

Report to: Audit and Governance Committee



Date of Meeting 20 January 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Review of the Anti-Fraud Theft and Corruption Policy, Anti-Bribery Policy and Whistleblowing Policy

Report summary:

The Council's Whistleblowing Policy is due for review in January 2022 and the Anti-Fraud Theft and Corruption and Anti-Bribery policies are due for review in September 2022. Having reviewed the policies the recommendation is that they all remain fit for purpose and therefore no amendments are required. They will be reviewed again in three years' time or earlier if circumstances require.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That the Committee agree that following review the;

- (i) Anti-Fraud, Theft and Corruption Policy**
- (ii) Anti-Bribery Policy**
- (iii) Whistleblowing Policy**

remain fit for purpose and will continue to apply unchanged.

Reason for recommendation:

The view is that the policies remain fit for purpose and there are no circumstances arising which necessitate any changes.

Officer: Henry Gordon Lennox, Monitoring Officer

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance

- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information

- [Anti-Fraud, Theft and Corruption Policy](#)
- [Anti-Bribery Policy](#)
- [Whistleblowing Policy](#)
- [January 2019 Audit & Governance Committee](#) item 44

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

Report in full

1. The Council regularly reviews the policies, codes and procedures that govern the way we operate. This report relates to a review of three of our Key Policies; namely, the Anti-Fraud, Theft and Corruption Policy, the Anti-Bribery Policy and Whistleblowing Policy.
2. These policies were last reviewed in January 2019 by this Committee. A link to the existing policies and previous report is contained in the background links. Comments made in the January 2019 report in relation to audit reports are considered to remain relevant.
3. There have been no legislative changes that would require any of the policies to be changed / updated
4. In relation to the operation of the policies;

There have been no instances where the Anti-Bribery Policy has had to be considered.

In relation to the Whistleblowing Policy, there have been three instances where it has been considered. The first (November 2019) was a complaint to a national body about the way a sports club was being managed. This was copied to EDDC but as it was not specifically about EDDC no action was taken in relation to it. In December 2020 a grievance was also purportedly made under the whistleblowing policy. As it related to the individual's own interests, it was determined that the policy was not engaged. Finally, concerns have been raised under the whistleblowing policy in October 2021 in relation to one of the services the Council provides. As this is a live matter, currently under investigation by SWAP, it is not considered appropriate to provide more detail at this time.

Under the Anti-Fraud, Theft and Corruption Policy there have been five instances in the last three years where a matter has been identified that might have necessitated the calling of the Fraud Forum. In March 2019 there was a concern raised that IT equipment had been stolen from the Knowle – the equipment was eventually located. In April 2019 there was a claim, amongst other matters relating to a planning application, that an employee would

have influence in relation to a planning application - this was reviewed internally and by SWAP with a conclusion that there was no merit to the claim of wrongdoing. Also in July 2019 there was an allegation of theft of fuel by an employee – this was dealt with through the disciplinary process. In March 2021 a member of the public (acting through a councillor) raised historic concerns about an employee’s actions. The member of the public was concerned about recriminations and so (through the councillor) was advised to report the matter directly to SWAP but no more was heard. In conclusion, none of the instances fell within the ambit of the policy such that the Fraud Forum needed to meet.

5. It is considered that these policies are up to date with legal requirements and remain fit for purpose. For the above reasons it is recommended that the three policies continue to apply without amendment

Financial implications:

There are no direct financial implications.

Legal implications:

The review indicates that no changes are required to any of the listed policies. It should be noted that the Council must adhere to any adopted policy in the circumstances where it applies but otherwise there are no legal implications arising.