AUDIT COMMITTEE 22 January 2024

HALF YEARLY RISK MANAGEMENT UPDATE REPORT 2023/24

SUMMARY REPORT

Purpose of the Report

1. To update Members on the approach to and outcomes from the Council's Risk Management processes.

Summary

2. Positive progress continues to be made within the Authority regarding the management of key strategic risks and with the work undertaken by officers to manage operational risks.

Recommendation

3. It is recommended this Risk Management Report be noted.

Reasons

4. The recommendation is supported to provide the Audit Committee with evidence to reflect on the Council's approach to Risk Management.

lan Williams Chief Executive

Background Papers

- (i) Council's Risk Management Strategy
- (ii) Corporate and Group Risk Registers
- (iii) Annual Risk Management Report to Audit Committee July 2023

Lee Downey 5451

S17 Crime and Disorder	This report has no implications for crime and disorder
Health and Well Being	There is no specific health and well-being impact
Carbon Impact and Climate	There are no specific recommendations contained
Change	within the attached reports concerning Carbon
	Reduction.
Diversity	There is no specific diversity impact.
Wards Affected	All wards are affected equally
Groups Affected	All groups are affected equally
Budget and Policy Framework	This report does not recommend a change to the
	Council's budget or policy framework
Key Decision	This is not a key decision
Urgent Decision	For the purpose of the 'call-in' procedure this does
	not represent an urgent matter
Council Plan	Maintaining an appropriate oversight of risk will
	help contribute to the delivery of the Council Plan
	Objectives
Efficiency	Insurance premiums reflect the pro-active
	approach taken to risk management within the
	Council.
Impact on Looked After Children	The report does not impact upon Looked After
and Care Leavers	Children or Care Leavers.

MAIN REPORT

Background

5. Risk Management is an essential part of effective and efficient management and planning and it strengthens the ability of the Council to achieve its objectives and enhance the value of services provided. It is also an important element in demonstrating continuous improvement as well as being part of the Council's Local Code of Corporate Governance that reflects the requirements of the Chartered Institute of Public Finance and Accountancy/Society of Local Authority Chief Executives and Senior Managers (CIPFA/SOLACE) Framework of Corporate Governance.

Information and Analysis

Strategic Risk Outcomes

- 6. A key element of the Council's planning process is that the areas of potential risk, which could adversely impact on the ability to meet objectives set out in the Council plan, are identified together with the officer responsible for managing that risk. These risks are plotted on to a standard likelihood and impact matrix. There is also reference to management controls in place and working. The shaded part of the matrix signifies the area above the 'risk appetite line'. Risks in this region require further specific management, i.e. they are priorities for improvement that have an appropriate improvement action plan.
- 7. Following a review of the Council's Risk Management Strategy, the risks plotted on the matrices are now categorised as Strategic Risks and linked to the relevant objective in the Council Plan, where appropriate. This is to ensure there is a greater focus on manging the risks to the Council delivering the objectives set out in the Council Plan and to ensure more effective management of inter-departmental risks. The revised risk matrices are attached at **Appendices A** and **B**.
- 8. All risks are continually managed during the year by Corporate and Departmental Management Teams including any emerging risks identified. In addition, Assistant Directors/Heads of Service are required to confirm in their Annual Managers Assurance Statements (MAS) that processes are in place to ensure that controls identified to support the positioning of risks on the risk matrices are in place and working.
- 9. The further detailed information contained in Appendix B, provided by appropriate departmental staff, details progress made on improvement actions for those risks identified as above the risk appetite line.

Operational Risk Outcomes

10. The Insurance Group continues to meet representatives of the Council's insurers to examine insurance claims. The insurers provide the group with an update in relation to trends and operational risks to enable continuous improvement to the risk management and health and safety culture within the organisation.

