

TITLE	Corporate Risk Register refresh – November 2014
FOR CONSIDERATION BY	Audit Committee on 9 December 2014
WARD	None Specific
DIRECTOR	Andy Couldrick, Chief Executive

OUTCOME / BENEFITS TO THE COMMUNITY

Enterprise Risk Management (ERM) provides for robust and transparent decision making. Effective ERM is therefore an integral part of the council's control environment and helps demonstrate the effective use of resources and sound governance. The council's Corporate Risk Register (CRR) demonstrates that the Council is pro-actively identifying and managing its significant business risks.

RECOMMENDATION

That the Audit Committee consider and note the risks and mitigating actions of the Council's corporate risks as detailed in the attached CRR.

This was reviewed and updated following the October Corporate Risk Register refresh process.

Given the changing operating environment for the council the Audit Committee should consider whether the risk appetite for each risk remains reflective of current conditions.

SUMMARY OF REPORT

As part of this CRR refresh service Risk Champions facilitated their refresh by meeting with Directors in order to update the risk register. The Business Improvement Risk Management facilitator was available to assist with queries and advise on any substantive changes. This approach has continued following the recent CLT decision to give more responsibility to the Risk Champions. As a result an update has been obtained over the control of each risk since the last refresh. The updated CRR is available as Appendix A.

Background

The roles and responsibilities of Members and Officers with respect to Risk Management are detailed in the Council's Enterprise Risk Management Policy (ERMP) which was approved by the Audit Committee. The ERMP states that CLT is responsible for identifying and managing the Council's risks and opportunities, and for setting an example to staff. CLT is also responsible for identifying, analysing and profiling high-level strategic and cross-cutting risks on a regular basis.

The Audit Committee is required to seek confirmation that the Council's strategic risks are being proactively managed. Strategic risks are essentially those risks that might occur and could prevent the Council from achieving its objectives as detailed in its Vision, Priorities and Corporate Plan.

Analysis of Issues

The following risks have been revised by the relevant Strategic Director to reflect recent changes/ developments:

- Risk 14 - **Risk that the Council fails to deliver key investment priorities through insufficient resources or inadequate planning** has been updated following discussions as part of the ongoing internal audit in relation to the risk. The Director of Finance and Resources recommended to CLT that a risk appetite of High was a more accurate reflection of the council's ambitions in relation to the Capital Investment in the Borough, CLT agreed this change.
- Risk 15 - **Risk of proposed changes to services, policies or contracts becoming subject to Judicial Review** has been updated to reflect developments in the delivery of the SDL's.
- Risk 20 - **Risk that the council does not have buy-in to successfully implement the corporate vision and priorities** has been updated to reflect the approval of the Corporate Plan which will inform Service Plans for each area.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	N/A	N/A	N/A
Next Financial Year (Year 2)	N/A	N/A	N/A
Following Financial Year (Year 3)	N/A	N/A	N/A

Other financial information relevant to the Recommendation/Decision

There are no financial implications to be noted as a result of this refresh. However there are risks within the register that should they materialise, would have a significant financial impact on the authority.

Cross-Council Implications

A risk is an unexpected event or action that can adversely affect the Council's ability to

achieve its objectives and successfully execute its strategies. Risk Management is about managing opportunities and threats to objectives. Therefore good risk management will assist the Council in delivering its services and achieving its priorities.

