

Corporate Risk Register (September 2020)

Risk 01: The risk of a serious safeguarding error where the council has responsibility, resulting in serious harm or death

Lead Member(s): Cllr Bobby Feeley, Cllr Huw Hilditch-Roberts and Cllr Mark Young

Risk Owner: Nicola Stubbins

Description

This risk - concerning children and adults at risk - is increasing as the environment is changing, with growing expectations around our duties in relation to third party provision. The cumulative impact of reducing resources across the public sector may impact agencies' ability to appropriately recognise safeguarding risks which may also create extra pressures for the Local Authority.

Impact / Consequences

- Individual(s) experience significant harm or death.
- Significant reputational loss.
- Possible intervention by Welsh Government.
- Legal/compensation costs.

Inherent Risk

B2 – Critical Risk: Likely / High Impact

Controls to Manage Risk (in place)

- Safeguarding policy & procedures are in place
- Corporate Safeguarding Training Programme.
- Framework of self-assessment for schools in relation to safeguarding has been established.
- Section 28 audit tool in place for voluntary sector to ensure safeguarding practices are in place.

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- Compliance with safeguarding practises is part of the annual HR audit of schools.
- Regional arrangements for safeguarding a) children and b) adults at risk are in place. The regional safeguarding boards set priorities and actions regionally, eg training and policies & procedures.
- Risk assessments in place for recruiting staff who require a DBS check and/or references and this is monitored and scrutinised by the Corporate Safeguarding Panel.
- Safeguarding policy review has taken place with Schools and new guidance has been developed
- Corporate Safeguarding Panel has been reviewed including the terms of reference, roles and responsibilities.
- Heads of Service have been asked to ensure they consider safeguarding when reviewing their risk registers and that safeguarding be included in service challenge where appropriate.
- Key posts within the Council that could have an impact on safeguarding have been identified and Heads of Service are reviewing the posts to ensure that adequate checks are undertaken by the Council or an external body. All new employee contracts make reference to safeguarding.
- Briefing sessions on safeguarding and Child Sexual Exploitation have been delivered to County Council. Safeguarding features in three Cabinet Members' portfolios.
- Improvements have been made to safeguarding arrangements with contractors including (i) DBS contract checks, (ii) ensuring that Council staff responsible on site for the contractor and managing the tendering / contract process are clear of their responsibilities in respect of safeguarding, (iii) ensuring contracts terms and conditions (including JCT) in relation to DBS checks are appropriate, (iv) ensuring that self-assessment arrangements as part of contract management are appropriate.
- The Corporate Safeguarding Policy has been reviewed and updated in line with new legislation.
- Safeguarding e-learning module in place and compliance is monitored and scrutinised by the Corporate Safeguarding Panel.

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- Recording and sharing safeguarding incidents and near misses is a standing item of the Corporate Safeguarding Panel. It also shares case reviews where there is a corporate perspective for lessons learned. Service representatives are responsible for reporting any key messages from panel meetings to members of staff within their services.
- Adoption of new Wales Safeguarding Procedures.

Residual Risk

D2 – Major Risk: Unlikely / High Impact

Is our risk exposure (based on the score) consistent with the council's Risk Appetite?

Major risk. Risk Appetite suggests that this should be at most a moderate risk. The Risk Owner has confirmed that they are comfortable that the scoring accurately reflects the current risk to the council.

Further Actions

Monitor performance in relation to the percentage of eligible staff (corporate and schools) that have an up to date DBS and reference check or risk assessment

Safer recruitment stats are monitored for new employees and figures provided to the Corporate Safeguarding panel on a quarterly basis.

Action Due Date: 31/03/2021

Person Responsible: Nicola Stubbins

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Risk 06: The risk that the economic and financial environment worsens beyond current expectations, leading to additional demand on services and reduced income.

Lead Member(s): Councillor Julian Thompson-Hill

Risk Owner: Judith Greenhalgh

Description

Although the latest draft budget settlement (4.3% increase in Revenue Support Grant) is welcome it still falls short of the 10% that would have been required in order to fund all the pressures that the Council is facing. The levels of future settlements are unknown yet and we await the UK Budget in March 2020.

The potential consequences of Brexit could include an economic downturn in the short to medium term and reduced funding over the medium to long term, which could lead to increased demand for council services.

The Section 151 Officer is responsible for producing a balanced budget.

There are significant pressures associated with social care, waste budgets, benefits and inflationary increases in pay and pensions. These pressures are all monitored closely and regularly by senior managers, including the Section 151 Officer.

The Council is facing a significant in-year financial pressure due to covid-19, having incurred financial costs and lost income. Income lost is unlikely to be reimbursed and future financial settlements will also be affected.

Impact / Consequences

The council suffers from a significant reduction in income, leading to an inability to deliver current levels of service provision.

