

TORBAY COUNCIL

Corporate Risk Register Quarter 2 2020/21

KEY TO RISK REGISTER

The below Risk Matrix has been used to score the risks and only those that register as High (16 and above) and Medium/High (10 to 15) are included.

2.2 Risk Matrix

	Critical	5	10	15	20	25
	Major	4	8	12	16	20
Impact	Moderate	3	6	9	12	15
	Minor	2	4	6	8	10
	Insignificant	1	2	3	4	5
		Rare	Unlikely	Possible	Likely	Almost Certain
		Probability				

Community and Corporate Plan Priority: Thriving People and Communities

Score and RAYG	Title	Description	Probability Score	Impact Score	Mitigation	Score and RAYG After Mitigation	Risk Owner
12	Increased demand for Children's Services	The number of children that are cared for by the local authority increases and puts pressure on sufficiency of placement and the budget.	3 - Possible	4 - Major	We have robust oversight of our cared for population and those children who enter care. A number of panels have been put in place to monitor and track children's progression. These include a pre-birth tracker, permanence panel and the placement panel that reviews children in independent care settings. Cases are tracked on a weekly basis. There is now an Edge of Care offer which supports children who have the potential to become cared for. There is more effective use of the PARIS system with the use of daily alerts specifically related to COVID-19 to support us in identifying the most vulnerable children in this challenging time.	12	Nancy Meehan
20	Impact upon the council's ability to meet statutory timescales	Increased demand could impact on our ability to meet statutory timescales for the completion of assessments and meetings such as child protection case conferences.	5 – Almost certain	4 - Major	There is weekly monitoring of the numbers of contacts into the Multi Agency Safeguarding Hub that require a statutory response. This has risen significantly during the COVID period. Quality assurance activity is being undertaken to ensure that the thresholds remain robustly applied. Each service area has a performance meeting to ensure we are compliant with statutory requirements. There is	16	Nancy Meehan

					an exception report in relation to children's services improvement which is reviewed at the Children's Services Improvement Board, SLT and overview and scrutiny.		
15	Failure to deliver the Children's Services Improvement Plan	The last Ofsted Inspection judgement was that Children's Services are inadequate. If the next inspection judges us as inadequate it is highly likely that the delivery of Children's Services will be removed from Council control.	3 - Possible	5 - Critical	A Children's Commissioner is in place as part of a DfE statutory direction. The Commissioner chairs the improvement board and the board has been reviewed to further strengthen its function. There is also stronger quality assurance and a better understanding of performance.	12	Nancy Meehan
12	Delivery of Liquid Logic	If timescales are not met for the delivery of Liquid Logic (February 2021) this will have significant budget implications with Liquid Logic and will leave the Council with a data deficiency.	3 - Possible	4 – Major	There is a governance structure around the implementation of the system and progress is being reported to SLT. Due to data migration there is delay to the implementation of Liquid Logic which is now scheduled for May 2021	8	Nancy Meehan
16	Local Area SEND Inspection	The Local Area Special Educational Needs and/or Disabilities (SEND) inspection conducted by Ofsted and the Care Quality Commission (CQC) will take place before July 2020. The local area preparations and self-evaluation currently demonstrates an inability to be compliant with the legislative code, due to the capacity within the system. If inspectors confirm this self-analysis, it is anticipated that the Local Area will receive a 'statement of action' and inspectors will	4 - Likely	4 – Major	The Ofsted Inspection Process is currently on hold due to COVID-19 and there is no definitive information about when 'normal' inspection activity will commence. The preparation processes are continuing and the inspection self-evaluation document is being updated. The impact of COVID-19 on SEND delivery is being documented and the changes to SEND legislation are being addressed. However, there is a realistic risk that the authority and partners will not be able to meet the	16	Rachael Williams

