

Audit Committee - Corporate Risks Detailed Report (16 and above) Appendix B  
(as at 11/07/2023)

<b>Risk Code: CP05</b>	<b>Failure to comply with Health &amp; Safety legislation</b>	<b>Accountable Officer :</b> Matt Fairclough-Kay
<b>Unmitigated Score:</b> High (16)	<b>Description:</b> Health and Safety is a legislative requirement that is enforced by the Health and Safety Executive (HSE). The HSE intervenes when the organisation is found to be in failing in its management of health and safety (in contravention HSG 65). Routine and periodic inspections of systems are required on ASSURE (the council's health and safety software management system). Likewise, incidents are required to be reported and investigated in accordance with the council's policies and procedures.	<b>Risk Completion Officer :</b> Dave Walker
<b>Mitigated Current Score:</b> High (16)		<b>Last Review Date :</b> 05/07/2023
<b>Mitigation status:</b>	<b>Mitigation:</b>	
Action completed	Adequate Health and Safety resources available	
Action ongoing	Auditing	
	Development and maintenance of ASSURE health and safety system	
Action completed	Ensure staff are aware of health and safety policies and procedures.	
Action ongoing	External Liaison	
Action ongoing	Health and Safety Communication	
Action completed	Health and Safety Training	
Action completed	Policies and procedures in place	
Action needed	Risk assessments	
Action ongoing	Up take of Health and Safety training	
<b>Latest Note:</b>		
Ongoing risk, highlighted by identified issues with Asset Management and Control of contractors. Risk Assessments remain outstanding in a number of service areas and are to be escalated to CEO if not completed by end of July.		

<b>Risk Code: CP06</b>	<b>Failure for our wholly owned companies to comply with H&amp;S legislation.</b>	<b>Accountable Officer :</b> Matt Fairclough-Kay
<b>Unmitigated Score:</b> High (16)	<b>Description:</b> There continues to be risk of Health and Safety incidents within our wholly owned companies that undertake high risk activity.	<b>Risk Completion Officer :</b> Dave Walker
<b>Mitigated Current Score:</b> High (16)		<b>Last Review Date :</b> 05/07/2023
<b>Mitigation status:</b>	<b>Mitigation:</b>	
Action ongoing	Adequate Health and Safety resources available	
Action ongoing	Auditing of Assets/Sites	
Action ongoing	Communication	
Action ongoing	Ensure staff are aware of health and safety policies and procedures	
Action ongoing	External Liaison	
Action completed	H&S Training	
Action ongoing	Health & Safety Management Auditing	
Action completed	Policies and procures in place	
Action ongoing	Reporting of H&S	
<b>Latest Note:</b>		
Issues regarding Asset management continue to arise and are currently being investigated and reviewed. Decisions on additional admin resource to support H&S are still required.		

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<b>Risk Code: CP14</b>	<b>Delivery of SEND</b>	<b>Accountable Officer :</b> Nancy Meehan
<b>Unmitigated Score:</b> Very High (25)	<b>Description:</b> The Local Area is required to deliver high quality SEND services in line with SEND Code of Practice 0 – 25 years – January 2015. In November 2021 the Local Area was inspected by Ofsted and CQC on the effectiveness of delivering the SEND duties. The Local Area was found to have significant areas of weakness in the area’s practice and as such required a written statement of action to be created and enacted to improve practice.	<b>Risk Completion Officer :</b> Lisa Chittenden
<b>Mitigated Current Score:</b> Very High (20)		<b>Last Review Date :</b> 21/06/2023
<b>Mitigation status:</b>	<b>Mitigation:</b>	
Action ongoing	Internal controls	
Action ongoing	Networking / best practice	
Action ongoing	P1 - Joint Commissioning	
Action ongoing	P2 – SEND Strategy	
Action ongoing	P3 – Cultural change	
Action ongoing	P4 – Joint working	
Action ongoing	P5 – Graduated response	
Action ongoing	P6 – Becoming an adult	
Action ongoing	P7 – Quality assurance and community engagement	
Action ongoing	Written Statement of Action for SEND Improvement	
<b>Latest Note:</b> The progress of our Written Statement of Action continues to be tracked and governed through our SEND Board and DFE Monitoring Visits. Risks and issues are identified through this process. Current risks are resilience of all agencies to respond and systems changes need to ensure joint commissioning and financial contributions across agencies. The impact on children and young people although starting to change, is not felt widely enough across the system at this stage.		

