees freedom of association with the right to join an independent trade union or other workers' association and to carry out reasonable representative functions in the workplace.
- Facilitate alternative means of democratic representation where laws restrict freedom of association and collective bargaining.

Working conditions are safe:

- Appropriate health and safety policies and procedures are operated and are overseen by a senior manager responsible for compliance and monitoring and for ensuring employees have the necessary training and health and safety equipment.
- Adequate steps are taken to prevent accidents and injury to health arising out of, associated with, or occurring in the course of work, by minimising, so far as is reasonably practicable, the causes of hazards inherent in the working environment.
- Provide comfortable and hygienic working conditions with clean toilets and water suitable for drinking and washing. Where worker housing is provided it should meet the same standards for health and safety as the workplace.
- Workers shall receive regular and recorded health and safety training, and such training shall be repeated for new or reassigned workers.

Good health is promoted:

- Invest in measures for tackling ill health as healthy employees experience a better quality of life and tend to be more productive.

Working hours are not excessive:

- Comply with national laws or industry standards on employee working hours, whichever affords greater protection.
- Provide clear, easily understood disciplinary, grievance and appeal procedures that are lawful and appropriate. Any disciplinary measures should be recorded and the Trust will not seek to deprive employees of their legal or contractual rights.

Minimum wages:

- Provide wages and benefits at rates that meet at least national legal standards with no deductions made unless permitted under national law or agreed by the employee, without duress.

Regular employment is provided:

- To every extent possible work performed must be on the basis of recognised employment relationships established through national law and practice.
- Obligations to employees under labour or social security laws and regulations arising from the regular employment relationship shall not be avoided through the use of labour-only contracting, sub-contracting, or home-working arrangements, or through apprenticeship schemes where there is no real intent to impart skills or provide regular employment, nor shall any such obligations be avoided through the excessive use of fixed-term contracts of employment.
- Where possible the Trust aims to avoid excessive use of Zero Hour contracts .

Training is provided:

- Raise employees' skills through training and access to professional development as benefits their role to improve quality and secure greater value for money.

Grievance Procedure:

- Provide clear and accessible processes for resolving disputes with employees.

No inhumane treatment is allowed:

- Prohibit physical abuse or coercion, the threat of physical abuse, sexual or other harassment and verbal abuse or other forms of intimidation.

Acting with integrity and transparency:

- Procurement processes are conducted in a fair, open and transparent manner.
- There is transparency in the spending of public money.
- Suppliers have systems in place to ensure high standards of propriety which make sure public money is used for the purpose it is intended.

Whistleblowing

The Trust's Whistleblowing Policy ([whistleblowing-policy-v5.pdf](#)) is a vital element of our governance arrangements and is designed to allow those employed by the Trust and/or members of the public to come forward and raise both disclosures and serious allegations of wrongdoing involving the actions of the Trust's employees, its Trustees, contractors or any aspect of the Trust's activities.

The Trust is committed to the highest possible standards of honesty, openness and accountability and will not tolerate malpractice or wrongdoing and expects that its suppliers, service providers and contractors are committed to and have in place a similar policy for its employees and subcontractors. This includes any circumstances that may give rise to an enhanced risk of slavery or human trafficking.

Modern Slavery Act 2015

As an education organisation, the Trust recognises that it has a responsibility to take a robust approach to slavery and human trafficking. In addition to the Trust's responsibility as an employer, it also acknowledges its duty to notify the Secretary of State of suspected victims of slavery or human trafficking as introduced by section 52 of the Modern Slavery Act 2015.

The Trust is absolutely committed to preventing slavery and human trafficking in both its operations and contracting activities to ensuring that its supply chains are free from slavery and human

trafficking. The Trust requires that all direct suppliers, service providers and contractors to the Trust are absolutely committed themselves to preventing slavery within their own activities and through their supply chain which includes manufacturers, and producers.

6. Responsible Supply Chain

The Trust expects a commitment by the supplier, service provider and contractor to continuous improvement of the ethical performance of their supply chain.

Small to Medium Enterprises (SMEs)

The Trust is committed to improving engagement with SMEs, voluntary sector and charitable organisations and where appropriate, tenders will be adapted to their needs, particularly with regard to dividing large contracts into lots, in accordance with the Public Contract Regulations 2015 which encourages public organisations to use the 'Code of Best Practices Facilitating Access by SMEs to Public Procurement Contracts'.