		evaluate progress with programme of monitoring visits.			expectations to review all plans as frequently as being requested. The SEND staff posts are being filled but delayed by Covid.		
12	Achievement of £6m of Adult Social Care savings by March 2023	The Adult Social Care (ASC) Improvement Plan has been created to deliver the £6m saving through operational redesign and further strengthening the Community Led Support Approach and Strength Based Approach to social care. The projects within the plan have been designed in year one to realise savings from critical projects whilst allowing corresponding projects to be set up to realise savings in years two and three.	3 - Possible	4 – Major	Adult Social Care Improvement Board will review risks and mitigate using the integrated Project Management Office as a function of the plan. Project risks will be mitigated at project level and escalated where there is likely to be a broader ASC Improvement Plan negative strategic or operational impact.	12	Jo Williams
16	Domiciliary Care Capacity	A deficit in the required capacity to meet all care requirements	4 - Likely	4 – Major	Triaging of care packages. Development of market – retention, recruitment including voluntary capacity. Increased independence through enablement and circles of support. Wellbeing and resilience support for care workers/staff. Development of esteem and value associated with care work.	12	Jo Williams
10	Adult Social Care assessment of working age adults with poor mental health is not	Responsibility for delivery of social care services for mental health working age adults is delegated under a Memorandum of Understanding to Devon Partnership Trust (DPT) by Torbay Council.	5 – Almost certain	2 - Minor	Assessments are mainly undertaken by DPT. Care Act eligibility indicator questions have been introduced into DPT's Mental Health Assessment Team's assessment so in future it will be	10	Jo Williams

	wholly compliant with the Council's duties under Care Act 2014.	There are currently (July 2020) 500 people on waiting list for a secondary mental health service, some of whom may also have an entitlement to social care support under the Care Act, but have not yet received a Care Act eligibility assessment. Therefore people eligible for social care support will have delayed access to it which could lead to unnecessary deterioration in wellbeing, risks to mental health and potential escalation of support needs. Also those people referred to the Mental Health Assessment Team but assessed as not entitled to secondary mental health service have not been assessed for eligibility for support under Care Act, or offered info about informal community support.			known who has an entitlement under the Care Act 2014. Where remedial action for those currently on list is required, this is being undertaken through the improved Better Care Fund funded DPT/Step One waiting list project.		
16	Increased demand in homelessness	The level of homelessness experienced as a result of COVID-19 is expected to increase. Increased demand could impact on the Councils ability to meet statutory requirements and provide appropriate safeguarding.	4 - Likely	4 – Major	The economic consequences of COVID-19 and subsequent impact on homelessness are being addressed through a partnership work steam and recovery plan.	16	Tara Harris
12	Ability to deliver Youth Homelessness Prevention Pathway	Effective pathway needs to be implemented across services to ensure Torbay is legally compliant and that the service is at its full complement of staff to enable this to be delivered.	3 - Possible	4 – Major	Ofsted identified in both the last inspection (2018) and the previous one (2015) that the response to 16 to 17 youth homelessness was not legally compliant. The children's redesign considered how to respond	12	Tara Harris / Nancy Meehan

					to the criticism and subsequent repeat recommendation from Ofsted. This is being progressed.		
16	Insufficient capacity to response to increase in COVID-19 pandemic infection rates or community outbreak numbers 20/21	Local outbreak Management Plans require all local authorities to oversee the response to the COVID-19 pandemic at local level and to work in partnership with Public Health England, NHS, Care, Education, voluntary and business partners to prevent and respond to outbreaks. Unexpected and unforeseen capacity issues and organisational system issues at national and regional level have in turn had an impact.	4 - Likely	4 – Major	Robust measures are needed and will include: <ul style="list-style-type: none"> • 24/7 multi-disciplinary rota to coordinate response to cases & outbreaks • Dedicated intensive support team to provide proactive and reactive infection control guidance & swabbing • Comprehensive intelligence systems mapping cases, outbreaks and risk settings, identifying patterns of spread, & helping to guide the response. • Strong, effective communications & engagement plans with communities and partners promoting behaviours which will prevent the spread of infection and compliance with isolation guidance • Training of existing staff & introduction of standard operating procedures to enable 24/7 response over the long term • Recruitment of additional skilled staff to build resilience in delivering response & intensive support. • new risk hampering ability to respond as expected 	16	Caroline Dimond
16	Insufficient capacity to prevent &	Flu is anticipated to present a higher than usual risk in 20/21 due	4 - Likely	4 - Major	A combined COVID-19 and flu response will provide the highest chance of success. Measures include:	12	Caroline Dimond