Reasons for considering the report in Part 2

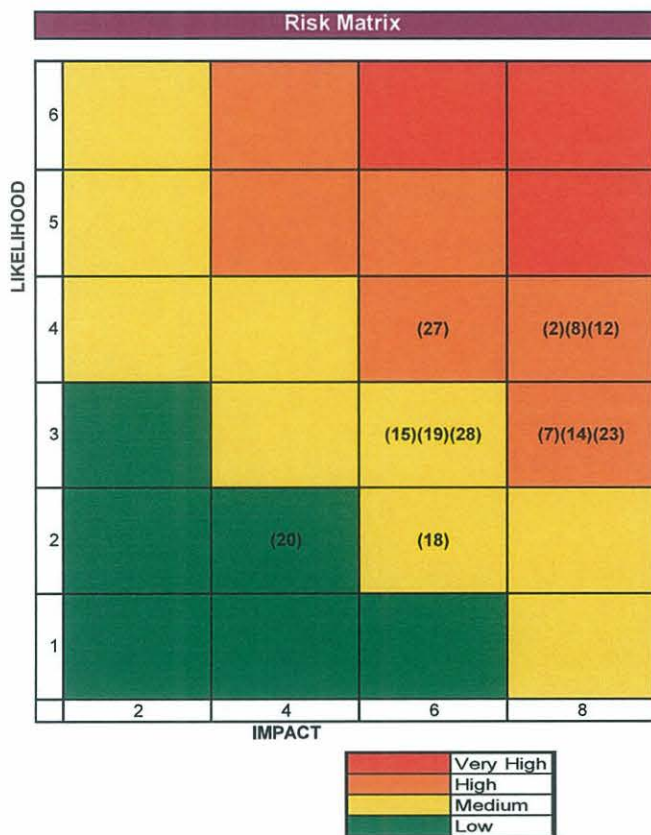
N/A

List of Background Papers

Previous Corporate Risk Register papers to Audit Committee
Enterprise Risk Management Strategy and Policy

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CORPORATE RISK REGISTER



Risk No	Risk Description	Date of Entry
(1)	Risk of the organisation not buying into a shared agenda	Removed - May 12
(2)	Risk of inability to match supply and demand for school places	Nov-09
(3)	Risk that decisions are made on inaccurate/ incomplete information	Removed - Sep 11
(4)	Risk of Partnership working stagnating due to changes at a national level	Removed - Jun 12
(5)	Risk of delivering a tight budget in a sustainable way	Removed - Sep 11
(6)	Risk that the savings element of Transformation does not deliver	Removed - Mar 12
(7)	Risk of serious or significant harm to a vulnerable child or young person with whom the council is working	Apr-10
(8)	Risk of serious harm or death of a vulnerable adult for whom the Borough has a responsibility for	Apr-10
(9)	Risk of Transformation drawing focus and resource away from the 'day job'	Removed - Mar 12
(10)	Risk that a business continuity incident occurs and the organisation fails to respond effectively	Removed - Jan 13
(11)	Risk of the loss of critical data and the impact on service delivery	Removed - Sep 11
(12)	Risk that essential transport infrastructure needs a significant short term investment for repairs	Nov-09
(13)	Risk that the benefits and outcomes of the transformed organisation are not understood by key stakeholders	Removed - Mar 12
(14)	Risk that the Council fails to deliver key investment priorities through insufficient resources or inadequate planning	Aug-14
(15)	Risk of proposed changes to services, policies or contracts becoming subject to Judicial Review	Mar-11
(16)	Risk of potential loss of economies of scale from the use of alternative delivery vehicles	Removed - Sep 12
(17)	Risk of a residential care home provider failing leading to potential harm/ death of residents	Removed - Jan 12
(18)	Risk of a significant fine and reputational damage due to loss of confidential/ sensitive data	Sep-11
(19)	Risk that infrastructure requested by the council will not be provided	Mar-12
(20)	Risk that the council does not have buy-in to successfully implement the corporate vision and priorities	May-12
(21)	Risk that changes to the Standards regime cause confusion over statutory requirements	Removed - Jan 13
(22)	Risk that the public health transition fails	Removed - Jan 13
(23)	Risk of Health and Safety Failure Leading to Death or Serious Injury	Sep-12
(24)	Risk of challenge regarding delegated Executive decisions	Removed - Jun 13
(25)	Risk that a decision regarding the changes to decision making is not reached	Removed - Jul 14
(26)	Risk that Change and Improvement does not deliver intended outcomes	Removed - Sep 14
(27)	Risk of failure of Health and/or Social Care system	Sep-13
(28)	Risk that Council is unable to cope with increased burdens associated with the Social Care Act	Sep-14