- 11. Health and Safety continues to be a key priority for the Council at all levels with work continuing to embed arrangements. The total number of reports to the HSE, as required by the Reporting of Injuries Diseases and Dangerous Occurrences Regulations (RIDDOR) from April 2023 to date is nine. All accidents and ill health reports are investigated by management and the Health & Safety Team to establish the causes, to identify issues or trends and make recommendations to prevent reoccurrence.
- 12. Slips, trips, falls on the same level, followed by manual handling remain the accident categories with the highest number of minor incident reports. Targeted work with services continues with a focus on risk assessment reviews and training.
- 13. Near miss reporting continues to be promoted with the number of reports up on this time in the previous year. A strong near miss reporting culture helps reduce the likelihood of accidents taking place which could result in injuries or ill health.
- 14. Violence and aggression in the workplace remain a significant risk to council staff. Work has continued to promote and monitor the use of personal safety devices, with corporate wide use of the devices consistently good. A refreshed internal violence and aggression training course has recently been launched which is available to all services, covering legislation, Council arrangements, why violence happens and how it can be recognised and de-escalated.
- 15. A programme of health and safety audits has continued in 2023/24. In addition to ensuring compliance, the audit process provides information for the assessment of the overall performance and effectiveness of the health and safety management system, identifying areas for improvement. Six services have achieved full assurance (all controls in place and operating effectively, the system will achieve its objectives) with a further sixteen services receiving substantial assurance (the majority of controls in place and operating effectively although some control improvements required, the system should achieve its objectives).
- 16. It was previously reported that in March 2020 a new Street Works Permit Scheme has been implemented in Darlington. The Permit Scheme requires all works promoters to provide adequate information when they intend to undertake works in the carriageways, footways and verges within the adopted highway to enable us to understand and more easily manage the impact of these essential works on the highway network.
- 17. The third Annual Report on the scheme is available on the Council's <u>website</u>. There are no issues highlighted within this report. The new "Report It" website for highway & street lighting defects has now received over 5,000 reports since it was introduced in June 2021. An increasing proportion of reports are now coming directly through Report It. In 2022/23, 63% of reports were received via customers inputting details into Report It. In the first eight months of 2023/24, that figure had risen to 70%. In November 2023 a new option was added to Report It to allow blocked gullies to be reported via the system.
- 18. We continued with the micro-asphalt programme this year and a mild winter last year helped to reduce the number of potholes forming. We continue to carry out highway safety inspections at a suitable frequency to ensure that potholes are identified and repaired as soon as possible.

- 19. The work in recent years to convert the street lighting stock to LED lanterns continues to show benefits. As well as the reduction in carbon emissions and electricity costs there has been a decrease in the number of faults reported. Work is now underway to convert sign lanterns to LED.
- 20. The 2024/25 maintenance program of works is now being worked on and will be published on the Council's website in the new year. This includes looking at using alternative materials which will help to reduce our carbon emissions and prolong the life of some of our roads.
- 21. A total of 16 schemes will be completed as part of the 2023/24 program of works, including three footways, one back lane and six km of micro-asphalt surfacing.
- 22. The proactive tree risk management processes continues to provide positive results, enabling the Council to defend the majority of storm and subsidence compensation claims received.
- 23. In relation to sickness absence, the half-year position for days lost is 3.97% or 4.34 days per full time employee (FTE), this represents an improvement of 0.53 days per FTE (593 days in total) compared to the same period last year. The projected year end figures are 3.89% or 8.61 days, this is higher than our target, but an improvement on 2022/23 year end (4.39% / 9.665). As can be seen from the table below, from the information we received, although similar, we compare favourably with our neighbours.

Council	Actual Days lost 2022/23	Actual Days lost 2023/24	Target 2023/24
Darlington	4.87	4.34	8.2
Hartlepool	5.21	4.36	9.0
Redcar & Cleveland	4.44	4.38	8.0
Stockton	4.9	4.9	9.0

- 24. Absence nationally across all sectors is on the rise, the Chartered Institute for Personnel & Development (CIPD) found that the average number of days lost per employee now stands at 7.8 days, this figure was 5.8 days in 2019. CIPD noted that since 2019, external events such as COVID 19, economic problems, the cost-of-living crisis and war have had far reaching impacts on people's wellbeing.
- 25. The management of sickness absence is a high priority for managers and HR with absence being actively monitored and actions taken appropriate to each case and in accordance with the absence management policy. Actions have included sickness absence review meetings, setting of improvement targets and formal monitoring/reviewing, extensions of probation period, non-confirmation of employment after probationary period, formal caution, redeployment to alternative roles and ill health capability dismissals.
- 26. Management and HR continue to be supported by a proactive Occupational Health Team. With over 197 new referrals being undertaken to date and 72 review meetings alongside escalating to an Occupational Health Doctor for advice as required. The Occupational Health Team supports the employee and manager by suggesting recommendations to allow an employee to return to work.