Corporate Risk Register (September 2020)

Inherent Risk

B1 – Critical Risk: Likely / Very High Impact

Controls to Manage Risk (in place)

- The council has no control over the global economy or the WG settlement. Therefore, the inherent risk score likely to remain high.
- Annual, detailed budget setting process that considers economic environment
- The Medium Term Financial Plan (MTFP) contains different scenarios to ensure it can deal with changes in the external environment, and is considered on a quarterly basis: it has revised its expectations further downwards.
- A robust budget-setting process raises awareness of implications of significantly reduced income due to the economic environment. It also identifies a range of proposals should cuts be incurred.
- Regular (usually monthly) financial planning meetings between services and management accountants are in place.
- Service's budgets and budget proposals are scrutinised by the Lead Member for Finance and the Head of Service during budget-setting talks.
- Establishment of the 'Reshaping the Council Budget (RTCB)' programme board.
- RTCB has considered risks associated with population estimate inaccuracies and the potential impact on future funding. There is a Welsh Government funding floor which would help mitigate any impact, if this issue should transpire (in which case impact would be felt in 2022-23). RTCB will continue to monitor this risk.
- SLT will actively manage risks associated with Brexit on a monthly basis, until such time the risks can be managed corporately or at a service-level.

Residual Risk

B2 – Critical Risk: Likely / High Impact

Corporate Risk Register (September 2020)

Is our risk exposure (based on the score) consistent with the council's Risk Appetite?

Critical risk. Risk Appetite suggests that this should be at most a moderate risk. The Risk Owner has confirmed that they are comfortable that the scoring accurately reflects the current risk to the council.

Further Actions

The Council will take all steps to reclaim funding from WG

Action Due Date: 31/03/2021

Person Responsible: Steve Gadd

Throughout the recovery process, look at new ways of working

Action Due Date: 31/03/2021

Person Responsible: Judith Greenhalgh

Corporate Risk Register (September 2020)

Risk 11: The risk of an ineffective response to a serious event, such as severe weather, contamination, public safety (including cyber-attack), or a public health event (such as Covid-19).

Lead Member(s): Cllr Richard Mainon

Risk Owner: Graham Boase

Description

Serious unexpected events can occur at any time. Services plan for the impact of expected seasonal variations in weather, but severe weather events, including wild fires as has recently been experienced, can impact on public safety and service delivery.

Similarly, we put plans in place to monitor food, water and air quality, but any contaminations can impact on service delivery, as would any viral pandemics.

Cyber attacks can affect our ability to provide services electronically, putting our business continuity plans to the test, and the same applies to major IT service failures.

Public health events, such as Covid-19, puts terrific strain on organisations such as ours, impacting on service delivery, project timescales, staff capacity, and of course finances. It also challenges the resource capacity of partners and providers that we work with.

Impact / Consequences

- Significant disruption to core services.
- Serious injury or fatality due to road network closure, poisoning or infection.
- Reputational risk to the council if unable to deal with issues.
- Inability to deliver front line services (as a result of staff shortages for example).
- Temporary loss of data.
- Significant cost pressures to our budget.

Corporate Risk Register (September 2020)

Inherent Risk

A2 – Critical Risk: Almost Certain / High Impact

Controls to Manage Risk (in place)

- The control environment in this area is the Regional Emergency Planning Service (Wrexham, Flintshire, Denbighshire, Conwy, Gwynedd and Anglesey), and local emergency management response groups have been established. There is significant partnership working with a regional emergency planning team coordinating plans and responses across North Wales.
- We also continually review our procedures for winter highways maintenance and flood response. Secondary rota established and operational.
- Service disruption is minimised through our arrangements for business continuity and emergency planning, with separate Directors responsible for Response and Recovery.
- There's an emergency on-call rota in place.
- Emergency Planning Response report taken to Partnerships Scrutiny in June 2015.
- Vulnerable people mapping tool is in operation.
- New chairs for the Communications and Operational Response Groups have strengthened arrangements.
- Gold & Silver training in place for new representatives.
- Deputies for Chairs of response teams appointed.
- Trial business continuity exercise took place in DCC in October 2017. Overall the exercise was successful.
- Planning and Public Protection has plans in place to manage responses to pandemics such as bird flu or foot and mouth for instance, with a focus on how we will work with partners in such times.
- The Corporate Director: Economy and Public Realm chairs quarterly meetings of all the chairs of various response groups in emergency planning and is also attended by regional emergency planning representatives. The purpose of this group includes to provide assurance that systems are in place and to test procedures.