	respond to high flu levels Winter 2020/21	to the continuation of COVID-19 infection in the population. Vaccines will be available for eligible groups and high uptake will be needed to reduce the incidence and the impact of disease.			<ul style="list-style-type: none"> • Dedicated, flexible, mobile vaccination teams targeting all risk settings and high risk groups (care sector, education, hostels, carers, people with health risk conditions, shielded population, pregnant women, young children) in parallel with the primary care vaccine delivery programme to people 60 and over. • Dedicated intensive support teams delivering swabbing and infection control support for settings with cases or outbreaks to prevent spread. • Some issues with supply currently (national issue). • Need to align this with possible COVID-19 vaccination programme. 		
12	Inadequate measures to prevent suicide & self-harm, promote good mental health & wellbeing, and support bereavement & loss	The impact of COVID-19 is modelled to produce an increase in mental distress, bereavement trauma and suicide risk. Torbay already has one of the high rates in the country for both suicide and self-harm. Comprehensive & effective prevention and postvention pathways need to be in place across our three communities to identify people in need & to ensure they receive appropriate information, signposting, support and intervention.	4 - Likely	3 - Moderate	Put capacity in place to work with partners locally, across the Sustainability and Transformation Partnership (STP) & regionally to: <ul style="list-style-type: none"> • Put in place a new suicide surveillance & postvention system & expand this to include suicide attempts as well as completed suicides • Commission (NHS England funded) research with people with lived experience into high incidence of female suicides & self-harm • Work with three communities to implement new (NHS England 	8	Caroline Dimond

					<p>funded) community grant fund for 'safer suicide community' initiatives</p> <ul style="list-style-type: none"> • Carry out a training needs analysis to inform allocation of the (NHS England funded) training programmes • Develop new Torbay mental wellbeing alliance spanning community & statutory providers developing improved pathways for mental distress & matching needs with supply for mental health and wellbeing, suicide prevention, and bereavement support. 		
12	Inability to deliver the Housing Strategy	National policies have served to reduce affordable housing development, increase affordability pressure in the private rented sector and make it increasingly difficult to access decent housing, for people who are on low incomes or benefits increasing deprivation and related health concerns for residents.	3 - Possible	4 - Major	<p>Officer resource has been increased. The new housing company, TorVista Homes, has established its own Board and will be regulated by Homes England. TorVista has submitted its application and are already working to bring forward a number of affordable housing schemes.</p> <p>The Housing Strategy Action Plan is in development.</p> <p>There has been increased partnership working with providers such as landlords and health services.</p>	8	David Edmondson

Community and Corporate Plan Priority: Thriving Economy

Score and RAYG	Title	Description	Probability Score	Impact Score	Mitigation	Score and RAYG After Mitigation	Risk Owner
12	Ability to meet land supply requirements	If we do not have a five year land supply then the National Planning Policy Framework cannot be considered up to date. Ability to meet land supply requirements could impact income generation from new homes bonus and Section 106 monies. Failure to have 5 year land supply risks development outside of the local plan.	3 - Possible	4 - Major	At this time we have achieved a three year housing land supply and with three neighbourhood plans, one for each town, formally adopted at Full Council last year, this means we can defend against inappropriately sited development.	8	David Edmondson
16	A weak local economy due to COVID-19	As a result of the COVID-19 pandemic the local economy is weakened resulting in an impact on our residents and visitors.	4 - Likely	4 - Major	There is an Incident Management Team work stream specifically set up to review this matter and support recovery of Torbay's economy. Following consultation with stakeholders and the business community, the Economic Reposition Plan has been produced. The plan seeks commitment from stakeholders and businesses to support Torbay's recovery and repositioning as a result of COVID-19, and focusses on 6 themes: <ul style="list-style-type: none"> • Town centres • Visitor economy • Cultural development • Community wealth building 	16	Kevin Mowat