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Risk Register for:		Corporate Risk Register	Previous Review	23/10/14	Updated on	21/11/2014
Ref	Risk (Cause & Consequence)	Potential Impacts	Officer Lead	Executive Lead	Risk Score	Further Actions to Mitigate Risk
(2)	<p>Rising local population and demographic change exacerbated by uncertain additional numbers of children realised through new build results in a risk to ensuring sufficient places near parents' homes. There are sufficient places in 14/15 and current projects to add further capacity in 15/16. Thereafter, there are two risks:</p> <p>(1) the possibility of free schools outside the strategic planning framework;</p> <p>(2) the availability of infrastructure contributions from developers to meet basic need requirements (and availability of indentified school sites for larger developments) The cost of new academies and possibly free schools on the DSG is high in comparison to our own schools and places a risk to the security of funding to other schools and central services from the DSG.</p> <p><i>Risk of inadequate infrastructure and capacity, along with the associated effect on learning and achievement.</i></p> <p><i>Risk of excess provision created by the creation of academies and free schools.</i></p>	<p>Insufficient places, Reputation damage, Quality of education affected, Resources lost to council due to development of free schools /academies, impact on family stress if children not educated locally/split siblings. Impact on road congestion, Infrastructure affected, Perceived as less attractive place, Increased demand for transport and associated cost pressures</p>	Officer Lead	Executive Lead	H	Ongoing work with communities to promote Free Schools appropriately to fall within our strategic planning framework.
			JR	CHT		Renew primary school provision strategy
			Risk Appetite	Direction of Travel		
			L	—		
(7)	<p>WBC has a duty to care for the needs of, and to provide safeguarding services for the most vulnerable children and young people in the Borough. The changing economic circumstance needs careful consideration and monitoring in order to ensure that there is minimal impact on the management of this risk.</p> <p><i>A failure to follow procedures, equip the workforce with the right skills and training, or to deliver appropriate resources or services in a timely way raises a risk of serious or significant harm to a vulnerable child or young person with whom the council is working.</i></p>	<p>Avoidable harm to a vulnerable child, Damage to reputation, Litigation, Low staff morale - loss of staff, unstable workforce - poor outcome for children, unmanageable budget., Recruitment and retention problems, Removal of senior managers and impact on continuity of delivery for children and families, Impact of being judged inadequate by Ofsted could lead to statutory/government intervention.</p>	Officer Lead	Executive Lead	H	Agreed Recruitment and Retention Strategy; succesful implementation plan
			JR	CHT		Ongoing improvements to internal quality assurance activity.
			Risk Appetite	Direction of Travel		Further and ongoing improvements to Governance of Local Safeguarding Children Board (LSCB).
			L	—		

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Ref	Risk (Cause & Consequence)	Potential Impacts	Risk Score		Further Actions to Mitigate Risk	
(8)	<p>WBC has a duty to care for the needs of, and to provide safeguarding services for the most vulnerable adults in the Borough. It is vital to ensure continued focus on safeguarding systems (duty, response, QA of provider sector, procedure and strategy - Safeguarding Adults Partnership Board and interagency working, workforce training) The ongoing public sector finance constraints when set against continued demographic pressures requires careful judgement to ensure essential services remain sustainable - continued pressure to hold fees may result in workforce recruitment problems and/or provider failure.</p> <p><i>There is a risk of failure to safeguard vulnerable adults, either through systematic failure of duty of care, or an individual failure leading to the serious harm or death of a vulnerable adult.</i></p>	<p>Damage to reputation, possible external intervention, litigation, low staff morale, recruitment and retention problems, removal of senior managers.</p>	Officer Lead	Executive Lead	H	Review of Quality Assurance and professional standards commenced, led by the Director
			SR	JMS		Risk and impact assessment will be central to the Department's Service Planning
			Risk Appetite	Direction of Travel		
			L	—		
(12)	<p>Programmed and proactive investment and maintenance in infrastructure has been deferred and affected by the current financial situation. This is potentially a risk with regard to highways infrastructure.</p> <p><i>Risk that repair on bridge / road needs a significant short term investment.</i></p>	<p>Impact on transport infrastructure, possible health and safety issues, traffic Problems, adverse publicity / reputation damage, serious injuries or death's, significant financial cost, financial impact on other areas of council.</p>	Officer Lead	Executive Lead	H	Works planned for Loddon Bridge.
			HT	KB		Advanced protection of parapets at railway crossings to be reviewed.
			Risk Appetite	Direction of Travel		Formalised program of inspections
			M	—		Forward plan of capital works

