

Audit Committee - Corporate Risks Detailed Report (16 and above) Appendix B
(as at 14/03/2024)

Risk Code: CP04	Large scale cyber attack	Accountable Officer : Matt Fairclough-Kay
Unmitigated Score: Very High (25)	Description: A cyber-attack, most likely in the form of ransomware, resulting in the destruction or loss of access to all, or most, applications and data. Local government is now a specific target. Multi-system recovery will take weeks or months depending on scale. Routine, unsophisticated cyber-attacks are commonplace in the form of infected e-mail. (Also applies to SWISCo)	Risk Completion Officer : Gavin Dunphy
Mitigated Current Score: High (20)		Last Review Date : 01/03/2024
Direction of Travel: —		Identification Date: 30/03/2022
Mitigation status:	Mitigation:	
Action ongoing	24-hour SOC	
Action needed	Azure Password Protection	
Action ongoing	Backup and recovery	
Action ongoing	Basic anti-ransomware protection on file servers	
Action ongoing	Cloud Migration	
Action ongoing	Decommissioning legacy (unsupported) applications	
Action needed	Implement Tiered Domains	
Action ongoing	Patching	
Action needed	Protective DNS	
Action ongoing	Web & E-mail content scanning	
<p>Latest Note: Risk of attack remains high and may increase further when parliamentary election is called.</p> <p>Gloucester City ransomware report shows importance of moving systems to the cloud to reduce attack surface (current policy) and the benefit of tiered domains (new Action added)</p> <p>Awaiting full PSN assessment but early ITHC results shows decrease in number vulnerabilities:</p> <p>Year External Internal 2023 2 98 2024 0 74</p>		

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Risk Code: CP05	Failure to comply with Health & Safety legislation	Accountable Officer : Matt Fairclough-Kay
Unmitigated Score: High (16)	Description: 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.	Risk Completion Officer : Dave Walker
Mitigated Current Score: High (16)		Last Review Date : 28/02/2024
Direction of Travel: —		Identification Date: 23/11/2022
Mitigation status:	Mitigation:	
Action needed	Adequate Health and Safety resources available	
Action ongoing	Auditing	
Action ongoing	Development and maintenance of ASSURE health and safety system	
Action ongoing	Ensure staff are aware of health and safety policies and procedures.	
Action ongoing	External Liaison	
Action ongoing	Health and Safety Communication	
Action needed	Health and Safety Training	
Action ongoing	Policies and procedures in place	
Action ongoing	Risk assessments	
Action needed	Tor Park Site	
Action ongoing	Up take of Health and Safety training	
Latest Note: Concerns exist over the delivery of H&S at SWISCo due to the H&S manager leaving in March 2024 (no replacement identified to date). Training update remains poor in several service areas though all staff profiles have been updated. Works remain outstanding with regard to the Borough Close site surface and fire systems.		

Risk Code: CP06	Failure for our wholly owned companies to comply with H&S, fire, environmental legislation.	Accountable Officer : Matt Fairclough-Kay
Unmitigated Score: High (16)	Description: There continues to be risk of Health and Safety incidents within our wholly owned companies that undertake high risk activity.	Risk Completion Officer : Dave Walker
Mitigated Current Score: High (16)		Last Review Date : 28/02/2024
Direction of Travel: —		Identification Date: 30/03/2023
Mitigation status:	Mitigation:	
Action needed	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 needed	Fire Safety Post	
Action ongoing	H&S Training	
Action ongoing	Health & Safety Management Auditing	
Action ongoing	Policies and procures in place	
Action ongoing	Reporting of H&S	
Latest Note: H&S Manager at SWISCo leaves end of March 2024 and currently no replacement identified. TDA to be absorbed into Torbay Council from April 2024 providing greater control. Proposal to centralise Fire Safety within Corporate Safety and provide this service to SWISCo		

Risk Code: CP14	Delivery of SEND	Accountable Officer : Nancy Meehan
Unmitigated Score: Very High (25)	Description: 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.	Risk Completion Officer : Lisa Chittenden
Mitigated Current Score: High (20)		Last Review Date : 04/03/2024
Direction of Travel: —		Identification Date: 30/03/2023
Mitigation status:		Mitigation:
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	
Latest Note: 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, as evidenced by our recent participation survey (May/June 2023). The Graduated Response has been widely communicated however the impact on the RSA is not yet being seen in the number of referrals received. A high rate of refusal is still seen at the panel on average 40%.		

Risk Code: CP15	Failure to stabilise the budget for the Higher Needs block	Accountable Officer : Nancy Meehan
Unmitigated Score: Very High (25)	Description: 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 Secretary of State had approved the proposals and as a result will support Torbay financially 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.	Risk Completion Officer : Lisa Chittenden
Mitigated Current Score: High (20)		Last Review Date : 04/03/2024
Direction of Travel: —		Identification Date: 30/03/2023
Mitigation status:		Mitigation:
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	
Latest Note: The Safety Valve (SV) agreement came into place on 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. Three submissions of the progress made towards the Safety Valve have been provided to the ESFA in June, September and December. The first two submissions resulted in positive feedback from the DfE and we await the feedback of the information provided in December. The financial position of the DSG reported to School Forum in November 2023 demonstrates that the budget is aligned to the outturn position of the safety valve, however there are significant pressures and risks as the demand for Education Health and Care Plans is not reducing and the number of plans that are able to be ceased is slowing. Payment received in February 2024 following our submission of evidence in December. Financial position in January demonstrates aligned to safety valve position.		

