

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 : 29/11/2023
Direction of Travel: ▲		Identification Date: 23/11/2022
Mitigation status:	Mitigation:	
Action completed	Adequate Health and Safety resources available	
Action ongoing	Auditing	
Action completed	Development and maintenance of ASSURE health and safety system	
Action completed	Ensure staff are aware of health and safety policies and procedures.	
Action completed	External Liaison	
Action completed	Health and Safety Communication	
Action completed	Health and Safety Training	
Action completed	Policies and procedures in place	
Action needed	Risk assessments	
Action needed	Tor Park Site	
Action needed	Up take of Health and Safety training	
Latest Note: Training and Risk Assessment vulnerabilities identified and highlighted at Director level.		

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 : 28/11/2023
Direction of Travel: ▲		Identification Date: 30/03/2023
Mitigation status:	Mitigation:	
Action completed	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 ongoing	H&S Training	
Action ongoing	Health & Safety Management Auditing	
Action completed	Policies and proccures in place	
Action completed	Reporting of H&S	
Latest Note: This risk has been updated due to the issues over Environmental and Health and Safety Compliance at the Tor Park site. This includes the yard surface and fire suppression system run off. These non compliance issues may result in formal action from the respective enforcement bodies.		

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 : 08/11/2023
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). Although we are meeting targets it should be noted that we have pressures from September unless we reduce RSA.		

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 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.	Risk Completion Officer : Lisa Chittenden
Mitigated Current Score: High (20)		Last Review Date : 08/11/2023
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. The first submission of progress to meet the T&C was 16th June 2023. Feedback was received from the DFE on 24th July to confirm that the next installment for the SV programme payment will be made. The next monitoring report requires detail on the financial impact of identified risks and information on requests for statutory assessment, appeals and funding gap health. The second submission of progress was submitted on 15th September 2023. Feedback will be received from the DFE in due course. The financial position remains on track however there are significant pressures and risks as the demand for EHCP is not reducing.	

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 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.	Risk Completion Officer : Lisa Chittenden
Mitigated Current Score: High (20)		Last Review Date : 06/11/2023
Direction of Travel: 		Identification Date: 30/03/2023
Mitigation status:	Mitigation:	
Action ongoing	Edge of care	
Action ongoing	Enhanced placement planning	
Action ongoing	Former Foster Carer SGO scoping	
Action completed	Fostering Recruitment	
Action ongoing	Parent and Child Placement	
Action ongoing	Resilience carers	
Action ongoing	Reunification scoping	
Action ongoing	Training	
Latest Note:	We have taken a service risk and placed it within the corporate statement in relation to parent and child placements. The service actively reviews the sufficiency of placements on a weekly basis.	

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 : 06/11/2023
Direction of Travel: —		Identification Date: 30/03/2023
Mitigation status:		
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 monitoring closely.	

Risk Code: CP19	Recruitment and retention Of Social Workers	Accountable Officer : Nancy Meehan
Unmitigated Score: High (16)	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 : 06/11/2023
Direction of Travel: —		Identification Date: 30/03/2023
Mitigation status:		
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:	Workers will require the support of 0.5 SWK additional capacity. We are hopeful that this will start to reduce our vacancy rate. There is a continued national challenge in the recruitment and retention of social workers - as such the activity listed in the mitigating actions will continue and will be reviewed regularly.	

