

Risk Code: CP05	Failure to comply with Health & Safety and Fire Safety Legislation	Accountable Officer : Matthew Fairclough-Kay
Unmitigated Score: High (20)	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 failing in its management of health and safety (in contravention HSG 65). Fire safety is a legislative requirement enforced by Devon and Somerset Fire Rescue Service (DSFRS). DSFRS intervenes where an organisation fails to manage fire safety or as a result of a fire incident, in accordance with the Regulatory Reform Fire Safety Order 2005 (RRFSO2005). 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. Effective training, risk assessment and policy underpins organisational Health, Safety and Fire Management. From the 1st of July 2024, the assets which were previously managed by TEDC have transferred back to the Council and are now under direct control. Some of these assets have given cause for concern due to recent near misses/incidents therefore, the risk scoring will need to raise.	Risk Completion Officer : Dave Walker
Optimal Risk Position: 10		Last Review Date : 30/11/2025
Tolerable Risk Position: 10		Identification Date: 23/11/2022
Mitigated Current Score: High (16)		
Current Direction of Travel: ▼		
Previous Direction of Travel: ▼		Previous Date of Change: 30/11/2025
Mitigation status:	Mitigation:	
Action needed	Adequate Health and Safety/Fire resources available	
Action ongoing	Auditing of Assets	
Action ongoing	Development and maintenance of ASSURE health and safety system	
Action ongoing	Improved reporting	
Action ongoing	Policies and procedures in place	
Action needed	Risk Assessments	
Action ongoing	Systems and procedures	
Action needed	Up take of Health and Safety training	
Latest Note:		
There have been a number of recent incidents across the organisation, which have highlighted poor H&S practices. Whilst mitigations have been provided to address these, uptake has been weak in some areas. DSE compliance across several directorates remains weak and these have been a number of cases of pregnant women continuing to work without a DSE assessment in place. Training uptake whilst improving, remains generally weak in two key directorates, despite recent restructures.		
There have been a number of recent fire safety concerns identified, including poorly planned and monitored works and competent advice being ignored. These have been escalated within the organisation, however, current capacity within the Corporate team is unable to provide minimum standards and corporate reassurance. This has been escalated appropriately.		

Risk Code: CP14	Failure to implement the SEND inspection priority actions and improvements	Accountable Officer : Nancy Meehan
Unmitigated Score: Very High (25)	Description: In March 2025, a Joint Area SEND Inspection conducted by Ofsted and the CQC identified significant and systemic weaknesses in the delivery of services for children and young people with special educational needs and/or disabilities (SEND) in Torbay. The inspection resulted in a formal requirement for the local area partnership to submit an improvement plan outlining how priority actions and areas for improvement will be addressed this also means that Torbay is under notice by the Secretary of State. This risk reflects the potential failure to implement those required improvements effectively and within expected timescales, which could lead to continued poor outcomes for children and young people, non-compliance with statutory duties, and further regulatory intervention.	Risk Completion Officer : Hannah Baker, Lisa Chittenden
Optimal Risk Position: 9		Last Review Date : 28/11/2025
Tolerable Risk Position: 9-12		Identification Date: 30/03/2023
Mitigated Current Score: High (16)		
Current Direction of Travel: ▼		
Previous Direction of Travel: ▼		Previous Date of Change: 28/11/2025
Mitigation status:	Mitigation:	
Action ongoing	Co-Production & Engagement	
Action ongoing	Governance and strategic oversight	
Action ongoing	Influencing and Partnership Engagement	
Action ongoing	Monitoring & Evaluation	
Action ongoing	Practice Improvement (Council Led)	
Action ongoing	Service Planning & Commissioning	
Latest Note:		
LGA Adviser review supporting Parental confidence - highest area of risk with the PIP presently due to it affecting the re-inspection in all areas. Partnership managing challenging situation with PCF stability.		