- 27. As well as sickness absence, the Occupational Health Team also provide proactive health surveillance to monitor and ongoing work risk ensuring our employees can undertake their work without risk to their health.
- 28. Together with the reactive measures above, we have also continued to promote proactive, preventative initiatives such as Counselling, Physiotherapy, Stress Risk Assessments, Flu vaccinations and offered various courses and sessions around resilience and mental health. We delivered 370 flu vaccinations to Council employees.
- 29. We have a number of new initiatives which we plan to roll out from January 2024, including Occupational Health referrals to the Dolphin Centre, review of the Menopause Policy and guidance, our January 'let's do this' Wellness campaign and the launch of our new employee engagement web page, which will be accessible to all employees via smart devices as well as PCs.

Conclusion

30. The Council's pro-active approach to risk management continues to produce positive results for the Authority.

Outcome of Consultation

31. There has been no formal consultation in the preparation of this report.

COUNCIL PLAN OBJECTIVES

Council Plan Objective	Strategic Risk(s) relevant to delivery of Council Plan Objective
CP1 - Growing Darlington's economy	SR1, SR7, SR8, SR10, SR13, SR14, SR22, SR23, SR24, SR33, SR34, SR35, SR36, SR39, SR40, SR47
CP2 - Maximise the potential of our young people	SR17, SR19, SR21, SR23, SR28, SR31, SR35, SR36, SR38, SR42, SR48, SR49
CP3 - Supporting the most vulnerable in the borough	SR3, SR15, SR18, SR16, SR17, SR18, SR20, SR21, SR22, SR23, SR24, SR26, SR27, SR28, SR29, SR35, SR36, SR38, SR42, SR43, SR44, SR45, SR46, SR48, SR49
CP4 - Working with communities to maximise their potential	SR35, SR36, SR37, SR48
CP5 - A dedicated workforce who are proud to serve the borough and an accessible, effective and engaged council*	SR41

*While not a Council Plan objective the objectives are supported by...

RISK MATRIX

STRATEGIC RISK REGISTER

LIKELIHOOD	A Very High						
	B High			SR21, SR48			
	C Significant		SR11, SR13, SR41, SR45	SR8, SR15, SR16, SR20, SR34, SR35, SR44			
	D Low		SR12	SR3, SR6, SR7, SR10, SR14, SR17, SR18, SR19, SR22, SR23, SR24, SR25, SR26, SR31, SR33, SR36, SR37, SR38, SR39, SR40, SR42, SR46, SR49	SR27		
	E Very Low		SR1		SR47		
	F Almost Impossible						
		IV Negligible	III Marginal	ll Critical	l Catastrophic		
	ΙΜΡΑϹΤ						

STRATEGIC RISK REGISTER

Risk No. & relevant Council Plan objective(s)	Risk	Responsible Person	Movement in Period	Reason for Movement on Matrix	Progress on Action Plan for Risks Above the Appetite Line that have not moved
SR1 (CP1)	Implementation of recommendations from the Capital Process Review is needed to improve effective capital project management	Ant Hewitt	None at E/III		
SR3 (CP3)	Business Continuity Plans not in place or tested for key critical services	Mark Ladyman	None at D/II		
SR6	Risk of regulatory action and increased costs resulting from PCI-DSS Non- Compliance	Elizabeth Davison	None at D/II		
SR7 (CP1)	Financial implications of maintaining and conserving key corporate assets within the borough	Dave Winstanley	None at D/II		
SR8 (CP1)	Investment in regeneration projects is not delivered	lan Williams	None at C/II		See paragraph 1 (a) i below