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- We have set up a WhatsApp Business Continuity communication network, which has been tested in an internal DCC Business Continuity exercise (April 2019).
- We are due to take part in a joint regional Business Continuity Exercise with Gwynedd in February 2020.
- Covid19 Control: SEMT has been meeting on a regular basis and has responded to the initial covid-19 emergency and has agreed a number of covid-19 recovery themes for which members of SLT are leading. These are monitored regularly at SLT and have political input by Lead Member and Cabinet. Should covid-19 escalate (second wave), SLT will monitor and no doubt SEMT will recommence.

Residual Risk

C3 – Moderate Risk: Possible / Medium Impact

Is our risk exposure (based on the score) consistent with the council's Risk Appetite?

Yes

Further Actions

Develop and gain SLT approval for a new policy to ensure business continuity whereby staff take essential equipment home at the end of each day

Action Due Date: 31/03/2021

Person Responsible: Alan Smith

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Risk 12: The risk of a significantly negative report(s) from external regulators.

Lead Member(s): Councillor Hugh Evans

Risk Owner: Judith Greenhalgh

Description

Negative reports from regulators could lead to a range of impacts that could be negative for Denbighshire County Council. The council is committed, however, to responding to reports and working with partners, including external regulators, to addressing any concerns that may arise.

Impact / Consequences

- A wider lack of confidence in Council services.
- Reputational damage.
- Potential intervention by the WG.
- Significant resources may be required to be diverted to deliver immediate and substantial change.

Inherent Risk

C2 – Major Risk: Possible / High Impact

Controls to Manage Risk (in place)

- The corporate performance management framework (PMF) is the main control in this area.
- Head of Business Improvement & Modernisation, Strategic Planning Team Manager and Head of Audit meet monthly with Wales Audit Office to understand and respond to their concerns.
- Regulators sit on Service Performance Challenges.

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- Research & Intelligence team creates Needs & Demands, and Comparative reports to support service self-assessment and Service Performance Challenges.
- Annual Governance Statement and Performance Self-Assessment now combined.
- Protocol developed for addressing recommendations from WAO national studies: services' response will be the subject of performance scrutiny and service challenge.
- Regulation we're subject to includes: CIW (Care Inspectorate Wales); WAO Office; Estyn; HSE (Health & Safety Executive); ICO (Information Commissioner's Office).

Residual Risk

D3 – Moderate Risk: Unlikely / Medium Impact

Is our risk exposure (based on the score) consistent with the council's Risk Appetite?

Yes

Corporate Risk Register (September 2020)

Risk 13: The risk of significant liabilities resulting from alternative models of service delivery

Lead Member(s): Councillor Julian Thompson-Hill

Risk Owner: Judith Greenhalgh

Description

Liabilities could arise due to financial, HR, safeguarding, or governance problems and could impact on the sustainability of service provision.

This risk will now also be impacted by covid-19 and we have already seen a significant loss of income within our leisure ADM as a result.

Impact / Consequences

- Financial liabilities.
- Property Liabilities.
- Reduction in levels / quality of service provided to the community, or increased revenue costs to continue delivery.
- Collapse of company
- Reputation damage to the council
- Safeguarding to include protection of all assets (physical & intellectual Information)

Inherent Risk

B2 – Critical Risk: Likely / High Impact

Controls to Manage Risk (in place)

- A rigorous process is in place to ensure appropriate governance arrangements are in place as ADMs are established.
- Effective contract management arrangements are in place and appropriate monitoring is carried out throughout the life of the contract.

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- Council is entitled to representation on Boards, and Heads of Service providing strategic advice to facilities.
- Heads of Service advise DCC on any emerging issues and risks.
- Financial support and/or subsidies being provided.
- Processes are in place to manage relationships between DCC and Arm's Length organisations.
- Intervention measures are exercised by DCC if relationships with Arm's Length organisations are difficult to manage.
- Resources have been committed to improve financial monitoring of facilities and services
- Register of all ADMs
- Ensure best practice / lessons learned is applied to our robust contract and relationship management of ADM models.
- Compliance with current legislation and approved accredited standards as appropriate.

Residual Risk

C2 – Major Risk: Possible / High Impact

Is our risk exposure (based on the score) consistent with the council's Risk Appetite?

Critical risk. Risk Appetite suggests that this should be at most a moderate risk. The Risk Owner has confirmed that they are comfortable that the scoring accurately reflects the current risk to the council.

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Risk 14: The risk of a health & safety incident resulting in serious injury or the loss of life. (Where H&S is referred to, this incorporates fire safety)

Lead Member(s): Councillor Julian Thompson-Hill

Risk Owner: Steve Gadd

Description

This could be as a result of unsafe acts, unsafe work places or ineffective H&S management.

Impact / Consequences

- Serious injury or death of an employee and/or any other person.
- Significant reputational damage
- Substantial legal/litigation costs.
- Criminal prosecution of staff or the organisation.