					<ul style="list-style-type: none"> • Growth • Employment and skills <p>An influencing and lobbying campaign is in development to raise the profile of Torbay Council, and Torbay as a whole.</p>		
12	Riviera International Conference Centre could close permanently	It is essential to ensure that Riviera International Conference Centre remains a viable entity to ensure its contribution to the local economy and Torbay as the Premier UK resort.	4 – Likely	3 - Moderate	<ul style="list-style-type: none"> • Work towards move to new operator – Parkwood Leisure in November • Complete essential backlog works 	8	Kevin Mowat
16	Princess Theatre could close permanently	<p>Currently run by Ambassador Theatre Group (ATG) on behalf of Torbay Council. ATG have been significantly affected due to COVID-19 and the theatre still remains closed like all of ATGs other assets.</p> <p>The loss of the theatre would have a significant impact on the local economy both directly in terms of jobs and income and indirectly income around hospitality sector etc.</p> <p>As a Torbay Council asset the decline of ATG would mean the running of the theatre would revert back to the Council.</p>	4 – Likely	4 – Major	<ul style="list-style-type: none"> • Applications for (govt) grant funding to support ATG through COVID-19 crisis. • The site could be run by a different operator however this would be difficult in the current climate. • Investment in the theatre from Torbay Council to improve facilities to make it more commercially viable when it does it reopen. 	8	Kevin Mowat
16	Financially unsustainable future for Torre Abbey	Torre Abbey is currently a loss making asset. The focus must be switched to a commercial approach to ensure income generated meets or exceeds spend. Income is also currently impacted by reduced	4 – Likely	4 – Major	<ul style="list-style-type: none"> • Operations are being reviewed to develop a more commercial model. • There is potential to develop the café as a quality “in-house” offer to drive up commercial income and 	8	Kevin Mowat

		opening hours due to COVID-19. The building is subject to significant water ingress and has structural concerns.			help support the long-term sustainability of Torre Abbey. • Grant applications e.g. to National Lottery Heritage Fund, are being made to secure funding to help resolve some of the issues and challenges.		
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Community and Corporate Plan Priority: Tackling Climate Change

Score and RAYG	Title	Description	Probability Score	Impact Score	Mitigation	Score and RAYG After Mitigation	Risk Owner
10	Inadequate response to the climate change emergency.	If our response is inadequate it will have reputational repercussions for the organisation.	2 - Unlikely	5 - Critical	Work with local, regional and national partners to deliver a collaborative Climate Change Emergency Response Strategy. Projects are being progressed to deliver Solar Farm developments at Nightingale Park and adjacent to Brokenbury Quarry, with a 25 year lifespan. Roll out of Electric Vehicle charging infrastructure.	8	Kevin Mowat
25	Climate change impact on Tor Bay	Expectation of more frequent extreme rainfall events. Sea level forecast to rise by 70cm by 2050 which will significantly increase the risk of coastal flooding of low-lying areas (particularly Paignton Green), increase in the frequency and power of storm events,	5 – Almost certain	5 - Critical	There are a number of contingency measures being considered to respond to coastal and pluvial flooding e.g. enhanced coastal sea defences. The Port Master Plan also contains climate change countermeasures e.g. further rock armouring of Victoria	20	Kevin Mowat

		increase rate of coastal erosion/damage to quays, slipways and other hard infrastructure on the shoreline. Increased disruption to maritime activities e.g. commercial fishing and marine leisure			Breakwater, but no funding routes have been identified yet. Work continues to address sustainable urban drainage systems (SUDS) and close collaboration with the Environment Agency is critical.		
20	Failing coastal infrastructure.	A number of coastal assets are at a tipping point of deterioration and require significant investment to ensure longevity and fitness for purpose.	5 – Almost certain	4 - Major	Periodic inspection regime to monitor degradation. Need to identify funding solutions or agree a process of managed retreat.	16	Kevin Mowat

Community and Corporate Plan Priority: Council Fit for the Future

Score and RAYG	Title	Description	Probability Score	Impact Score	Mitigation	Score and RAYG After Mitigation	Risk Owner
12	Difficulties in social work recruitment to frontline safeguarding teams	There have been recent difficulties in recruiting social work staff both on a permanent and agency basis. The situation in the last year has been compounded due to potential recruits not wishing to relocate during the COVID-19 pandemic.	4 – Likely	3 - Moderate	Changes are being made to the structure of the Children's Service in line with our service redesign to make them fit for purpose, the new restorative social work model is currently being implemented (and all staff are being trained). There is now a social work offer in place for new staff which is having some positive impact on the recruitment process which is supported by a dedicated microsite and increased funding to expand the establishment. A learning academy	12	Nancy Meehan