<b>Risk Code: CP15</b>	<b>Failure to stabilise the budget for the Higher Needs block</b>	<b>Accountable Officer : Nancy Meehan</b>
<b>Unmitigated Score:</b> Very High (25)	<b>Description:</b> The Higher Needs Block of the Dedicated Schools Grant continues to be overspent. The forecast year end overspend (2022/23) is £2.716m with a cumulative deficit of £11.715m. The Higher Needs Block provides funding to education provisions through the provision of additional support either through identification at SEN K or through the provision set out in an Education Health and Care Plan. The identification of need and the demands on the budget are currently not aligned to the budget received on annual basis. The deficit position of the budget is currently supported by a National Statutory Override, this mechanism is in place for the next three years and provides a way of the Council accounting for the deficit, however this does not address the deficit budget position. In February 2022 Torbay were invited to take part in the Safety Valve programme. The aim of the programme is to agree a package of reform with the DfE and approved by the Secretary of State to implement a DSG Management Plan of the high needs system that will bring the dedicated schools grant (DSG) deficit under control by reducing the spend on the high needs budget by 26/27. Torbay were notified on 14.3.2023 that the S of S had approved the proposals and as a result will support Torbay financial with the HNB deficit on the basis we can implement robustly the proposals within the DSG Management Plan. Torbay will be subject to 3 times a year monitoring visits as part of the scrutiny.	<b>Risk Completion Officer : Lisa Chittenden</b>
<b>Mitigated Current Score:</b> Very High (20)		<b>Last Review Date : 21/06/2023</b>
<b>Mitigation status:</b>		<b>Mitigation:</b>
Action ongoing	Ceasing and reviewing Education Health and Care Plans	
Action ongoing	Control – Contributions from agencies	
Action ongoing	Control – Higher Needs Review Group	
Action ongoing	Control – IPOP panel	
Action ongoing	Control – SEND Board and Continuous Improvement Board	
Action ongoing	Early intervention and Prevention	
Action ongoing	Implement the DSG Management Plan	
Action ongoing	Learn from Best Practice	
Action ongoing	Performance data	
Action ongoing	Safety Valve	
Action ongoing	Workforce Development Programme	
<b>Latest Note:</b>	Safety Valve agreement came into place on the 17th March 2023 providing the deficit budget position to be funded subject to the ongoing delivery of the SV terms and conditions of the agreement. The first submission of progress to meet the T&C was the 16th June 23.	

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<b>Risk Code: CP17</b>	<b>Placement sufficiency</b>	<b>Accountable Officer :</b> Nancy Meehan
<b>Unmitigated Score:</b> Very High (25)	<b>Description:</b> The Children's Social Care Market Study, undertaken by the Competition and Markets Authority and published in March 2022 found that there were a lack of available placements of the right kind and in the right places, which inevitably leads to some children not consistently accessing the care and accommodation that meet their needs. In addition, the largest private providers of placements are making materially higher profits, and charging materially higher prices, than would be expected if this market were functioning effectively. Taken together with a regional challenge in the South West which highlights that there was only 85 more local authority approved placement in July 2022 than in 2018 providing less than half of the required places for cared for children and fifteen fewer approved fostering households available through Independent Fostering Agencies. (Source The South West Market Position Statement, 13 July 2022), it constructs a care system landscape under significant stress in trying to respond to the needs of children and young people. Consequently, symptoms of the aforementioned stress are starting to become evident. For example, providers have reported an increase in the use of residential provision for younger children. Further descriptionThe South West Sufficiency Project data collection, shows a marked increase in the number of children aged under 11 placed in residential provision (across the South West, 493 children aged 5-10 years of age were placed in residential provision in 2018/19, 635 in 2019/20 and 647 in 2020/21). Whilst Torbay has not mirrored this trend, the increased use of this provision for younger children, likely driven by the aforementioned fostering sufficiency challenges, has led to insufficient availability of matched residential provision, especially for those children subject to criminal exploitation and contextual safeguarding risks and associated trauma-related needs. This trend and Torbay's use of residential solutions and the reasons for doing so will continue to be closely monitored.	<b>Risk Completion Officer :</b> Lisa Chittenden
<b>Mitigated Current Score:</b> Very High (20)		<b>Last Review Date :</b> 21/06/2023