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Ref	Risk (Cause & Consequence)	Potential Impacts	Risk Score		Further Actions to Mitigate Risk	
(14)	The Council has significant investment aspirations including Strategic Development Locations (SDL's), Town Centre Regeneration, school rebuilds and housing provision. This is in the context of limited resources and a complex funding source. The Council needs to ensure it guards against any unmet critical needs and prioritise its aspirations over the long term. <i>Risk that the Council fails to deliver key investment priorities through insufficient resources or inadequate planning</i>	Insufficient school places, Financial shortfall, Negative PR, Loss of rental income, Scheme slippage / downsizing,	Officer Lead	Executive Lead	H	A project planned to make best use of Council's assets. Meeting the Council's strategic capital requirement, incorporating Strategic Development Locations (SDL) in the medium term financial plan. Resource planning for Strategic Development Locations (SDL) infrastructure needs.
			GE	AP		
			Risk Appetite	Direction of Travel		
			H	—		
(15)	Proposed changes to council service delivery, policies or contracts become subject to Judicial Review by interest groups such as parish councils, county councils, residents groups, developers and landowners etc. <i>Proposed changes to services, policies or contracts are quashed or set aside which reduces the influence the council can exert over corporately important projects.</i>	The degree of influence that the council can exert over corporate proposals is reduced leading to poor quality & undesirable outcomes, financial cost and staff time required to defend actions becomes unsustainable, reputational damage, delays in the implementation of change.	Officer Lead	Executive Lead	M	Improved communication and joint working with Parish and Town councils. Town and Parish working group, Clerks Forum and Neighbourhood Plan support Strategic Development Partnership - WBC, SDL developers, HCA meets quarterly - forward planning and problem solving Improved community engagement - SDL Forums regularly meeting - interest groups, residents and developers.
			AC	KB		
			Risk Appetite	Direction of Travel		
			L	—		

Ref	Risk (Cause & Consequence)	Potential Impacts	Risk Score		Further Actions to Mitigate Risk	
(18)	The Council holds information of a confidential and sensitive nature. There have been past breaches of information security and it is an area under intensive scrutiny from the Information Commissioner. The primary risk is likely to concern paper based documents.	Imposition of a substantial fine, reputational damage/ bad media coverage, breach of contract and payment of damages, loss of future business, increased number of complaints, loss of trust from partner organisations/contractors.,	Officer Lead	Executive Lead	M	Continuing IGG programme of work & SIRO updates to CLT
	GE		PJ			
	<i>Loss of confidential or sensitive data, leading to a significant fine and reputational damage for the council, with a potentially damaging impact on the resident/ customer to which the information relates.</i>		Risk Appetite	Direction of Travel		
			L	—		
(19)	The council's Core Strategy makes provision for housing growth in the Strategic Development locations accompanied by the provision of infrastructure. Appeal decisions and the introduction of Community Infrastructure Levy (CIL) challenges the approach of the core strategy which set to ensure this infrastructure would be provided by the developers. The council could be required to provide for more infrastructure than intended and could be subject to more appeals.	The council will need to engage with other agencies to access other forms of funding and may face financial pressure to contribute towards provision beyond that which it has already planned to do, forward funding of feasibility and costing work, capital resources being directed towards infrastructure delivery.	Officer Lead	Executive Lead	M	Discussions with agencies such as the HCA and LEP to secure contributions to infrastructure feasibility work and provision.
	HT		KB			
	<i>Negotiations will be complex and the risk exists that not all of the infrastructure requested will be provided.</i>		Risk Appetite	Direction of Travel		Implementation of a joined up capital bid process through the new governance structure for infrastructure delivery.
			M	—		