					went live on 07 September 2020 and this is already proving to be a positive attribute in our campaign to recruit and retain staff.		
16	School High Needs Block spending pressures	The School Forum currently have a deficit budget position of circa 2.5 million for 2020/21 and cumulative deficit from previous years of 3.8 million.	4 – Likely	4 – Major	<p>The School Forum is working with the Education Skills and Funding Agency (EFSA) to consider the actions that are needed to mitigate spend. The National system of funding pupils with higher need is under review. This could in part lead to additional funds being made available to the local area. The School Forum has established a Higher Needs Recovery Group to work through mitigating actions. These are being delivered and are anticipated to generate savings.</p> <p>Additional funds have been announced for 2021 – 2022 this will have an impact on the budget position but will not lead to a balanced in year budget.</p>	16	Rachael Williams
15	SWISCo commissioning resource	Insufficient commissioning resource for SWISCo.	3 - Possible	4 – Major	Delivery expectations have been reduced. TUPE transfer key service areas into SWISCo and operate a 'thin' client model.	15	Kevin Mowat
15	Failure to comply with GDPR	The General Data Protection Regulation (GDPR) tightens existing data protection requirements on organisations. The Council needs to be able to demonstrate compliance to the regulation in all of its processing activities. Failure to do so could	5 – Almost certain	3 - Moderate	A GDPR compliance project has been undertaken and regular staff awareness campaigns are also undertaken to ensure staff keep data protection at the forefront of their minds, with the aim of reducing breaches.	12	Matt Fairclough-Kay

		result in enforcement action from the Information Commissioner's Office, damage to reputation and potential increase in complaints and claims.					
12	Balancing 2020/2021 budget in light of COVID-19 financial pressures	The Council's revenue budget remains under significant pressure. The total financial pressures faced are £18.7m before use of specific reserves. This takes account of the financial impact of COVID-19. The main pressures are due to the COVID-19 pandemic and the financial impact of the changes we have had to make to service delivery and the changes in behaviour of the general public.	3 - Possible	4 – Major	<p>The moratorium on non-essential spend within the Council is maintained.</p> <p>Sources of funding that could be applied against in-year shortfalls are being reviewed, although such use would result in an "opportunity cost" in relation to the original intention for the funding.</p> <p>We are making our own case to the Ministry of Housing, Communities and Local Government (MHCLG), as well as supporting national and regional lobbying, for further COVID-19 related funding from Government.</p> <p>The Chief Financial Officer used virements to revise the 2020/2021 budget in order to re-establish a baseline budget. The revised budget is intended to be flexible as there are still a wide range of unknown factors.</p> <p>There is regular financial reporting to senior officers and members.</p> <p>MHCLG have now announced four tranches of funding in addition to an income compensation scheme. This funding combined with service underspends, in particular in CSC</p>	9	Martin Phillips

					means that the council should be able to break even in the current year subject to the impact of COVID-19 in the last 5 months of the financial year.		
16	Balancing 2021/2022 budget in light of COVID-19 financial pressures	The financial impact of COVID-19 in future years is still being assessed. A number of the spending pressures seen in 2020/21 could reoccur in 2021/22. In addition, if the economy is impacted as predicted, a number of income sources will continue to be affected. In addition, the Government announced the deferral to 2021/22 of the Fair Funding Formula and the changes to the National Non Domestic Rates (Business Rates) retention scheme. The timing and impact of any Spending Review and/or Emergency Budget are also unknown.	4 - Likely	4 – Major	Budget proposals for 2021/22 were issued on the 20 th October for consultation which included the financial impact of the pandemic on expenditure and income. The current proposals show a “gap” of £2.6m with a number of options to achieve a balanced budget by February 2022. Caveat is that the impact of the pandemic from a higher number of cases or impact of “lock down or tier restrictions is still an uncertainty.	12	Martin Phillips
12	Achieving a balanced budget over the period of the medium term financial plan	The projected budget gap over the life of the Medium Term Resource Plan (MTRP) is an estimated position and is subject to change and is based upon a series of assumptions and projections which will be regularly reviewed for future years to ensure they continue to be realistic. There is therefore a risk that the projections for the budget deficit may prove to be either under or over estimates.	3 - Possible	4 – Major	The MTRP will be updated as appropriate to take account of changing circumstances and new intelligence. An influencing and lobbying campaign is in development to raise the profile of Torbay Council, and Torbay as a whole.	12	Martin Phillips

