

AGENDA

Audit and Governance Committee

Date: **Tuesday 24 November 2015**

Time: **10.00 am**

Place: **Committee Room 1, Shire Hall, St. Peter's Square,
Hereford, HR1 2HX**

Notes: Please note the **time, date** and **venue** of the meeting.

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If you would like help to understand this document, or would like it in another format, please call Ruth Goldwater on 01432 260635 or e-mail ruth.goldwater@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Audit and Governance Committee

Chairman
Vice-Chairman

Councillor BA Durkin
Councillor FM Norman

Councillor ACR Chappell
Councillor DG Harlow
Councillor EPJ Harvey
Councillor PD Newman OBE
Councillor RJ Phillips
Councillor J Stone
Councillor LC Tawn

AGENDA

8. CORPORATE RISK REGISTER

To inform the Committee of the risks on the corporate risk register, so as to give assurance that risks are being managed.

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Risk Reference Number	Opened	Risk Description	Risk Rating (before controls)	Existing Controls in Place	Risk Rating (after controls)	Risk Owner (Name & Title)
CR.001	Apr-11	Emergency events IF: Significant events happen (severe weather, major flooding, terrorism and/or influenza pandemic risks) THEN: there could be a significant cost implication to the Council and it may be necessitate staff redeployment to backfill and maintain critical services. Failing to respond effectively to major emergencies/incidents could result in reputational damage through adverse publicity, loss of life to public or council employee, loss of service.	16	Continue to address highest priority risks from the West Mercia LRF Community Risk Register, identifying and reacting to emerging risks including cross border risks. Continue to develop a coordinated Exercising programme informed by the West Mercia LRF Community Risk Register and local risk priorities. Continue to develop a role specific LRF Training programme based on training needs analysis. Finalise review of and update to the West Mercia LRF Joint Emergency Response Arrangements (JERA). Develop Community Resilience within the West Mercia LRF area utilising both formal and informal voluntary bodies. Deliver against the West Mercia SCG Exercise Action Plan 2015.	12	Erica Hermon, Head of Law, Governance and Resilience
CR.002	May-11	Health & Safety IF: Herefordshire Council doesn't comply with Health and Safety legislation THEN: there is an increased risk of: employees injured through work activity; council prosecuted by HSE for breeches of legislation; increased insurance claims and insurance premiums; member of public, contractor or employee killed at work, possible corporate manslaughter, loss of reputation and financial costs to the council; sickness rates increase because of lack of compliance with good health, safety and wellbeing practice; increased employer/employee litigation through inconsistent approach to managing health and safety in the workplace; unable to defend H&S claims or disputes; and, fire damage and financial and reputational costs to the council through fire at a council owned building.	16	Strategy – Strategy/project plan in place to achieve full compliance with H&S legislation, prioritised by high risk activities; H&S policy current and reviewed each year. Cultural – Sharepoint H&S tool box available via front page of intranet; H&S and Fire Safety part of existing mandatory training; some improvement has been made in last period with wider engagement from employees with H&S systems (although only when things have gone wrong!); employees consulted about H&S issues through 'house' meetings. Systems – Accident reporting/investigation and work based ill health in place; mandatory training; first aid/fire warden training in place; some systems updated (focused on high risk areas); employers liability insurance; Directorates H&S reps kept up to date with current risks and good practice control measures.	12	Erica Hermon, Head of Law, Governance and Resilience
CR.003	Aug-12	Medium Term Financial Strategy IF: we don't have a sustainable Medium Term Financial Strategy THEN: we will not achieve a balanced budget, risk serious service failure.	20	MTFS to 16/17 agreed by Council . Monthly monitoring in place . MTFS linked to Corporate Priorities . MTFS being worked on to 19/20.	9	Peter Robinson, Director of Resources
CR.004	Aug-12	Local Development Framework IF: the adoption of the LDF by full Council is judicially reviewed THEN: there would be a delay in publishing the Local Plan and an associated 5 year supply of housing land the Council's Policy basis to control future planning decisions in the county is significantly reduced.	12	Officers are currently assessing the risk of judicial review and identifying mitigating actions should a judicial review be launched.	1	Geoff Hughes, Director for Economy, Communities & Corporate
CR.005	Apr-13	School Assets IF: Insufficient condition oversight of school assets is not in place THEN: There may be an increase in costs due to unplanned significant spend.	25	Education assets condition surveys to be completed and estates strategy in place to address the Education Strategic Plan.	16	Jo Davidson, Director of Children's Wellbeing

