

Forward Plan reference number: Not applicable

Report title: ECL Risk Management Framework	
Report to: Cllr 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 Risk Management Framework.

2. Recommendations

- 2.1 Approve the ECL Risk Management Framework in the form as set out in Appendix 1.

3. Summary of issue

- 3.1 ECL's Articles of Association, under Article 3A(a), states that where ECL is proposing to adopt a Risk Management Framework, 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 Risk Management Framework provides an appropriate set of requirements for evaluating and dealing with the risks applicable to ECL and its subsidiaries.
- 3.4 ECL currently operates a Risk Management Framework that was approved by ECC in its role as shareholder in 2015 and updated in 2016 and 2017. The Risk Management Framework as appended to this report is an updated Risk Management Framework for ECL reflecting changes in the business. 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 and was finally presented to ECL's Board of Directors who agreed on 20th March 2020 to recommend to the shareholder that the updated Risk Management Framework is adopted.

4. Options

Option 1 – To approve the adoption of the new Risk Management Framework (recommended option)

- 4.1 The proposed Risk Management Framework updates the roles and responsibilities since the retirement of the Director of Quality and Governance and includes worked examples to assist the understanding of the framework.

Option 2 – Do nothing

- 4.2 ECL would continue with the current version of the Risk Management Framework. This would refer to roles not now current in the business and would refer to information that is out of date.

5. Next steps

- 5.1 Subject to approval of this decision, ECL will adopt the Risk Management Framework. 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 Risk Management Framework, pursuant to Article 3A. 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 – Risk Management Framework

Appendix 2 – Equality Impact Assessment

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	