<b>Mitigation status:</b>	<b>Mitigation:</b>
Action ongoing	Edge of care
Action ongoing	Enhanced placement planning
Action ongoing	Former Foster Carer SGO scoping
Action ongoing	Fostering Recruitment
Action ongoing	Parent and Child Placement
Action ongoing	Resilience carers
Action ongoing	Reunification scoping
Action ongoing	Training
<b>Latest Note:</b>	We have taken a service risk and placed it within the corporate statement in relation to P&Cs . The service actively reviews sufficiency of placements on a weekly basis.

<b>Risk Code: CP18</b>	<b>Demand on services outstrips resource and budget</b>	<b>Accountable Officer :</b> Nancy Meehan
<b>Unmitigated Score:</b> High (20)	<b>Description:</b> There are a number of factors currently which may lead to an increased demand for service across the Children's directorate which have the potential to significantly impact when considered in the context of available resource and budgets. This could manifest in* increased referrals in relation to social care response.* increased applications for school placements.* increased level of RSAs to meet SEND need. * increased numbers of cared for children due to family complexities. Increased numbers of UASC and those who turn 18 and become cared for National changes to the changes to the NTS. Sufficiency of placements both locally and nationally	<b>Risk Completion Officer :</b> Lisa Chittenden
<b>Mitigated Current Score:</b> High (20)		<b>Last Review Date :</b> 21/06/2023

<b>Mitigation status:</b>	<b>Mitigation:</b>
Action ongoing	Audit activity
Action ongoing	Continued investment in Early Help services, including the roll out of the Family Hubs programme
Action ongoing	Continued work within the Written Statement of Action SEND response.
Action ongoing	Creative resource management
Action ongoing	Use of cross-service Incident Management Teams
<b>Latest Note:</b>	Although from a council perspective we continue to monitor activity there is the potential that services will be impacted on due to partner agencies being able to fulfil their stat duties resulting in more families being in crisis and requiring responses from CS

<b>Risk Code: CP19</b>	<b>Recruitment and retention Of Social Workers</b>	<b>Accountable Officer :</b> Nancy Meehan
<b>Unmitigated Score:</b> High (16)	<b>Description:</b> Ofsted's Annual Report 2021-22 highlights some of the workforce issues facing children's social care; whilst challenges in terms of recruitment and retention were present prior to the pandemic, they have become exacerbated post-pandemic, with many local authorities facing significant challenges to recruit and retain staff with the sufficient experience and skill to fulfil the breadth of roles required. Ofsted describes this as "the biggest challenge the sector currently faces". In the year leading up to September 2021, 9% of all local authority children's social workers left local authority social work, an increase from 7% the previous year. The education sector are facing similar recruitment and retention challenges in both schools and early years settings.	<b>Risk Completion Officer :</b> Lisa Chittenden
<b>Mitigated Current Score:</b> High (20)		<b>Last Review Date :</b> 21/06/2023
<b>Mitigation status:</b>		<b>Mitigation:</b>
Action ongoing	ASYEs	
Action ongoing	Benchmarking activity	
Action ongoing	International social worker recruitment	
Action ongoing	Mapping	
No Status Set	Poor Management & Workforce Development	
Action ongoing	Recruitment	
Action ongoing	Review of the retention offer	
Action ongoing	Succession planning	
<b>Latest Note:</b> There is a national, as well as local challenge in terms of R&R of qualified staff and therefore the mitigations remain ongoing.		

