

TORBAY COUNCIL

Corporate Risk Register Quarter 1 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	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. 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 focusses on children who have the potential to become cared for. There is now more effective use of PARIS with the use of daily alerts specifically related to COVID-19 to support us in identifying the most vulnerable children in this challenging time.	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	Quality assurance activity is being undertaken to ensure that the thresholds remain robustly applied. Every remit within the Children's Services provides monthly performance reporting to identify where there are concerns about statutory timescales being met. There is now more effective use of PARIS with the use of daily alerts.	Nancy Meehan
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	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	Nancy Meehan

		likely that the delivery of Children's Services will be removed from Council control.			to further strengthen its function. There is also stronger quality assurance and a better understanding of performance.	
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.	Nancy Meehan
16	Local Area SEND Inspection	The Local Area SEND inspection conducted by Ofsted and the 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 evaluate progress with programme of monitoring visits.	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 expectations to review all plans as frequently as being requested. The SEND staff posts will be filled by September 2020, which will add much needed capacity to the service area.	Rachael Williams
TBC	Achievement of £6m of Adult Social Care savings by March 2023	The 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	TBC	TBC	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.	Jo Williams

		savings from critical projects whilst allowing corresponding projects to be set up to realise savings in years two and three.				
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.	Jo Williams
10	Adult social care assessment of working age adults with poor mental health is not wholly compliant with the Council's duties under Care Act 2014.	Responsibility for delivery of social care services for mental health working age adults is delegated under MoU to DPT by Torbay Council. There are currently (July 2020) 500 people on waiting list for a secondary MH service, some of whom may also have an entitlement to SC support under the Care Act, but have not yet received a Care Act eligibility assessment. Therefore people eligible for SC 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 for MHAT but assessed as not entitled to secondary mental health service have not been assessed for eligibility for support under Care Act, or offered	5 – Almost Certain	2 - Minor	Assessments are mainly undertaken by Devon Partnership Trust (DPT). Care Act eligibility indicator questions have been introduced into DPT's Mental Health Assessment Team's assessment so in future it will be 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.	Jo Williams

		info about informal community support.				
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.	Tara Harris
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 PHE, NHS, Care, Education, voluntary and business partners to prevent and respond to outbreaks.	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 SOPs to enable 24/7 response over the long term Recruitment of additional skilled staff to build resilience in delivering response & intensive support.	Caroline Dimond
16	Insufficient capacity to prevent & respond to high	Flu is anticipated to present a higher than usual risk in 20/21 due to the	4 - Likely	4 - Major	A combined Covid-19 and flu response will provide the highest chance of success. Measures include:	Caroline Dimond

	flu levels Winter 2020/21	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. 	
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	<p>Put capacity in place to work with partners locally, across the STP & regionally to:</p> <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 (NHSE funded) research with people with lived experience into high incidence of female suicides & self-harm • Work with three communities to implement new (NHSE funded) community grant fund for 'safer suicide community' initiatives • Carry out a training needs analysis to inform allocation of the (NHSE funded) training programmes • Develop new Torbay mental wellbeing alliance spanning community & statutory providers developing improved pathways for mental distress 	Caroline Dimond

					& 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	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. The Housing strategy Action Plan is in development. There has been increased partnership working with providers such as landlords and health services.	David Edmondson

Community and Corporate Plan Priority: Thriving Economy

Score and RAYG	Title	Description	Probability Score	Impact Score	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 S106 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.	David Edmondson
16	A weak local economy due to COVID-19	As a result of the COVID-19 pandemic the local economy is	4 - Likely	4 - Major	There is an IMT work stream specifically set up to review this matter and support recovery of Torbay's economy.	Kevin Mowat

		weakened resulting in an impact on our residents and visitors.			<p>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, and focusses on 6 themes:</p> <ul style="list-style-type: none"> • Town centres • Visitor economy • Cultural development • Community wealth building • 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 RICC remains a viable entity to ensure contribution to 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 	Kevin Mowat
16	Princess Theatre could close permanently	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. 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. As a Torbay Council asset the decline of ATG would mean the	4 – Likely	4 – Major	<ul style="list-style-type: none"> • Applications for (govt) grant funding to support ATG through Covid 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. 	Kevin Mowat

		running of the theatre would revert back to the Council.				
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 opening hours due to COVID-19. The building is subject to significant water ingress and has structural concerns.	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 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. 	Kevin Mowat