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Ref	Risk (Cause & Consequence)	Potential Impacts	Risk Score		Further Actions to Mitigate Risk	
(20)	There needs to be clarity and agreement on how the vision and priorities will be interpreted and delivered. The vision and priorities need to be articulated through the corporate and service plans. The service and resource planning is being redesigned so it will align to the vision and priorities of the council enabling us to deliver on our priorities.	Organisational dissonance, disharmony across organisation, lack of clarity, different objectives / targets, delivery affected, fall behind neighbours, non-compliance with legislation.	Officer Lead	Executive Lead	L	Following Council approval of the Council Plan this will inform Service Plans for each area.
	AC		KB			
	The council does not deliver its vision and priorities.		Risk Appetite	Direction of Travel		
			L	—		
(23)	If the council fails to protect the health and safety of its employees and other persons who come into contact with the services provided by the authority there is a risk of serious injury or death.	Unlimited fine, Custodial Sentence, Publicity Order (Corporate Manslaughter only), Remedial Order (Corporate Manslaughter and HSWA), Removal of key staff, Reputational damage, Service delivery loss due to depleted resources, Damage to individuals wellbeing, An avoidable death or injury.	Officer Lead	Executive Lead	H	Annual historical benchmarking review of all Corporate Manslaughter and Health and Safety cases in order to identify the key risk areas
	AC		KB			
			Risk Appetite	Direction of Travel		Health and Safety staff to attend the Risk Management Group in order to strengthen the link between both practices
			L	—		Risk Champions to facilitate the creation of Health and Safety risks on all Service Risk Registers
						Health and Safety training to be included in the Management Induction Programme for all new managers
						Training for contractors to ensure preventative measures are in place to protect the Council against any third party Health and Safety failures
						Amendment of the Seeking Assurance CLT briefing document, to include the rationale behind decisions to include and exclude high risk service areas from the review

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Ref	Risk (Cause & Consequence)	Potential Impacts	Risk Score		Further Actions to Mitigate Risk	
(27)	<p>Degree and scale of change to the health and social care system will destabilise or cause wholesale system failure. Health and social care integration requires complex changes to pathways, accountabilities and funding - risk to governance and systems in the migration (e.g. patient/client information, lack of clarity as to case management responsibility and agency response). Changes to Better Care Fund performance criteria could lead to unfunded liabilities for the council. Push to shift health care to community base and be less dependent on in-patient acute care could lead to additional pressure on social care budgets that might not be adequately compensated by savings, either because savings are targeted to community health services, acute services, or not realised.</p> <p><i>Risk of failure of local health and/or social care system such that residents receive inadequate or unsafe response.</i></p> <p><i>Unsustainable additional financial pressure on adult social care budgets</i></p>	<p>Poor service in health and social care systems, negative impact on population health, more costly interventions required, failure to meet legal responsibilities, reputational damage.</p>	Officer Lead	Executive Lead	H	Local health and care integration project.
			SR	JMS		
			Risk Appetite	Direction of Travel		
			L	—		
(28)	<p>The Care Act 2014 introduces profound and far reaching new duties on Local Authorities with regard to the wellbeing of the whole resident population, including from April 2015: -</p> <ul style="list-style-type: none"> - information, advice and practical support to all residents regardless of means - assessing all qualifying need, whether or not currently met through informal care - assessing carer need within a much broader definition of 'carer' and making arrangements to meet qualifying need <p>From April 2016: -</p> <ul style="list-style-type: none"> - funding support to any person who has expended £72000 on his/her care arrangements regardless of means - Eligibility assessment and setting up of Individual Care Accounts to determine when any individual reaches the £72k care cap <p><i>The scale of the new duties and the systems required to support them pose a risk that the council will fail to meet demand. The uncertainty with regard to the cost of the reforms and the degree to which government will fund them places the council at risk of unsustainable budgetary pressures</i></p>	<p>Failure to meet new duties/demand, Unsustainable budget pressure, Reputational damage., Inability to recruit/retain assessment staff.</p>	Officer Lead	Executive Lead	M	Local Care Act implementation programme
			SR	JMS		
			Risk Appetite	Direction of Travel		
			L	—		