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<b>Risk Code: CP32</b>	<b>Increased homelessness and insufficient temporary accommodation</b>	<b>Accountable Officer :</b> Tara Harris
<b>Unmitigated Score:</b> High (16)	<b>Description:</b> It is a statutory responsibility to prevent and provide assistance to people threatened with or actually homeless. There has been an 64% increase in people presenting to the local authority and a 66% increase since 2020 in those being provided in temporary accommodation. There is also a changing dynamic to those seeking assistance, with an increase in number of families approaching the service. The level of complexity is also increasing, impacting on the ability to seek accommodation and support clients appropriately. The type and volume of temporary accommodation to meet our statutory responsibility has therefore become more challenging. The use of 'spot purchased' accommodation is also becoming more costly due to changing housing market and general supply and demand, as other areas face similar challenges.	<b>Risk Completion Officer :</b> Lianne Hancock
<b>Mitigated Current Score:</b> High (16)		<b>Last Review Date :</b> 10/07/2023
<b>Mitigation status:</b>		<b>Mitigation:</b>
Action needed	Homeless and Rough Sleeping Strategy	
Action ongoing	Housing Strategy	
Action needed	Identification and facilitation of move on accommodation (business case)	
Action ongoing	Identification and facilitation of move on accommodation (grant funding)	
Action ongoing	Identification and facilitation of move on accommodation (PRS)	
Action ongoing	Increase in financial assistance	
Action ongoing	Performance data (finance)	
Action ongoing	Performance data (LOCATA)	
Action needed	Performance data (staffing)	
Action needed	Prevention Activity (Children's Services)	
Action ongoing	Prevention Activity (duty to refer)	
Action ongoing	Prevention Activity (housing assistance with partners)	
Action ongoing	Prevention Activity (restructure)	
Action needed	Prevention Activity (sustainment of accommodation)	
Action ongoing	Recruitment and retention (recruitment)	
Action ongoing	Recruitment and retention (stability)	
Action ongoing	Recruitment and retention (welfare)	
Action ongoing	Sufficiency of temporary accommodation (domestic abuse)	
Action needed	Sufficiency of temporary accommodation (partners)	
Action ongoing	Sufficiency of temporary accommodation (purchase)	
Action ongoing	Sufficiency of temporary accommodation (staffing)	
Action ongoing	Sufficiency of temporary accommodation for more complex clients (hostel)	
Action needed	Sufficiency of temporary accommodation for more complex clients (rough sleeping)	
<b>Latest Note:</b> On-going challenges around recruitment to Housing Needs Manager post, we also have an additional three vacancies within the team due to officers being successful for posts elsewhere in the service. The lack of management capacity continues to impact the delivery of various projects.		

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<b>Risk Code: CP41</b>	<b>Failure to collect, or loss of, income in particular council tax and business rates</b>	<b>Accountable Officer :</b> Malcolm Coe
<b>Unmitigated Score:</b> High (20)	<b>Description:</b> 92% of the Council's £131m annual revenue budget is funded through Council Tax and Business Rates. The Council currently has circa £12m of outstanding debt owed which is mainly in this area.	<b>Risk Completion Officer :</b> Ian Davey
<b>Mitigated Current Score:</b> High (20)		<b>Last Review Date :</b> 07/07/2023
<b>Mitigation status:</b>	<b>Mitigation:</b>	
Action ongoing	Adequate provision for bad debts	
Action ongoing	Review current practices and structures used for debt recovery	
Action not due to start	Review of Council Tax Hardship Fund	
Action ongoing	Review of write-off procedures, frequencies and delegations	
<b>Latest Note:</b> Early progress has made across these mitigations. For example, we have engaged Civica on Demand to help us clear processing backlog.		