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.	Risk Completion Officer : Lisa Chittenden		
Optimal Risk Position: 10		Last Review Date : 19/11/2025		
Tolerable Risk Position: 10-15		Identification Date: 30/03/2023		
Mitigated Current Score: High (20)				
Current Direction of Travel: -		Previous Date of Change: 17/05/2023		
Previous Direction of Travel: ▼				
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. Regular submissions of the progress made towards the Safety Valve have been provided to the Education and Skills Funding Agency. In April 2025 the LA reported to the Safety Valve team for the first time that Torbay forecasts it would not meet its financial target by March 2027. The DFE have responded and have requested further information.			
It has been confirmed that July will be paid. Further monitoring reports are due in December 2025.				
There are significant and sustained 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. We have inputted some mitigations to try to reduce the number of Requests for Statutory Assessment (RSA) such as early Next Steps Meetings prior to RSAs and a robust and rigorous No to Issue process; this has resulted in Torbay EHCP declining by -12%, whereas national figures show a +12% increase in EHCPs. Despite this success financial pressures on those with existing plans continue as per head provision costs rise.				
Increased pressures is being seen on ISEP tribunal requests (as opposed to LA provision) which is very challenging to defend. The changes being made to specialist provision will positively impact on this in the future but this will take time to work through the system.				
Torbay educational settings are also at this time facing additional financial pressures from NI increases and teachers pay disputes but also the local factor of a dramatic birth rate dip of more than 25%. This creates additional pressure whereby services and support ordinarily available in schools reduces, forcing more families to seek an EHCP. As such this risk remains high and we will continue to monitor our progress.				

Risk Code: CP17	Placement sufficiency	Accountable Officer : Nancy Meehan
Unmitigated Score: Very High (25)	Description: The cost of placing children in care, including Unaccompanied Asylum-Seeking Children (UASC), continues to be a significant pressure within Children's Service – both within Torbay and nationally. The service continues to focus on early help, prevention and intervention at the earliest possible point in a child and family's life, mitigating against crisis and reducing the likelihood of a child becoming cared for. Despite the overall numbers of cared for children continuing to reduce in comparison to previous years, significant shortages of suitable and available placements are driving up costs within the market. Price increases since 2021/22 are in excess of 30% in residential and unregulated/unregistered placements. The legislation on unregulated placements changed in September 2022 and continues to result in further pressure on this budget. The budget for Care Placements (including Unaccompanied Asylum-Seeking) overspent by £1.937m in 2023/24, and underspent by £657k in 24/25. This is following the placements budget receiving £2.1m of growth funding for 24/25, as part of the budget setting process for that year. As part of the 25/26 budget setting process, an additional £1.3m has been provided to cover the inflationary increases of the fees being requested by placement providers. The service continues to work hard with colleagues across the Peninsula providers, and this year those providers on the framework have a fee increase of 4% and those placements which are off framework and spot purchased remains at a 3%, the same as 2024-25. However, the high cost of weekly placements for residential and unregistered and unregulated placements remains a concern and a risk to the budget, hence this area will continue to be monitored closely throughout the year.	Risk Completion Officer : Lisa Chittenden
Optimal Risk Position: 10		Last Review Date : 18/11/2025
Tolerable Risk Position: 10-15		Identification Date: 30/03/2023
Mitigated Current Score: Very High (25)		Previous Date of Change: 05/12/2023
Current Direction of Travel: 		
Previous Direction of Travel: 		
Mitigation status:	Mitigation:	
Action ongoing	As part of the wider restructure, consider the staffing sufficiency of the Placements Team	
Action ongoing	Continued focus on early help, prevention and edge of care services	
Action ongoing	Diversify and broaden the range of locations from which family time can be facilitated	
Action ongoing	Expand & diversify the range of Short Breaks available for children assessed as requiring provision	
Action ongoing	Focus on permanence	
Action ongoing	Identification of suitable properties	
Action ongoing	Increase the number of Fostering enquiries and approvals in line with Torbay's local aspiration	
Action ongoing	Review targeted support in relation to LD placements & associated joint work with Health	
Action ongoing	To consider how we collaborate with the market to create a children's home for Torbay children only	
Latest Note:	<p>The budget for Care Placements (including Unaccompanied Asylum-Seeking) overspent by £1.937m in 2023/24, and underspent by £657k in 24/25. This is following the placements budget receiving £2.1m of growth funding for 24/25, as part of the budget setting process for that year. As part of the 25/26 budget setting process, an additional £1.3m has been provided to cover the inflationary increases of the fees being requested by placement providers. The service continue to work hard with colleagues across the Peninsula providers, and this year those providers on the framework have a fee increase of 4% and those placements which are off framework and spot purchased remains at a 3%, the same as 2024-25. However, the high cost of weekly placements for residential and unregistered and unregulated placements remains a concern and a risk to the budget, hence this area will continue to be monitored closely throughout the year.</p> <p>The budget situation remains the same as September. As phase 2 of the Transformation we are considering options for more efficient foster care placement arrangements. We are also in discussions with a potential partner that can deliver locally managed short breaks placements along with the possibility of long-term residential provision. Successful agreements here will impact favourably on the placements budget moving forward as well as impact positively on children's care experience.</p>	

