

Forward Plan reference number: Not applicable

Report title: Counter Fraud & Anti-Bribery Strategy	
Report to: Councillor David Finch - Leader	
Report author: Claire Shuter, Director of Corporate Development, ECL	
Date: 29 June 2020	For: Decision
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County Divisions affected: All Essex	

1. Purpose of Report

- 1.1 Essex Cares Limited (ECL) is a company wholly owned by Essex County Council (ECC). This report asks ECC, in its role as sole shareholder, to agree for ECL to adopt a revised Counter Fraud and Anti-Bribery Strategy.

2. Recommendations

- 2.1 Approve the ECL Counter Fraud and Anti-Bribery Strategy in the form as set out in Appendix 1.

3. Summary of issue

- 3.1 ECL's Articles of Association, under Article 3(e), states that where ECL is proposing to adopt a Counter Fraud and Anti-Bribery Strategy, this is to be approved by ordinary resolution.
- 3.2 Ordinary resolutions are taken by the Shareholder in the form of a Cabinet Member Action.
- 3.3 The Counter Fraud and Anti-Bribery Strategy provides an appropriate set of requirements for the prevention of fraud, bribery and corruption, to promote its detection and reporting and implement effective deterrents. The strategy is applicable to ECL and its subsidiaries.
- 3.4 ECL currently operates a Counter Fraud and Anti-Bribery Strategy that was approved by ECC in its role as shareholder in 2018. The Counter Fraud and Anti-Bribery Strategy as appended to this report is an updated version of the strategy, reflecting changes in the business and operating environment. This version has been developed through an appropriate internal governance process within ECL; developed through consultation with senior operational staff to test workability, the Senior Leadership Team for management agreement, approved by the ECL Audit Committee on 7th April 2020 and was finally presented to ECL's Board of Directors who agreed on 20th May 2020 to recommend to the shareholder that the updated Counter Fraud and Anti-Bribery Strategy is adopted.

4. Options

Option 1 – To approve the adoption of the new Counter Fraud and Anti-Bribery Strategy (recommended option)

- 4.1 ECL currently operates a Counter Fraud and Anti-Bribery Strategy that was approved by ECC in its role as shareholder in 2018. The Counter Fraud and Anti-Bribery Strategy

as appended to this report is an updated version of the strategy, reflecting changes in the business and operating environment. This version has been developed through an appropriate internal governance process within ECL; developed through consultation with senior operational staff to test workability, the Senior Leadership Team for management agreement, approved by the ECL Audit Committee on 7th April 2020 and was finally presented to ECL's Board of Directors who agreed on 20th May 2020 to recommend to the shareholder that the updated Counter Fraud and Anti-Bribery Strategy is adopted.

Option 2 – Do nothing

- 4.2 Subject to approval of this decision, ECL will adopt the Counter Fraud and Anti-Bribery Strategy. No further decisions are required.

5. Next steps

- 5.1 Subject to approval of this decision, ECL will adopt the Counter Fraud and Anti-Bribery Strategy. No further decisions are required.

6. Issues for consideration

6.1 Financial implications

- 6.1.1 There are no financial implications for ECC arising from the proposals set out within this report.

6.2 Legal implications

- 6.2.1 The decision of the Shareholder is required for the adoption of a Counter Fraud and Anti-Bribery Strategy, pursuant to Article 3(e). The decision by the Leader on behalf of the Shareholder will be received in this report and is as effective as an ordinary resolution.

7. Equality and Diversity implications

- 7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful.
 - (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.
- 7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 7.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic

8. List of appendices

Appendix 1 – Counter Fraud and Anti-Bribery Strategy

Appendix 2 – Counter Fraud and Anti-Bribery Strategy

9. List of Background papers

None

I approve the above recommendations set out above for the reasons set out in the report.	Date 13 August 2020
Councillor David Finch - Leader	

In consultation with:

Role	Date
Executive Director for Finance and Technology (S151 Officer)	10 August 2020
Stephanie Mitchener on behalf of Nicole Wood	
Director, Legal and Assurance (Monitoring Officer)	10 August 2020
Laura Edwards, on behalf of Paul Turner	