<b>Risk Code: CP42</b>	<b>Failure to have adequate business cases and option appraisals in place for key decisions.</b>	<b>Accountable Officer :</b> Malcolm Coe
<b>Unmitigated Score:</b> Very High (25)	<b>Description:</b> Torbay Council has set an ambitious capital investment programme of £274m over the next 3 years alongside significant ongoing revenue spend. Due to rising inflation and construction costs, a number of existing projects now have significant financial viability gaps which requires the council to reprioritise spend within the resource envelope available. The recent change in political control also emphasises the need to reassess our future investment programme.	<b>Risk Completion Officer :</b> Malcolm Coe
<b>Mitigated Current Score:</b> Very High (20)		<b>Last Review Date :</b> 07/07/2023
<b>Mitigation status:</b>	<b>Mitigation:</b>	
Action ongoing	Adopt a Programme, rather than project approach	
Action ongoing	Review and update Project Management governance and discipline	
Action ongoing	Review existing grant funding and delivery	
Action ongoing	Review of internal processes	
Action ongoing	Terms of reference and membership of the Capital Growth Board	
<b>Latest Note:</b> Project templates have been drafted to engage with good project management discipline. This needs to be retrospectively applied existing projects within the capital investment programme. Affordability, and prioritisation, of the existing programme has started to be discussed with the new Cabinet.		

<b>Risk Code: CP44</b>	<b>Failure to meet grant conditions such as Town Deal Funding</b>	<b>Accountable Officer :</b> Malcolm Coe
<b>Unmitigated Score:</b> Very High (25)	<b>Description:</b> The Council has attracted a number of government grants over the last few years, many of which to deliver regeneration and town centre capital projects. The council needs to have a greater focus on engaging the support services at the application stage. There is a risk that the Council might not be able to utilise the town deal funding within the specific budget and/or timescale prescribed.	<b>Risk Completion Officer :</b> Malcolm Coe
<b>Mitigated Current Score:</b> Very High (20)		<b>Last Review Date :</b> 12/06/2023
<b>Mitigation status:</b>	<b>Mitigation:</b>	
Action ongoing	Baseline audit of existing grant funding	
Action not due to start	Open dialogue with government funding departments	
Action ongoing	Prioritisation of Council Capital investment projects	
Action not due to start	Review of internal processes	
Action ongoing	Viability assessment of projects	
<b>Latest Note:</b> Re-prioritisation of the Council's entire capital programme has commenced considering affordability and deliverability of individual schemes.		

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<b>Risk Code: CP45</b>	<b>Failure to effectively and efficiently deliver the Capital Programme</b>	<b>Accountable Officer :</b> Alan Denby
<b>Unmitigated Score:</b> High (20)	<b>Description:</b> The Council has a complex and ambitious capital programme which includes capital projects intended to provide benefits for the Council and community across the breadth of the Community and Corporate Plan. Since the Covid pandemic beginning in 2020 delivery of the programme has become more challenging with other externalities increasing the cost of delivery.	<b>Risk Completion Officer :</b> Alan Denby
<b>Mitigated Current Score:</b> High (16)		<b>Last Review Date :</b> 10/07/2023
<b>Mitigation status:</b>	<b>Mitigation:</b>	
Action ongoing	Develop the position of Torbay within the Devon Deal and deepen the relationship with Government and	
Action ongoing	Identification of appropriate project delivery routes	
Action ongoing	Review of the capital programme	
Action ongoing	Review of the Council's procurement strategy to ensure it is fit for purpose	
Action ongoing	Review the Council's programme and project management methodology.	
<b>Latest Note:</b> The capital programme review and development/introduction of a new methodology for the capital programme is nearly complete providing clearer gateway and decision points and focusing on the importance of business cases and their use a control tool for projects.		