SR10 (CP1)	Planning Performance at risk of Standards Authority intervention	David Coates	None at D/II	
SR11	VAT partial exemption breech due to exempt VAT being close to the 5% limit	Brett Nielsen	None at C/III	
SR12	Fraud in General	Andrew Barber	None at D/III	
SR13 (CP1)	Instability within financial markets adversely impacts on finance costs and investments	Brett Nielsen	None at C/III	
SR14 (CP1)	Financial pressures to the General Fund as a result of increased levels of unemployment and increased Council Tax Support claims	Anthony Sandys	None at D/II	
SR15 (CP3)	Risk Re-worded Inability to cope with significant increase in homelessness cases	Anthony Sandys	None at C/II	See paragraph 1 (a) ii below
SR16 (CP3)	Inability to contain placement costs for children looked after due to lack of sufficient in house placements	Chris Bell	None at C/II	See paragraph 1 (a) iii below

SR17 (CP2, CP3)	Inability to recruit and retain sufficient qualified suitably experienced social workers in Children's Services impacts on cost and quality of service	Chris Bell	Reduced to D/II	Workforce stability strategy has been implemented. Staff turnover rates reduced from 19.3% in the period October 2021 – September 2022 to 17.6% in October 2022 – September 2023. We currently have 3 social work vacancies across Children's Services, this time last year we had 10.6 in Assessment & Safeguarding.	
SR18 (CP3)	Inability to recruit and retain sufficient qualified suitably experienced social workers and reablement staff in Adult Services impacts on cost and quality of service	Joss Harbron	None at D/II		
SR19 (CP2)	Failure to identify vulnerable schools and broker appropriate support to address needs	Tony Murphy	None at D/II		

SR20 (CP3)	Increased demand for Adult Services impacts negatively on plans for budget efficiencies	Joss Harbron	None at C/II	See paragraph 1 (a) iv below
SR21 (CP2, CP3)	Increased demand for Children's Services impacts negatively on budget	Chris Bell	None at B/II	See paragraph 1 (a) v below
SR22 (CP1, CP3)	Market (Domiciliary Care Residential Care providers) failure following the Care Act/Living Wage	Christine Shields	None at D/II	
SR23 (CP1, CP2, CP3)	Market (Domiciliary Care Residential Care providers) for Vulnerable Families with Children (including SEND) experiences provider failure	Christine Shields	None at D/II	
SR24 (CP1, CP3)	Risk Re-worded Market (Domiciliary Care Residential Care providers) failure as a result of increased transmissibility of new Covid variants and other viruses.	Christine Shields	None at D/II	
SR25	The Deprivation of Liberty Safeguards Threshold changes significantly increases the amount of people deprived of their liberty resulting in potential for increased legal challenge	Joss Harbron	None at D/II	

SR26 (CP3)	Failure to respond appropriately to safeguard vulnerable adults, in line with national legislation and safeguarding adults procedures	Joss Harbron	None at D/II		
SR27 (CP3)	Failure to respond appropriately to safeguard vulnerable children, in line with national legislation and safeguarding children, thresholds and procedures	Chris Bell	None at D/I		See paragraph 1 (a) vi below
SR28 (CP2, CP3)	Working with other local commissioners to ensure their understanding of their responsibilities within the Childhood pathway	Miriam Davidson	Removed from D/III	Contracted is now embedded and working well.	
SR31 (CP2)	Failure to maintain dedicated home to school transport services	Tony Murphy	None at D/II		
SR33 (CP1)	Impact of national cost of living crisis on customers and audiences for Leisure and Cultural facilities	Ian Thompson	None at D/II		

SR34 (CP1)	Budget & resource implications arising from the ability to progress and complete schemes/projects in the event of further construction inflation, material supply and resource demands	Ant Hewitt	None at C/II	See paragraph 1 (a) vii below
SR35 (CP1, CP2, CP3, CP4)	Potential impact on public transport networks if commercial services do not recover or continue to receive support from Government and routes are withdrawn	Ant Hewitt	None at C/II	See paragraph 1 (a) viii below
SR36 (CP1, CP2, CP3, CP4)	Failure to meet the Council's commitment to becoming Carbon neutral by 2040	Mark Ladyman	None at D/II	
SR37 (CP4)	Failure to operate an effective Channel Panel	Dave Winstanley	None at D/II	
SR38 (CP2, CP3)	Reputational and regulatory risk if reinspection not successful	Tony Murphy	None at D/II	