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Risk Code: CP17	Placement sufficiency	Accountable Officer : Nancy Meehan
Unmitigated Score: Very High (25)	Description: 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 description The 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.	Risk Completion Officer : Lisa Chittenden
Mitigated Current Score: Very High (25)		Last Review Date : 06/03/2024
Direction of Travel: —		Identification Date: 30/03/2023
Mitigation status:		Mitigation:
Action completed	Edge of care	
Action ongoing	Enhanced placement planning	
Action needed	Former Foster Carer SGO scoping	
No Status Set	Fostering Recruitment	
Action ongoing	Parent and Child Placement	
Action needed	Resilience carers	
Action completed	Reunification scoping	
Action ongoing	Training	
Latest Note: This has been reviewed in light of the continued issue in relation to national placement sufficiency. Both the Fostering DFE report for 2022-23 and recent media attention in relation to the cost of care evidence the significant challenges which are impacting on placements at this time, hence the upgrading of likelihood to 'almost certain'. The placements budget is already projected an overspend, and there is a real risk of further pressures on the budget by virtue of some of these pressures. There is a huge pressure due to the independent market requesting huge increase in the cost for children already in their care which we are limited in influencing. there is a real concern about cost and there are challenges with receiving any health budget - as such this remains as a score of 25.		

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Risk Code: CP18	Demand on services outstrips resource and budget	Accountable Officer : Nancy Meehan
Unmitigated Score: High (20)	Description: 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	Risk Completion Officer : Lisa Chittenden
Mitigated Current Score: High (20)		Last Review Date : 06/03/2024
Direction of Travel: —		Identification Date: 30/03/2023
Mitigation status:	Mitigation:	
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	
Latest Note: The risk for the service remains the same - we are continuing to closely monitor spend and are using data and performance data to project need and resource management. The service is currently predicting a significant overspend which we are continuing to monitor closely.		

Risk Code: CP19	Recruitment and retention Of Social Workers	Accountable Officer : Nancy Meehan
Unmitigated Score: High (20)	Description: 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.	Risk Completion Officer : Lisa Chittenden
Mitigated Current Score: High (20)		Last Review Date : 04/03/2024
Direction of Travel: —		Identification Date: 30/03/2023
Mitigation status:	Mitigation:	
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	
Latest Note: Recruitment and Retention: Between 2020 and 2022 we successfully reduced our vacancy rate to 10% and agency rate to below 10%. We had a permanent social worker workforce. In 2023 we had the same level of natural turnover, however we were not able to recruit permanent social workers to replace leavers. A challenge experienced across the south west region. At the same time, regionally, there is a shortage of experienced and quality agency staff who are going to the LA's paying the highest fees. In some instances up to £48 per hour. Torbay are leading the regional workforce MOU to address these challenges and within the council continue to deploy recruitment and retention strategies.		

Risk Code: CP46	Effective Housing delivery	Accountable Officer : Alan Denby
Unmitigated Score: High (20)	Description: 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.	Risk Completion Officer : David Edmondson
Mitigated Current Score: High (20)		Last Review Date : 15/02/2024
Direction of Travel: —		Identification Date: 21/06/2023
Mitigation status:	Mitigation:	
Action needed	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	
Latest Note: New Head of Strategic Housing & Delivery in place and progressing many schemes and proposed Housing strategies. Decisions needed on Council role in delivery, or facilitation of delivery of affordable homes.		

Risk Code: CP47	Effective delivery of Economic Growth Strategy	Accountable Officer : Alan Denby
Unmitigated Score: High (20)	Description: 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.	Risk Completion Officer : Lisa Tuck
Mitigated Current Score: High (16)		Last Review Date : 15/02/2024
Direction of Travel: —		Identification Date: 22/06/2023
Mitigation status:	Mitigation:	
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 needed	Secure medium term supply of employment land	
Latest Note: The revised costs of the Torbay Technology Park and Brixham Fishing Expansion projects have been submitted to DLUHC for review. There is potential for these projects to need to be scaled back and phased to ensure financial viability. Requirements to provide site infrastructure and support financial viability gaps on available employment land to attract and grow businesses in Torbay continues to be a challenge. A viability gap to enable an inward investment proposition to Edginswell remains a risk to securing this proposition in Torbay. This carries a risk as HotSW LEP funding was secured and outputs expected are predicted on a high value employment investment onto this site. The UKSPF programme continues to deliver high volume outputs of business support. Work to promote the Innovation, Electronic and Photonics sector continues, and a programme of work to understand and maximise the Creative Innovation industries in Torbay has commenced, with grant funding secured to support businesses to attract investment in this sector. The Destination Management Plan programme of work continues to attract new visitors to Torbay, with a focus on the UNESCO Geopark, Cruise development, Water sports and Events.		

