

<b>Report title:</b> Prosecution and Sanction Policy (Fraud and Corruption)	
<b>Report to:</b> Audit, Governance and Standards Committee	
<b>Report author:</b> Paula Clowes – Head of Assurance	
<b>Date:</b> 6 July 2020	<b>For:</b> Decision
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<b>County Divisions affected:</b> All Essex	

## **1. Purpose of Report**

- 1.1 This report presents a the new Prosecution and Sanction Policy (Fraud and Corruption) and the Committee to adopt the Policy.

## **2. Recommendation**

- 2.1 That the Prosecution and Sanction Policy (Fraud and Corruption) is adopted in the form appended to this report.

## **3. Background**

- 3.1 The Prosecution and Sanction Policy (Fraud and Corruption) previously formed part of the Counter Fraud and Anti-Bribery Strategy. In 2019 the Committee agreed that in future a separate prosecution and sanction policy would be produced.
- 3.2 The newly separate Prosecution and Sanction Policy (Fraud and Corruption) has been reviewed to ensure it incorporates any relevant developments both internally and externally.
- 3.3 The objectives of the policy are to ensure that:
- Sanctions are applied fairly and consistently
  - Sanctions are applied in an effective and cost-effective way
  - Sanctions are proportionate
  - The sanction decision making process is robust, transparent and fair.

## **4. Financial Implications**

- 4.1 There are no financial implications as the Internal Audit and Counter Fraud activity is met within existing resources.

## **5. Legal Implications**

- 5.1 Counter Fraud and Internal Audit is a key way in which councillors can be assured that the Council is using its resources effectively and that the Council is discharging its fiduciary duties concerning taxpayers' money. It helps services to design systems which have appropriate controls and also helps identify and respond to breaches if they occur.
- 5.2 The Council has a duty to consider the need to prevent and reduce crime in the exercise of its functions under section 17 of the Crime and Disorder Act 1998.

## **6. Equality and Diversity Implications**

- 6.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when ECC makes decisions it must have regard to the need to:
  - (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
  - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not
  - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 6.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. Equality and diversity matters have been considered in the production of the policy which is intended to guide the fair and consistent use of sanctions.

## **7. List of Appendices**

Appendix 1: Prosecution and Sanction Policy (Fraud and Corruption).

## **8. List of Background Papers**

None