SR39 (CP1)	The Council is unable to deliver housing targets detailed in the Local Plan as a result of the designation of nutrient neutrality catchment area	Mark Ladyman	Reduced to D/II	Nutrient Neutrality remains a risk for the Council in regard to meeting its housing targets. Clarity of the procedure for developers to obtain the necessary credits has now been published by Natural England. However these are costly and the availability of credits is not guaranteed. Developers will be required to evidence that they have the necessary credits to obtain planning approval.	
SR40 (CP1)	Managing the impact of severe weather events	Mark Ladyman/lan Thompson	None at D/II		
SR41 (CP5)	Staffing risk – failure to recruit to vacant posts	Brett Nielsen	None at C/III		
SR42 (CP2, CP3)	Risk of enforcement action from the ICO in relation to subject access requests (SARs)	Luke Swinhoe	None at D/II		

SR44	April 2023 will see the	Joss Harbron	None at C/II	See paragraph 1 (a) ix below
(CP3)	implementation of the CQC			
	inspection framework for			
	Adult Social Care. The			
	significant demands on			
	adult social care, the			
	pressures following covid			
	and the workforce			
	recruitment and retention			
	issues may impact on the			
	ratings resulting in a			
	"requiring improvement"			
	outcome			
SR45	Potential increase in Asylum	Anthony	None at C/III	
(CP3)	Seeker numbers in	Sandys		
	Darlington as a result of the			
	Government's full dispersal			
	plan that could see			
	numbers double in the next			
	year and the impact on			
	services		- 44	
SR46	Adult social care waiting	Joss Harbron	None at D/II	
(CP3)	lists			
SR47	Risk of a terrorist attack	Dave	None at E/I	
(CP1)	within the borough	Winstanley		

SR48 (CP2, CP3, CP4)	New Risk Budget pressures, lack of funding and affordability of services impact on the	Elizabeth Davison/Brett Nielsen	New at B/II		See paragraph 1 (a) x below
6040	Council's ability to deliver its Council Plan objectives	Tom Muselu	New et D/U		
SR49 (CP2, CP3)	New Risk Failure to keep to the terms of the Safety Valve Agreement to manage deficit in High Needs Budget	Tony Murphy	New at D/II	While this is a risk, it is relatively low at present as we are currently on track to meet the terms of the agreement.	

1.

a) **Strategic Risks** (Appendix B) – nine risks have been identified as above the risk appetite line.

i. (SR8) Investment in regeneration projects is not delivered.

Within the construction industry there continues to be issues with rises in material prices and high demand for trades and resource to deliver projects of all sizes. These issues are across all sectors, both private and public. Projects developed prior to these issues materialising may not have built in contingencies into the budget or programme to absorb this. Therefore, this will require Programmes & Projects to be reviewed on an individual basis for affordability and deliverability as costs and programmes are finalised. Future project budgets will have inflation allowance built in linked to the proposed start and finish dates. Furthermore, we are exploring additional sources of external funding e.g., Government grants and more effective partnerships working to share the risk. It is anticipated that as inflation reduces so too will the level of risk.

ii. (SR15) Inability to cope with significant increase in homelessness cases

Additional funding has been provided by the Department for Levelling Up, Housing and Communities (DLUHC) for homeless services. More accommodation and support has been commissioned to cope with increased demand and additional staff have been recruited to the Housing Options Team. However, demand for emergency accommodation has remained high with the shortage of appropriate move on accommodation exacerbating the issue.

This document was classified as: OFFICIAL

iii. (SR16) Inability to contain placement costs for children looked after

A full Transformation and Efficiency programme is being delivered with the key objective of developing sufficient provision within or close to Darlington that meet the needs of looked after children. This includes in-house foster care, residential care and specialist provision for complex needs. Due to the changing complexities and the demand for placements not just locally, but also regionally and nationally, the work will be informed by other localities, and joint working will take place where this can add value.

iv. (SR20) Increased demand for Adult Services impacts negatively on plans for budget efficiencies

There is increasing demand for adult social care and support specifically domiciliary care, aides, adaptations and support for people with significant learning disabilities. People are living with multiple conditions and disabilities and require intensive support to remain at home and as independent as possible. Covid has also had a significant impact on people's wellbeing and support needs. Adult Social Care will continue with the Transformation Programme and ensure that all assessments are strength based and outcome focussed with the support of the local community. Performance, practice and quality will be continuously monitored and revie wed to ensure we reduce, delay and prevent people from requiring care and support prematurely. Funding streams and grants from the Department of Health & Social Care will support the demand management and provide some temporary cost mitigation. However, with the introduction of the Integrated Care Systems there is further dialogue required to understand the resources available to support post covid recovery.