The definition of an SME is that it must meet two of the following criteria:

- It has a turnover of less than £25M
- It has gross assets of less than £12.5M
- It has less than 250 employees

Environment

The Trust expects its suppliers, service providers and contractors endeavour to purchase through suppliers and contractors who are continuously working at improving labour and environmental standards in the supply chain. Organisations such as but not limited to Environment standards (ISO14001 and EMAS management systems), Consumer facing standards (Fairtrade, Rainforest Alliance, Tea Sourcing Partnership (TSP)), Organic (Soil Association), Management of world forests (FSC and PEFC) and Commitment to continuous improvement of the ethical performance of supply chain (SEDEX)

The Trust aims to develop a sustainability action plan to address both sustainability and climate change 2022-27. This is part of the wider government's sustainability targets and will commit the Trust to;

- reduce waste
- use recycled materials where possible
- reduce water usage
- reduce carbon footprint
- protect natural habitats and encourage local wildlife

Fair Payments throughout the Supply Chain

The Trust has committed to fair payment for goods, works and services ensuring all suppliers, service providers and contractors are paid promptly through the supply chain. The Trust expects that all direct suppliers, service providers and contractors demonstrate a similar commitment through the supply chain in paying their suppliers and contractors which in turn is passed through to manufacturers, and producers.

7. The legal context for ethical procurement

The Trust operates within the legal framework governing public procurement as framed by the EU Treaty itself, the relevant EU Directives relating to public procurement and the Public Contract Regulations 2006 as subsequently updated and amended. This legal framework requires

contracting authorities to award certain contracts in line with the overarching fundamental principles of the EU Treaty, including the principles of non-discrimination, equal treatment, transparency, procedural fairness, mutual recognition and proportionality.

Mandatory exclusion

Mandatory grounds for exclusion are participation in criminal organisations, corruption, bribery, fraud, and money laundering; those who are guilty of child labour, people trafficking or drug trafficking offences or offences linked to terrorism; and those who have breached their tax or social security obligations (until the supplier has rectified the breach) within a period of five years prior to the procurement.

Discretionary grounds for exclusion

Discretionary grounds for exclusion are more widely defined but include professional or commercial misfeasance and grave professional misconduct in the course of business, payment of taxes under UK law, payment of social security contributions under UK law.

Grave professional misconduct means having violated applicable laws or regulations or ethical standards of the profession to which the supplier, service provider or contractor belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence.

UK Government additional recommendations on Tax Compliance

In accordance with the UK Government's recommendations the Trust has an expectation that suppliers, service providers and contractors keep them notified of any "occasion of tax non-compliance (OONC)" during terms of contracts. The Trust will make reasonable enquiries of suppliers, service providers and contractors at contract selection stage.

Tax Rule IR35

'In compliance with the government's reforms of Tax Rule IR35 for off-payroll working rules in the Public Sector, the Trust takes responsibility for ensuring that those who work for them pay the right amount of tax. The Trust requires that all its direct suppliers, service providers and contractors take responsibility for ensuring that those who work for them, including off-payroll, pay the right amount of tax.'

Procurement law

The Trust shall act fairly, reasonably and in accordance with the rules of Natural Justice in exercising its discretion (pursuant to Rule 57 of the PCR 2015) in considering whether to exclude a potential tenderer from participation in any procurement procedure and shall also take into account any other relevant legislation.

In accordance with the public procurement rules, it is therefore necessary to ensure that ethical issues are relevant to the subject matter of the contract and are consistent with the requirement within the Local Government Act 1999 to achieve "best value". In the context of procurement, best value for money means choosing the option or bid that offers "the optimum combination of whole life costs and benefits to meet the customer's requirements." Ethical considerations that are "relevant" to the subject matter of the contract may arise where there is a risk to the Trust from a supplier being unable to deliver the product or service to time and of sufficient quality due to insufficient health and safety provisions for its employees. If a clear link can be established between poor conditions of employment and the ability or motivation of an employee to maintain required equality standards, this will be relevant to the supply of goods, works or services.