Risk Code: CP46	Effective Housing delivery	Accountable Officer : David Carter
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 : Sam Irving
Optimal Risk Position: 8		Last Review Date : 08/12/2025
Tolerable Risk Position: 8-12		Identification Date: 21/06/2023
Mitigated Current Score: High (16)		Previous Date of Change: 03/09/2025
Current Direction of Travel: -		
Previous Direction of Travel: ▼		
Mitigation status:	Mitigation:	
Action completed	Confirmation of the Council's role in housing delivery.	
Action completed	Creation of a Housing Delivery Plan	
Action ongoing	Deliver Housing Delivery Plan	
Action ongoing	Delivery of the Housing strategy action plan	
Action ongoing	Delivery of the Town Centre regeneration programme	
Action ongoing	Development of relationship with Homes England	
Action completed	Development of the Strategic Housing Board	
Action completed	Prepare Housing Delivery Plan	
Action ongoing	Releasing Council land assets including greenfield allocated sites	
Action ongoing	Staff resources	
Latest Note: Previously the probability score was reduced to 4, based on the mitigations in place from previous months and the progress with Hotels to Homes projects and the Regeneration schemes. Union Square, Torquay development has been approved and Crossways, Paignton is being considered at planning committee in early December. The pipeline of other projects is strong. The Torbay Local Plan is out for Regulation 18 consultation until 26th January 2026 and includes 50 Homes per year from the accommodation re-purposing projects. Brampton completed and Aria Court too. Good publicity for the projects and positive close liaison with the NHS Trust particularly on the Brampton Court scheme.		

Risk Code: CP59	Risk of Fraud and Error causing financial loss or reputational damage to the council.	Accountable Officer : Malcolm Coe
Unmitigated Score: Very High (25)	Description: In any organisation, particularly one offering a diverse range of services such as Torbay council, there is an inherent risk from fraud and errors that result in financial loss. The government estimated that between £33.2 and £58.8 billion of public spending was lost to fraud in 2020/21. At Torbay Council, we participate in the National Fraud Initiative, in 2022/23 the exercise identified in one particular area, potential fraud losses of over £200k. The counter-fraud and error team is conducting proactive work with directorates, raising awareness and assisting services with fraud risk assessments. While a number of controls are in place, complacency must always be guarded against, and a corporate risk created to ensure visibility, particularly until the organisation wide fraud risk register is completed and reviewed to assure any key areas of risk are identified, assessed and proactively managed. It is important that the Council has its own processes and procedures in place to prevent itself from committing fraud against other government departments. It is a criminal offence if the Council fails to prevent the facilitation of tax evasion. The Economic Crime and Corporate Transparency Act 2023 includes the requirement for the council to prevent fraud. During Covid and the energy crisis the team's resources and focus were diverted, this generated a backlog in the work programme, further compounded by the reduction in resources seen within the Fraud Team. Although the Council does not yet hold a corporate wide fraud risk register. It is understood that the Council's main areas of risk are currently Cyber Security, Council Tax Single Persons Discount, Council Tax Support, Council Tax Exemptions and Disregards, National Non-Domestic Rates, Blue Badges, Concessionary Fares, Election Fraud, School Admissions, Special Guardianship Orders, Social Housing, Procurement, Diversion of Funds (invoicing), Money Laundering, Internal Fraud, Identity Fraud. The council could also find itself the subject of investigation and action taken against it under the following legislation Criminal Finances Act 2017, Economic Crime and Corporate Criminal Act 2023. As at 10th April 2024 the National Cyber Security Centre advised the CEO (Returning Officer) that they had increased their assessment of risk in respect of threats arising due to the UK's membership of NATO and the G7, in addition to its support for Ukraine. Since this date, the UK Government has pledged additional Military, Non-Military, Humanitarian, Recovery and reconstruction, and Energy support for Ukraine. Therefore, the UK continues to be a target for a range of cyber actors. This risk form has been updated to include specific mitigations in respect of this threat. On 12 March 2025 at the Counter Fraud Conference 2025, Mark Cheeseman, the Chief Executive of the Public Sector Fraud Authority made it clear the main fraud risk in the coming year comes from the introduction of AI to Local Authorities, together with the risk of AI being harnessed by criminals to design new ways of committing fraud at scale.	Risk Completion Officer : Rachel Worsley
Optimal Risk Position: 6		Last Review Date : 12/11/2025
Tolerable Risk Position: 6-12		Identification Date: 18/01/2024
Mitigated Current Score: High (20)		Previous Date of Change: 28/05/2025
Current Direction of Travel: 		
Previous Direction of Travel: 		
Mitigation status:	Mitigation:	
Action ongoing	Bank reconciliation	
Action ongoing	Corporate Fraud and Error Team	
Action ongoing	Financial Regulations	
Action ongoing	Fraud and error work plan	
Action ongoing	Fraud reporting route	
Action needed	Fraud Risk Assessments feeding into a corporate fraud risk register	
Action ongoing	Governance reporting	
Action ongoing	Internal Audit	
Action needed	Policies in place designed to prevent and deter fraud	
Action ongoing	Raising awareness	
Action ongoing	Tax and VAT officer	
Latest Note: DOM have requested a push for services to produce FRA, sessions have been arranged in corporate Governance, Finance, and Children's services. Currently in discussion with ASC Directorate whether fraud has been delegated as part of the S75 agreement or not. Those that haven't been arranged are Public Health, Pride in Place and Adult Social Care.		
The risk score cannot be reduced until there is assured and comprehensive oversight of the entire organisation.		
The Counter Fraud and Corruption Policy is currently under review, with completion scheduled ahead of the Audit Committee meeting in January 2026. In addition, a supporting Counter Fraud and Corruption Strategy will be introduced to strengthen the overall framework.		