The increased demands in adult social care have resulted in waiting lists for reviews and assessments. These are mitigated by a risk management matrix to prioritise people with high needs or significant carer issues. With support from the Department of Health and Social Care (DHSC) social discharge fund we have increased workforce capacity through agency, additional hours and fixed term contracts to manage demand however this is currently short-term funding.

v. (SR21) Increased demand for Children's services impacts negatively on budget

Work is ongoing within the Transformation Programme to safely reduce the level of risk in children's services. Input to this work has been enhanced with colleagues from Leeds City Council under the DfE sponsored Strengthening Families Programme. The ethos of the work is continuing despite the programme formally ceasing. Childrens Services have also devised a Placement Sufficiency strategy based upon increasing our in house fostering and residential provision to create more cost effective ways of caring for our children and providing greater stability and better outcomes. The strategy has been supported by Cabinet and is progressing to full Council in January 2024. vi. (SR27) Failure to respond appropriately to safeguard vulnerable children, in line with national legislation and safeguarding children, thresholds and procedures

Services are in place to screen contacts and referrals, and to respond should concerns be identified. Pathways for intervention are both internal and multi-agency, and the Council ensures that its own staff understand and apply them robustly.

vii. (SR34) Budget & resource implications arising from the ability to progress and complete schemes/projects in the event of further construction inflation, material supply and resource demands

Whilst inflation within the construction industry has softened, material prices remain high and demand for trades and resource to deliver projects of all sizes remains an issue. These issues are across all sectors, both private and public. Projects developed prior to these issues materialising may not have built in contingencies into the budget or programme to absorb this. Therefore, this will require Programmes & Projects to be reviewed on an individual basis for affordability and deliverability as costs and programmes are finalised. Future project budgets will have inflation allowance built in linked to the proposed start and finish dates. It is anticipated that as inflation reduces so too will the level of risk.

viii. (SR35) Potential impact on public transport networks if commercial services do not recover or continue to receive support from Government and routes are withdrawn.

Bus patronage suffered significantly through the pandemic and post covid passenger numbers have not recovered to previous levels, putting the viability of commercial services at risk. Additional Government funding has been made available to Tees Valley Combined Authority (TVCA) as the Transport Authority to support services at risk and this has been used to secure a number of services in Darlington. However, this funding is time limited and we are working with TVCA and operators to understand how we can support the network.

ix. (SR44) April 2023 will see the implementation of the CQC inspection framework for Adult Social Care. The significant demands on adult social care, the pressures following covid and the workforce recruitment and retention issues may impact on the ratings resulting in a "requiring improvement" outcome.

Adult Services have an implementation plan in place, containing identified actions to complete including, user feedback and engagement, evidence of quality of practice and outcomes and strategic leadership and engagement.

x. (SR48) DRAFT - New Risk Budget pressures, lack of funding and affordability of services impact on the Council's ability to deliver its Council Plan objectives

The Council is facing unparalleled financial challenges stemming from a reductions in public funding and increases in demand. This has been further compounded by the current economic climate, the increase in the cost of living, income deprivation and poverty rising. There are a number of existing risks built in the risk matrix concerning demand (e.g. Children's and Adult services), inflationary pressures (capital) and reduced income. A shortfall in funding to cover rising demand and cost of service provision is now impacting on all service areas and with limited discretionary service provision, without additional funding there is a high likelihood the Council will not be able to meet it statutory duties in their current form in the future. As part of MTFP planning the Council is facing these challenges, however with each increase in demand and reduction in Government funding this risk is becoming higher.

Savings of £4m have been identified in the 2024/25 MTFP which do not significantly impact on front line services and a 4.99% increase in council tax and social care precept has been proposed to generate circa. £3.1m. Economic growth remains a key focus to generate additional income and work is being undertaken to review all service areas, including cost challenge and best practice comparisons.