<b>Risk Code: CP46</b>	<b>Effective Housing delivery</b>	<b>Accountable Officer :</b> Alan Denby
<b>Unmitigated Score:</b> High (20)	<b>Description:</b> That the Council fails to ensure delivery of an appropriate breadth and scale of housing to meet Torbay's needs. This means that there will be insufficient housing to meet the requirements of Torbay's communities for the overall number of properties, their size and affordability. There will also be impacts on the Community & Corporate plan should the risk be borne out.	<b>Risk Completion Officer :</b> David Edmondson
<b>Mitigated Current Score:</b> High (20)		<b>Last Review Date :</b> 05/07/2023
<b>Mitigation status:</b>	<b>Mitigation:</b>	
Action ongoing	Confirmation of the Council's role in housing delivery.	
Action ongoing	Delivery of the Housing strategy action plan	
Action ongoing	Delivery of the Planning Service for the Future project	
Action ongoing	Delivery of the Town Centre regeneration programme	
Action ongoing	Development of the Strategic Housing Board	
<b>Latest Note:</b> Provision of affordable housing through TorVista on a number of schemes in the Bay in this financial year. New Head of Housing Delivery & Strategy post-holder will play a lead role here along with Housing Options Team for forecasting and addressing demand. Currently aware there is a significant shortfall in affordable housing and high proportion of private rented properties.		

<b>Risk Code: CP47</b>	<b>Effective delivery of Economic Growth Strategy</b>	<b>Accountable Officer : Alan Denby</b>
<b>Unmitigated Score:</b> High (20)	<b>Description:</b> The council has a responsibility to promote economic wellbeing within Torbay, this includes the facilitation and enabling of business survival and growth, employment opportunities for local people and an increase in the level of productivity. The Economic Growth Strategy outlines the councils' strategic plans to achieve these objectives and defines how delivery will help to tackle climate change and protect and enhance the natural environment of Torbay.	<b>Risk Completion Officer : Lisa Tuck</b>
<b>Mitigated Current Score:</b> High (20)		<b>Last Review Date : 10/07/2023</b>
<b>Mitigation status:</b>	<b>Mitigation:</b>	
Action ongoing	Budget & Prioritisation	
Action ongoing	Delivery plan monitoring/project and programme structure	
Action ongoing	Improve innovation and growth ecosystem in Torbay, with partners	
Action ongoing	Improve the business strategic voice	
Action ongoing	Relationship with DLUHC and Government	
Action ongoing	Secure medium term supply of employment land	
<b>Latest Note:</b> Delivery of the action plan is underway. Resource availability is compromising some of the work around growth sectors i.e. creative and healthcare sectors. Delivery of the UK Shared Prosperity Fund programme is increasing activity in the community with the Multiply programme having support 82 learners to date.		

<b>Risk Code: CP48</b>	<b>Failure to deliver town centre regeneration projects</b>	<b>Accountable Officer : Alan Denby</b>
<b>Unmitigated Score:</b> High (20)	<b>Description:</b> Torbay's economy regeneration is heavily dependent on successful delivery of the town centre regeneration programmes in Torquay and Paignton. Significant government resources have been offered to the area and there has been historic extensive engagement with the communities of Torbay creating an expectation of delivery. There is financial, reputational and economic risk if the programmes and projects are not delivered.	<b>Risk Completion Officer : Alan Denby</b>
<b>Mitigated Current Score:</b> High (20)		<b>Last Review Date : 10/07/2023</b>
<b>Mitigation status:</b>	<b>Mitigation:</b>	
Action ongoing	Develop Torbay's position within Devon Deal and deepen relationships with Government and agencies	
Action ongoing	Identification of appropriate project delivery routes	
Action ongoing	Prioritisation of the town centre regeneration programme	
Action ongoing	Use the Levelling Up Partnership to support delivery	
<b>Latest Note:</b> Steps to improve the overall management of the capital programme from inception, through business case development to contract management are being taken. Preparation for the Levelling Up Partnership discussions with DLUHC have seen delivery of the town centre regeneration programme emerge as a focus. Follow up post UKREIFF continues.		