Risk Code: CP68	ASC Transformation Programme fails to deliver financial sustainability	Accountable Officer : Anna Coles
Unmitigated Score: High (16)	Description: Torbay Council is supporting the Adult Social Care Transformation Programme delivered by the Integrated Care Organisation which has been delegated the delivery of adult social care services on the Council's behalf. The transformation programme was established in April 2024 on agreement by both the Council and Torbay & South Devon NHS Foundation Trust to deliver improved outcomes (both financial and satisfaction) for individuals in receipt of adult social care services within the agreed budget as set out in the Section 75 partnership agreement and memorandum of understanding. The establishment of the transformation programme was a stipulation of the renegotiation of the 5 year Section 75 partnership agreement that was put in place and starts on 1st April 2025 between the Council, the TSDFT and Integrated Care Board.	Risk Completion Officer : Lee Baxter
Optimal Risk Position: 8		Last Review Date : 11/11/2025
Tolerable Risk Position: 8-12		Identification Date: 10/12/2024
Mitigated Current Score: High (16)		Previous Date of Change: 11/11/2025
Current Direction of Travel: ▲		
Previous Direction of Travel: ▲		
Mitigation status:	Mitigation:	
Action completed	Additional external capacity	
Action ongoing	Monitoring and oversight	
Action ongoing	Refocus capacity of Strategic Commissioning team	
Action ongoing	Risk and Audit Arrangements	
Latest Note:	Transformation Delivery partner has now finished. Transformation work continues.	