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CR.006	Apr-13	Fastershire IF: expectations not met through the Fastershire Broadband Project, Business Case Failure and/or failure to meet State Aid requirements THEN: areas identified as modelled to receive NGA may slip out of programme; There may be slippage in delivery timescales and ultimately the constituent experience of retail services may reflect badly on the council's support for a wholesale solution.	15	The contract includes significant controls to manage slippage and NGA coverage reductions and will deliver 100% of premises at 2Mbps. However, the controls in place lead directly to default and compensation which is not necessarily in the authorities interest. Agree via Cabinet Member decision to extend time-lines. BT are required to certify payment eligibility and will be subject to audit. The Fastershire Broadband Strategy 2014-18 has been adopted by the Authorities to address next stage in delivery with progress on that strategy. The business support programme and Digital Inclusion activity will aim to increase take up and optimisation.	12	Natalia Silver, Assistant Director, Communities
CR.007	Jun-13	Litigation IF: litigation claims against Herefordshire Council are successful THEN: this may expose the Council to significant unbudgeted costs and reputational damage.	20	Compliance with the Contracts dispute resolution procedure. Legal and commercial opinion has been sought in support of Herefordshire's case. Structured dispute resolution processes are being taken forward including negotiation, adjudication and formal mediation. Litigation may be required to resolve high value matters. S151 Officer is made aware of pending financial claims against Council at earliest opportunity. For ongoing cases, an appropriate base line budget (from which to operate and deliver an effective legal service and to increase chances of Council losing litigation cases) has been provided.	16	Geoff Hughes, Director, ECC Natalia Silver, Assistant Director, Communities
CR.008	Feb-14	Information governance IF: staff do not treat the information they access appropriately THEN: this may lead to the risk of referral to the Information Commissioner and/or legal challenge with resultant unbudgeted costs and reputational damage for the Council.	16	A series of mandatory online training modules have been introduced (including Data Protection, Environmental Information Regulations, Freedom of Information, Information Security). All employees must also complete a staff confidentiality agreement in order to acknowledge that they agree to abide by the council's information governance policies.	8	Natalia Silver, Assistant Director, Communities
CR.009	Apr-14	Decision Making IF: There is ineffective governance and transparency of decision making THEN: Resource managers will be taking decisions outside their accountability and budgets will be overspent and outcomes will not improve.	16	Scheme of delegation is in place to ensure governance is adhered to.	9	Jo Davidson, Director of Children's Wellbeing
CR.010	Apr-14	Staff recruitment/retention IF: We are unable to recruit/retain permanent members of staff across the directorate to undertake key roles and therefore continue to over rely on agency staff THEN: The costs will continue to be excessive and change will not be driven through.	16	Workforce strategy for social care is in place to ensure that where possible we recruit to roles on a permanent basis, and grow our own. Involvement in regional workforce development and agency market management.	9	Jo Davidson, Director of Children's Wellbeing

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CR.011	Apr-14	ICT platforms IF: the technology ICT systems/platforms are not appropriate or used to their full effect THEN: we fail to transform our services and cost the organisation more money. Education Outcomes IF: Sufficient Improvement is not made to education outcomes through education strategic plan THEN: Likely to be judged inadequate and require intervention.	16	Programme Boards for major systems improvements, Agresso, FWI, Adult Care.	9	Peter Robinson, Director of Resources
CR.012	Jun-14	Education Outcomes IF: Sufficient Improvement is not made to education outcomes through education strategic plan THEN: Likely to be judged inadequate and require intervention.	16	Education Strategic plan, improvement partnership.	9	Jo Davidson, Director of Children's Wellbeing
CR.013	Sep-14	Children's and Families Act IF: The Children's & Families Act legislation raises awareness with the residents of Herefordshire of entitlement to services THEN: We may be unable to meet requirements from within existing resources, will suffer reputational damage and may face legal challenge through tribunal/judicial review.	20	Children and Young People's Partnership, Development and implementation of CYP Plan, Implementation of CWD Strategy via CHPPP programme testest	12	Jo Davidson, Director of Children's Wellbeing
CR.014	Sep-14	Transfer of Contracts Failure to effectively transition key underpinning/ supporting contracts from NHS England (Pharmacotherapy, Needle Exchange, Supervised Consumption) due to failure to agree budget transfer with CCG may compromise service delivery.	15	Plans and negotiations underway to ensure effective operational and financial transfer.	15	Rod Thomson, Interim Director of Public Health
CR.015	Oct-14	Deprivation of Liberty The authority does not meet the statutory requirements for Deprivation of Liberty and individuals are unlawfully deprived of their liberty.	20	Additional investment into DoL's has been made, and weekly performance management of waiting list is in place. regular reporting and review up to Director Level and to Safeguarding Adults Executive Group. Working with external Best Interest Assessors - although these are limited in availability due to national demand. Dols team are checking all referrals for DoLS against list of open safeguarding referrals to ensure these cases are prioritised in terms of implementing DoLS.	12	Stephen Vickers, Assistant Director of Operations AWB
CR.016	Oct-14	Safeguarding Individuals at risk of abuse are not protected.	16	A Safeguarding Improvement Programme has implemented a new process to embed the principles of Making Safeguarding Personal. This has included changes to the current processes, an improved performance framework and a new audit tool. Progress will continue to be monitored going forward and be fed into DLT, AD Operations and monthly report to DASS and HSAB.	12	Stephen Vickers, Assistant Director of Operations AWB
CR.017	Oct-14	Demographic Pressures Continued demographic pressures require significant savings to be made or reductions in levels of dependency to manage rising levels of demand across council services.	25	Range of primary and secondary preventative services commissioned including Information, Advice, Signposting, Reablement, Telecare, Rapid Response. Communications strategy and proactive media briefing advising on ASC LA services focus. Proactive screening of cases that are not eligible through reviews and diversion to other services.	16	Martin Samuels, Director of Adults Wellbeing