16	Proportionality of borrowing and commercial risk	The risk that council will be unable to meet its fixed borrowing liabilities if income streams associated with that borrowing are not maintained or fluctuate. The more the council borrows and the more it relies on that commercial income to support services, the greater the risk. The Ministry of Housing Communities and Local Government refers to this as “proportionality”. This risk is compounded by the economic impact of COVID-19 and lockdown, impacting on investment property rental income.	4 - Likely	4 – Major	Regarding our investment properties; As part of the IMT recovery a sub group has been put in place for this key area and the TDA are in frequent contact with tenants. Investment management meetings have become more frequent. The risk had been maintained at 16 as despite the mitigation it is uncertain how long the financial impact of pandemic on council rental income will last.	16	Martin Phillips / Kevin Mowat
12	Corporate Health and Safety	Non-compliance to health and safety requirements across the local authority increases the risk to public and staff safety, this includes gaining appropriate certifications for some of our assets.	3 - Possible	4 – Major	Significant progress has been made in delivering the work place implementing new processes and working practices. Risk remains possible due to temporary reduction in personal as a result of SWISCo transition and new associated risks associated with COVID-19.	12	Tara Harris
12	Capacity of legal services to deal with care proceedings before the court	As the numbers of children looked after increases, as does the requirement for legal services to support care proceedings which will go before the court. This increase could lead to lack of capacity to deal with cases in a timely and effective manner.	3 - Possible	4 – Major	Required resources are kept under close review, and the teams are currently supplemented by agency workers, to give capacity and ensure that vacant posts are filled. This does however lead to a significant budgetary pressure.	8	Matt Fairclough-Kay
12	Change management capability	The Council is undertaking an ambitious programme of transformation, together with	3 - Possible	4 – Major	Council Redesign Programme Board is reviewing the prioritisation of projects, and workstreams therein so	12	Anne-Marie Bond

	across the Council	delivering changes required as a result of budgetary decisions. The risk is the workforce in unable to deliver the amount of Council-wide and service change service needed, whilst ensuring the continued delivery of services, and achieving required budgetary savings.			as to ensure that the workforce can deliver, or that additional resources are identified in order to deliver within required timeframes.		
20	Staff resilience	Staff resilience on an on-going basis has been incredibly challenged given the 40% reduction in staff numbers during austerity. With the pressures that Covid brings, there are some teams in the Council where the risks around resilience are now critical.	5 – Almost certain	4 – Major	All Directors are keeping under constant review the pressures and resilience issues in their teams (especially those who are undertaking specific COVID-19 response/recovery activities), to identify those where additional resources are required,	16	All Directors
12	Reputation and engagement	The risk is that the Council's reputation deteriorates with its communities, when it needs to improve, and this has a detrimental impact on our ability to gain public support for the actions that will realise the Council's priorities.	3 - Possible	4 – Major	The Council's Community and Corporate Plan sets a clear ambition for the Council to become an enabling Council, and one which has a very different and improved relationship with residents. This is supported by the Council Redesign programme, which aims to put residents at the centre of everything we do and which seeks to engage and empower them.	12	Anne-Marie Bond
15	Response times in respect of Subject Access Requests, Complaints,	The Information Compliance Team is managing year on year increases in the volume of requests, and delays and non-compliance with timescales is common. There is a risk of a	5 – Almost certain	3 - Moderate	In respect of complaints, a one stage process is now embedded, and the permanent appointment of two Complaints Officers who independently investigate/oversee	15	Matt Fairclough-Kay

	Freedom of Information requests and Environmental Impact Assessments	detrimental impact on the Council's reputation, and of investigation by the Information Commissioners Office.			complaints, has improved the Council's performance significantly. Subject Access Requests are at a record level, and an individual request can take hundreds of hours to complete, and significant delays are common place. Whilst more members of the team are now processing these requests, given the increase in volume this is not improving the overall position. We have sought support from other Council's to undertake a small number on our behalf, but that has cost implications. A dedicated resource is being recruited to deal with the back log for a period of 12 months.		
12	Government Devolution White Paper	The UK Government have pledged to bring forward a White Paper to set out their proposals for English Devolution. This could include proposals for local government reorganisation where existing Local Authorities are combined into single Councils.	3 - Possible	4 – Major	The White Paper was anticipated to be published for responses in the autumn of 2020. However, the Ministry of Housing, Communities & Local Government's press office now say it will come out "in due course".	12	Anne-Marie Bond