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Risk Code: CP50	Failure to meet Development Management national and local performance targets	Accountable Officer : Alan Denby
Unmitigated Score: High (20)	Description: Local Planning Authorities are set targets around speed of determination of planning applications and appeal outcomes. Authorities are monitored for their performance and can be placed in Special Measures if nationally set targets are not met, particularly around major applications and appeals. Responding to public interest, the council has set a series of new local targets for more applications to be determined within the statutory timescales, without the need to use extensions of time.	Risk Completion Officer : David Edmondson
Mitigated Current Score: High (20)		Last Review Date : 15/02/2024
Direction of Travel: —		Identification Date: 16/08/2023
Mitigation status:	Mitigation:	
Action needed	Address slow, low productivity, poor output officers.	
Action completed	Adopt an amended plans protocol, preventing delays in applications.	
Action ongoing	Appeals monitoring and ensuring refusal decision is sound.	
Action ongoing	Continue to work closely with planning agents and architects to improve the quality of submissions	
Action ongoing	Ensure the performance culture remains embedded in the Development Management Service.	
Action ongoing	Improve upon the pre-application process and numbers using this service	
Action ongoing	Reduce the number of applications subject to the extension of time process.	
Action completed	Revise and update the Local Validation Checklist, ensure more applications valid upon receipt.	
Latest Note: Continued close monitoring of officers and their workloads. Tougher on applicants and the quality of their submissions. Good practices becoming embedded. Performance improving.		

Risk Code: CP52	Failure to effectively maintain the council's assets & estate	Accountable Officer : Alan Denby
Unmitigated Score: High (16)	Description: The Council has had to reduce the amount of funding made available for repair and maintenance of its estate across all groups of assets. The Council's asset management policy seeks to maintain and manage assets in line with corporate priorities and relevant property and health and safety legislation. With an estate that covers hundreds of land and building assets supporting front line services and indirect service provision, it is an estate that requires planned and reactive works to be prioritised which the Council delivers through a corporate landlord model.	Risk Completion Officer : Lisa Tuck
Mitigated Current Score: High (16)		Last Review Date : 15/02/2024
Direction of Travel: —		Identification Date: 24/08/2023
Mitigation status:	Mitigation:	
Action ongoing	Active management of the Council estate	
Action ongoing	Ensure condition surveys are planned, reviewed and carried out	
Action needed	Ensure effective data systems and management information is in place	
Action ongoing	Ensure that required surveys i.e. fire risk assessments are being carried out as scheduled.	
Action ongoing	Ensure that there is effective corporate control of the estate	
Action ongoing	Review Asset Management Strategy	
Action ongoing	Review of allocated corporate budget	
Latest Note: Based on current levels of repairs and maintenance expenditure the overall backlog of work with some individual assets deteriorating beyond repair. Whilst there is no immediate risk of failure of any particular asset (notwithstanding Oldway) there is a high risk that without a budget increase the current poor condition of assets will continue to deteriorate. A paper has been submitted to Directors as part of the budget setting process for 24/25 to increase budgets to bring priority works up to date, and to dispose of assets listed on the disposal list as soon as possible with capital receipts being ringfenced for capital repairs and maintenance.		

Risk Code: CP56	Failure to meet Care Act 2014 section five (one)	Accountable Officer : Jo Williams
Unmitigated Score: High (20)	Description: Failure to meet the Care Act 2014 duty on the council to facilitate a diverse sustainable high-quality health and social care market for the local population. The Care Act 2014 places a duty on the Council to "facilitate a diverse, sustainable high-quality market for their whole local population and to promote efficient and effective operation of the adult care and support market as a whole. They must also ensure continuity of care in the event of provider failure". The Council and its NHS partners are wholly reliant on an external 'for profit' provider market in Torbay, utilising an aging estate of largely C19th buildings. These services are not designed to meet increasingly complex care needs related to physical frailty and mental ill health in an aging population, resulting in poorer outcomes and increased service costs. Failure to develop effective modern services in order to meet growing demand related to demographic growth, is likely present a significant risk to the Council's ability to meet its legal duties.	Risk Completion Officer : Adam Russell
Mitigated Current Score: High (16)		Last Review Date : 11/03/2024
Direction of Travel: ▼		Identification Date: 24/08/2023
Mitigation status:		Mitigation:
Action ongoing	Closer working with TC housing developers	
Action ongoing	Ensure we have capacity in ASC to maintain market oversight	
Action ongoing	Replace ASC Case Recording System	
Action ongoing	Resolve operational challenges in operational contractual arrangements – ICO	
Action ongoing	Working with ICB very complex commissioning challenges	
Latest Note:	A new S.75 agreement is now in place, thereby reducing the likelihood and impact scores from 5 to 4.	