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CR.018	Oct-14	Care Act Implementation The LA is not compliant with Phase 1 of the Care Act from April 2015 and preparations for Phase 2 are not in place.	16	This has full project governance in place; national stocktakes are undertaken on a quarterly basis; internal audit have also reviewed the governance. Internal stocktake has found compliance in all areas apart from Info & Advice, Carers and Advocacy.	12	Donna Etherton, Head of Transformation and Performance
CR.020	Jun-15	Economic Resilience IF: the Herefordshire economic position does not improve THEN: the county will continue to underperform economically and suffer from low wage levels, low educational attainment, low number of skilled jobs, and a general low market attractiveness.	16	Implementation of the Economic Development Strategy Economic Masterplan being developed. Delivery of the Fastershire project. Preparing and promoting the Local Development Framework. Implementing the delivery of the Enterprise Zone. Securing European Union and other external funding.	12	Geoff Hughes, Director for Economy, Communities & Corporate
CR.021	Jun-15	Welfare Reform Impact of further welfare reform is currently not able to be quantified in terms of financial impact on Herefordshire residents with subsequent reduction in payment of council tax, other financial liabilities to the council and increasing pressure for local support to be met by the council.	20	Welfare Rights service in place, IAS service will support individuals into community capacity that gives specialist advice on welfare issues.	12	Martin Samuels, Director of Adults Wellbeing
CR.022	Jun-15	Integration The scale and pace of integration work required internally to the council and across health and social care proves to be undeliverable and a new model for integrated and financially viable health and social care pathways does not emerge.	25	Transformation Board and Joint Commissioning Board in place underpinned by refreshed Health and Well Being strategy.	16	Martin Samuels, Director of Adults Wellbeing
CR.023	Jun-15	Council Redesign/Resources Reducing resources in the form of grant, uncertainty and the requirement to deliver transformation at speed combine to increase risk of failure to meet statutory and/or legal duties and powers.	25	Transformation programme within each directorate, corporate plan, refreshed governance and constitution, quarterly performance management reporting and director performance management through appraisal system.	12	Alistair Neill, Chief Executive
CR.024	Oct-15	System resilience and urgent care The role and responsibility of adult social care alongside system and process is not clearly set out in relation to system resilience and urgent care	16	Social care pathway for prevention of hospital admission and discharge is aligned with WVT. Joint post funded through SRG to manage interface in place, number of schemes funded through BCF to support urgent care - however this post has now ceased. On call arrangements in place and AMPH/EDT rota is in place.Senior Management attend operational and strategic SRG	16	Stephen Vickers, Assistant Director of Operations AWB
CR.025	Apr-13	Backlog maintenance IF: We don't invest sufficiently in backlog maintenance THEN: potential closure of key critical front line facing public services.	16	Condition surveys and risk analysis undertaken of all properties annually. Escalation of high risk items to ECC management team for consideration of priorities. High level plan identifying critical repairs for Capital Strategy and Asset Management Group to consider.	12	Stuart Macdonald, Interim Head of Property Services

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CR.026	Oct-15	<p>Human rights claims</p> <p>IF: 2 test cases in high court uphold a claim against human rights - one listed on 7 Dec 15 for 11 days; the other on 30 Nov 2014 for 3 days THEN: Herefordshire council currently have approx 8 cases involving Revocation of Placement Orders (children's wellbeing) for which, pending the outcome of the test cases, we are at risk of human rights claims; in all of these cases there have been significant delays in these Applications being made to the Court. This is where the breach of Human Rights claims are being made.</p>	16	Currently, judges are adjourning the hearing of council revocation cases until January 2016, awaiting the outcome of these 2 test cases.	16	Erica Hermon, Head of Law Governance and Resilience