Community and Corporate Plan Priority: Tackling Climate Change

Score and RAYG	Title	Description	Probability Score	Impact Score	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 EV charging infrastructure.	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	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.	Kevin Mowat

		coastal flooding of low-lying areas (particularly Paignton Green), increase in the frequency and power of storm events, 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			The Port Master Plan also contains climate change countermeasures e.g. further rock armouring of Victoria 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.	Kevin Mowat

Community and Corporate Plan Priority: Council Fit for the Future

Score and RAYG	Title	Description	Probability Score	Impact Score	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) and 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	Nancy Meehan

					and increased funding to expand the establishment. A learning academy went live on 03 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	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.	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.	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 result in enforcement action from ICO, damage to reputation and potential increase in complaints and claims.	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.	Matt Fairclough-Kay
12	Balancing 20/21 budget in light of	The Council's revenue budget remains under significant pressure. The total financial pressures faced are	3 - Possible	4 – Major	The moratorium on non-essential spend within the Council is maintained.	Martin Phillips

	COVID financial pressures	£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.			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. We are making our own case to the Ministry of Housing, Communities and Local Government, as well as supporting national and regional lobbying, for further Covid- 19 related funding from Government. The Chief Financial Officer will use 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. The shortfall can be spread over future years. There is regular financial reporting to senior officers and members.	
16	Balancing 21/22 budget in light of COVID 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 NNDR retention scheme. The timing and impact of any	4 - Likely	4 – Major	The Senior Leadership Team have prepared initial business cases and have provided feedback to the Finance Team on proposals which could form the basis of the 2021/2022 revenue budget. The timetable for the 2021/22 budget process is being adhered to and the Star Chamber process is under way to review proposals and identify Covid-19 related changes to base budgets. Following the Star Chambers, SLT will develop the set of proposals to be taken forward for formal decision making and the Head of Finance will prepare the	Martin Phillips

		Spending Review and/or Emergency Budget are also unknown.			outline, high level budget position for 2021/2022 (taking into account any changes to budget required as a result of COVID-19, other emerging pressures and the operational changes in services discussed at the Star Chambers. An influencing and lobbying campaign is in development to raise the profile of Torbay Council, and Torbay as a whole.	
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 (MRTP) 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.	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 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.	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.	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.	Anne-Marie Bond
12	Change management capability across the Council	The Council is embarking upon an ambitious programme of transformation, together with 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.	3 - Possible	4 – Major	Council Redesign Programme Board is reviewing the prioritisation of projects, and workstreams therein so as to ensure that the workforce can deliver, or that additional resources are identified in order to deliver within required timeframes.	Anne-Marie Bond
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 response/recovery activities), to identify those where additional resources are required,	All Directors
12	Reputation and engagement	The risk is that the Council's reputation deteriorates with its	3 - Possible	4 – Major	The Council's Community and Corporate Plan sets a clear ambition for the Council	Anne-Marie Bond

		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.			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.	
15	Response times in respect of Subject Access Requests, Complaints, Freedom of Information requests and Equality Impact Assessments	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 detrimental impact on the Council's reputation, and of investigation by the Information Commissioners Office.	5 – Almost certain	3 - Moderate	In respect of Complaints, a one stage process is now embedded, and the permanent appointment of 2 Complaints Officers who independently investigate/oversee 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 Business Case is being prepared to seek additional funding as fundamentally additional resources are required.	Anne-Marie Bond
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	3 - Possible	4 – Major	The White Paper is anticipated to be published for responses in the autumn of 2020.	Anne-Marie Bond

		existing Local Authorities are combined into single Councils.				
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