Risk Code: CP73	Failure to adequately undertake proactive improvement works to cliffs and coastal defences	Accountable Officer : David Carter		
Unmitigated Score: High (16)	Description: Engineered sea defences and natural coastal assets (cliffs) are subject to wind and wave energy, saline environment, freeze/thaw and vegetation growth all which cause deterioration by erosion, undercutting, overloading, washout of fill material, and corrosion of steel elements. The Council struggles to maintain these assets in line with national policy such e.g. Shoreline Management Plan, corporate priorities and relevant legislation due to budget constraints. There is currently no management plan in place and budget is spent on reactive works. Due to climate change, we are seeing significant damage to the South West coastline. Currently the Council is good at identifying potential issues, however, the current processes and provision do not allow for a planned approach to prevent and limit the need for emergency reactive works.	Risk Completion Officer : Tim Jones		
Optimal Risk Position: 12		Last Review Date : 11/11/2025		
Tolerable Risk Position: 12-16		Identification Date: 11/12/2024		
Mitigated Current Score: High (16)		Previous Date of Change:		
Current Direction of Travel: ▬				
Previous Direction of Travel:				
Mitigation status:	Mitigation:			
Action ongoing	Active management of the Council estate			
Action needed	Corporate Asset Management Group			
Action completed	Ensure effective data systems and management information is in place			
Action needed	Governance Arrangements			
Action ongoing	Regular Visual Inspections			
Action ongoing	Review Asset Management Strategy			
Action ongoing	Review of allocated corporate budget			
Action completed	Surveys Completed On Time			
Action completed	Tech Forge			
Latest Note:	Inspections are being undertaken with increased frequency at key sites where progressive deterioration of coastal defences and cliffs is known to be occurring.			
Meetings have taken place to review the Council's procedures for dealing with reactive/emergency works, in terms of resources, roles and responsibilities and budget provision. This includes Torbay's cliffs and coastal defences.				
The annual coastal asset surveys (cliffs and hard defences) for 2024/2025 are complete and have been uploaded on the Council's Technology Forge system. 2025/2026 inspections relating to key assets have been commenced.				
Review meetings have taken place between Council Directors and the Head of Engineering, to review the coastal vulnerabilities relative to the principles of the Shoreline Management Plan. These have focused on key sites, such as the recent cliff instability at Ilsham Marine Drive in Torquay.				
Funding opportunities, to improve coastal defence, continue to be explored through the Council's ongoing attendance at "South West Coastal Group" and "South Devon and Dorset Coastal Advisory Group" meetings, and direct liaison with the Environment Agency.				
Discussions regarding the creation of a revenue budget for proactive improvements works are ongoing. Whilst there has been good progress raising awareness of the current challenges, the overall level of risk remains unchanged.				

Risk Code: CP86	Risk of increasing numbers of Elective Home Educated young people	Accountable Officer : Nancy Meehan
Unmitigated Score: High (20)	Description: As the number of families opting for Elected Home Education continues to rise, there is a risk that current support mechanisms, oversight processes, and resource allocation may not be sufficient to ensure the safety, wellbeing, and educational outcomes of home-educated children. This could lead to gaps in safeguarding, inconsistent educational standards, and reputational damage to the authority.	Risk Completion Officer : Daniel Hamer
Optimal Risk Position: 4		Last Review Date : 26/11/2025
Tolerable Risk Position: 4-9		Identification Date: 26/08/2025
Mitigated Current Score: High (20)		Previous Date of Change: 26/11/2025
Current Direction of Travel: ▲		
Previous Direction of Travel: ▲		
Mitigation status:	Mitigation:	
Action ongoing	Develop a Comprehensive EHE Strategy	
Action needed	Enhance Family Engagement and Support	
Action ongoing	Escalation and Intervention Protocols	
Action ongoing	Improve Data Management and Tracking	
Action ongoing	Increase Staffing and Training	
Action ongoing	Public Awareness and Communication	
Action ongoing	Regular Policy and Procedure Reviews	
Action needed	Strengthen Multi-Agency Collaboration	
Latest Note:	<p>There are currently 514 CYP who are EHE. The rate of increase is averaging 5 a week in this AY with 64 CYP leaving school and only 7 returning.</p> <p>One EHE Officer has been unavailable for work for the year with a return date of February. Another was unavailable for 6 weeks due to injury (non work related)</p> <p>A new 0.8 TTO worker has started in the last month.</p> <p>EHE drop ins have been held for families alongside schools and attendance colleagues.</p> <p>The team are using the VP Support Officer to enable home visits where safeguarding is a concern.</p>	

Report Key

Risk Code – the unique number assigned to every risk

Title – summarises the risk

Accountable Risk Officer – has overall responsibility for the risk

Risk Completion Officer - is responsible for updating the risk

Last Review Date – the date the risk was last reviewed (updated) on SPAR.net

Identification Date – the date the risk was approved by DOM and set up on SPAR.net

Previous Date of Change – the date the risk score changed from a previous score

Unmitigated Score – is the risk score before any controls are applied

Optimal Risk Position - the level of risk the organisation aims to achieve and operate within

Tolerable Risk Position - the level of risk the organisation is willing to operate within given current constraints

Mitigated Current Score – is the current risk score with controls applied

Current Direction of Travel – indicates the current score movement against the last review score.



Increased in score from the previous review

Decreased in score from the previous review

Score stayed the same

Previous Direction of Travel – indicates the direction of travel when the risk score last changed



Increased from a lower score

Decreased from a higher score

Mitigation – the controls in place being used to manage or respond to the risk

Mitigation Status – states if the controls are working

Latest Note – details the current position of the risk mitigations, progress and any challenges being faced