Risk Code: CP32	Increased homelessness and insufficient temporary accommodation	Accountable Officer : Tara Harris
Unmitigated Score: High (16)	Description: 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.	Risk Completion Officer : Lianne Hancock
Mitigated Current Score: High (16)		Last Review Date : 09/11/2023
Direction of Travel: —		Identification Date: 03/04/2023
Mitigation status:	Mitigation:	
Action needed	Homeless and Rough Sleeping Strategy	
Action needed	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 needed	Identification and facilitation of move on accommodation (PRS)	
Action needed	Increase in financial assistance	
Action ongoing	Performance data (finance)	
Action needed	Performance data (LOCATA)	
Action needed	Performance data (staffing)	
Action needed	Prevention Activity (Children's Services)	
Action needed	Prevention Activity (duty to refer)	
Action ongoing	Prevention Activity (housing assistance with partners)	
Action ongoing	Prevention Activity (restructure)	
Action ongoing	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)	
Latest Note:	<p>The risk has remained the same due to the mitigation action taken, without this action the risk would be increasing.</p> <p>The risk of increased homelessness is still significant. The levels of complexity, particularly around addiction and mental health are hard to recover from and present an on-going challenge to proactive prevention and relief work.</p> <p>Private rented accommodation continues to be lost from the market as landlords sell due to financial strain and/or concern over renters reform. Local law firms are actively encouraging landlords to evict their tenants.</p> <p>Lack of affordable housing nationally has prompted a collective letter from local authorities to central government asking for LHA rates to be uplifted and a commitment to annual reviews.</p>	

Risk Code: CP45	Failure to effectively and efficiently deliver the Capital Programme	Accountable Officer : Alan Denby
Unmitigated Score: High (20)	Description: 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.	Risk Completion Officer : Alan Denby
Mitigated Current Score: High (20)		Last Review Date : 31/10/2023
Direction of Travel: —		Identification Date: 21/06/2023
Mitigation status:	Mitigation:	
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.	
Latest Note:	It is anticipated that the November review will see a reduction in the probability score, assuming that Heads of Terms are agreed in month for the regeneration partner.	

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 : 28/11/2023
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:	The Head of Strategic Housing Strategy & Delivery has started and this post and additional resource from TDA next year, will greatly assist. Actions are continuing on the Housing Strategy and the Planning Service Fit for the Future project. The future of Torvista decision, seems imminent.	

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 : 30/10/2023
Direction of Travel: —		Identification Date: 22/06/2023
Mitigation status:	Mitigation:	
Action needed	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	
Latest Note: Work continues to align delivery with the priorities within the Economic Growth Strategy. A programme of UK Shared Prosperity Fund (UKSPF) funded projects is underway, with successful collaboration between projects to maximise the benefits of the projects. The Aftercare (Key Account Management) programme that directly supports businesses that have invested in Torbay to grow and increase employment opportunities has recommenced. Work to create a Devon based Innovation Zone with a connected and supported ecosystem is underway with partner science parks, education providers and the Plymouth Freeport. Work to create a robust strategic business voice for Torbay has progressed, with Place Leadership Board Round Tables commencing winter 2023.		

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 : 28/11/2023
Direction of Travel: —		Identification Date: 16/08/2023
Mitigation status:	Mitigation:	
Action ongoing	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: Excellent positive changes have been made since the Development Management Head of service post was filled. New processes and procedures. Individual performance improvement meetings. Revised Validation Checklist on-line. A new pre-application processes is to be launched shortly in conjunction with the National Planning Fees increase.		

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 : 30/10/2023
Direction of Travel: —		Identification Date: 24/08/2023
Mitigation status:	Mitigation:	
Action needed	Active management of the Council estate	
Action needed	Ensure condition surveys are planned, reviewed and carried out	
Action needed	Ensure effective data systems and management information is in place	
Action needed	Ensure that required surveys i.e. fire risk assessments are being carried out as scheduled.	
Action needed	Ensure that there is effective corporate control of the estate	
Action needed	Review Asset Management Strategy	
Action needed	Review of allocated corporate budget	
Latest Note: A programme of Fire Risk and Asbestos assessments have been completed in Q1 and 2 of 2023 bringing the programme back in line with targets. Work has begun on the review of the Asset Management Strategy programme and budget with expected completion November 2023. Action is needed across all mitigation measures.		

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	Risk Completion Officer : Adam Russell
Mitigated Current Score: High (20)		Last Review Date : 01/11/2023
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: All actions are ongoing and there is no discernible change to the risk probability or impact score at this time.		