Impact Criteria

Score	Level	Description	
8	Catastrophic	Critical impact on the achievement of objectives and overall performance. Huge impact on costs and / or reputation. Very difficult and possibly long term to recover.	Unable to function without aid of Government or other external Agency
			Inability to fulfil obligations
			Medium - long term damage to service capability
			Severe financial loss – supplementary estimate needed with a catastrophic impact on the council's financial plan. Resources are unlikely to be available.
			Death
			Adverse national publicity – highly damaging, severe loss of public confidence.
			Litigation certain and difficult to defend
			Breaches of law punishable by imprisonment
6	Critical	Major impact on costs and objectives. Serious impact on output and / or quality and reputation. Medium to long term effect and expensive to recover.	Significant impact on service objectives
			Short – medium term impairment to service capability
			Major financial loss - supplementary estimate needed which will have a major impact on the council's financial plan
			Extensive injuries, major permanent harm, long term sick
			Major adverse local publicity, major loss of confidence
			Litigation likely and may be difficult to defend
4	Marginal	Significant waste of time and resources. Impact on operational efficiency, output and quality. Medium term effect which may be expensive to recover.	Breaches of law punishable by fines or possible imprisonment
			Service objectives partially achievable
			Short term disruption to service capability
			Significant financial loss - supplementary estimate needed which will have an impact on the council's financial plan
			Medical treatment require, semi- permanent harm up to 1 year
			Some adverse publicity, need careful public relations
			High potential for complaint, litigation possible.
Breaches of law punishable by fines only			
2	Negligible	Minimal loss, delay, inconvenience or interruption. Short to medium term affect.	Minor impact on service objectives
			No significant disruption to service capability
			Moderate financial loss – can be accommodated
			First aid treatment, non-permanent harm up to 1 month
			Some public embarrassment, no damage to reputation
			May result in complaints / litigation
			Breaches of regulations / standards

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Likelihood Criteria

Score	Level	Description				
6	Very High	Certain.	>95%	Annually or more frequently	>1 in 10 times	An event that is has a 50% chance of occurring in the next 6 months or has happened in the last year. This event has occurred at other local authorities
5	High	Almost Certain. The risk will materialise in most circumstances.	80 – 94%	3 years +	>1 in 10 - 50 times	An event that has a 50% chance of occurring in the next year or has happened in the past two years.
4	Significant	The risk will probably materialise at least once.	50 – 79%	7 years +	>1 in 10 – 100 times	An event that has a 50% chance of occurring in the next 2 years or has happened in the past 5 years.
3	Moderate	Possible the risk might materialise at some time.	49 – 20%	20 years +	>1 in 100 – 1,000 times	An event that has a 50% chance of occurring in the next 5 or has happened in the past 7 years.
2	Low	The risk will materialise only in exceptional circumstances.	5 – 19%	30 years +	>1 in 1,000 – 10,000 times	An event that has a 50% chance of occurring in the next 10 year or has happened in the past 15 years.
1	Almost Impossible	The risk may never happen.	< 5%	50 years +	>1 in 10,000 +	An event that has a less than 5% chance of occurring in the next 10 years and has not happened in the last 25 years.

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