Inherent Risk

C2 – Major Risk: Possible / High Impact

Controls to Manage Risk (in place)

- Strategic leadership is provided by the Head of Finance & Property, with delegated responsibility for Health and Safety.
- Competent H&S advisors are employed by the organisation to provide support, guidance and training on H&S.
- A Corporate Health and Safety Policy is in place which defines the H&S organisation and arrangements in DCC
- There is an established H&S Management System in place.

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- An established Corporate H&S Committee is in place which is a forum for the employer and employee representatives to discuss and consult on H&S.
- A number of service level H&S committees meet to provide a forum for service managers and employee representatives to discuss and consult on H&S.
- H&S training program focussed on DCC activities and the way we manage H&S in DCC.
- “Managing safely in Denbighshire” training is mandatory for all managers.
- The corporate H&S team carry out a program of targeted monitoring
- An online accident, incident reporting process is in place. There is an expectation that all accidents and incidents are reported
- Significant H&S related accidents, incidents and near misses are investigated internally

Residual Risk

E2 – Moderate Risk: Rare / High impact

Is our risk exposure (based on the score) consistent with the council’s Risk Appetite?

Yes

Corporate Risk Register (September 2020)

Risk 16: The risk that the impact of welfare reform (Universal Credit) is more significant than anticipated by the council.

Lead Member(s): Councillor Bobby Feeley and Councillor Julian Thompson-Hill

Risk Owner: Steve Gadd

Description

Welfare reform (Universal Credit) has potentially significant implications for a large proportion of residents, and also on the council in terms of increased demand for services and reduced income.

Impact / Consequences

- Potential increase in demand for services: e.g. homelessness and homelessness prevention services; housing (especially for stock which is currently scarce); benefits support / advice, etc.
- Reduced income from rents and council tax payments with reduced cash flow and an increase in bad debt for the authority.
- Potential rise of council tax reduction scheme claimants.
- We expect to see a significant increase in the number of customers requiring digital support from our Library / One Stop Shop Service.
- Also an impact to Social Services due to Disability Living Allowance changes.
- This could also impact on our ability to deliver our Corporate Priorities.

Inherent Risk

B2 – Critical Risk: Likely / High Impact

Corporate Risk Register (September 2020)

Controls to Manage Risk (in place)

- A Cross-Authority / Multi Service Universal Credit Board has been established and is working to address, as far as possible, the risks and issues associated with the impact of Universal Credit.
- A proactive management of risk is involving identifying those likely to be affected to reduce the risk/mitigate any negative impacts.
- The Board has developed a Risk Register and Activity Plan to cover all strategic and operational risks as a result of Universal Credit, these include detailed Actions and Controls with owners assigned to each risk.
- This register is reviewed on a frequent basis and updates provided at each Board meeting.
- The roll out plan is risk averse and limits the risk that the impact will be more significant than expected, but the approach (determined by Westminster) could change. The intended approach though is that by the time all other benefits are phased out, existing claimants will have naturally become eligible for Universal Credit as a result of a change in their circumstances

Residual Risk

D3 – Moderate Risk: Unlikely / Medium Impact

Is our risk exposure (based on the score) consistent with the council's Risk Appetite?

Yes

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Risk 18: The risk that programme and project benefits are not fully realised.

Lead Member(s): Cllr Julian Thompson-Hill

Risk Owner: Judith Greenhalgh

Description

The council currently does not consistently deliver all benefits from projects. Some of the issues include: inconsistent management; resistance to change; staff behaviour and processes not changing as planned. Programmes to be mindful of include: Corporate Plan Board, Corporate Support Services Review (CSSR), Reshaping the Council Budget.

This risk encompasses risks associated with the council making changes that result in a greater negative impact than we anticipated (formerly risk 00028). When deciding where to make changes, we endeavour to ensure the quality of key services. There is a risk that we haven't identified the correct services as being 'key', and/or that the changes we make are more disruptive than we anticipated.

It is understood that a number of programmes and projects will be facing delays as a result of covid-19.

Impact / Consequences

The forecast changes that were alluded to in business cases do not materialise and, hence, neither do their benefits.

In relation to changes having a greater positive or negative impact than anticipated could result in:

- Services that are important for our residents are no longer available
- Performance in important areas of our business (for our residents) deteriorates
- Reinstatement/correction in performance is difficult and slow to achieve
- Reputation can suffer if performance deteriorates

Corporate Risk Register (September 2020)

- Reputation can suffer if messages are not managed

Inherent Risk

B2 – Critical Risk: Likely / High Impact

Controls to Manage Risk (in place)

- Corporate Programme Office established.
- Leadership Strategy in place.
- Strategic Planning team will support the Corporate Plan Board, and also support performance management in the organisation, therefore there's a strong alignment between 'change' and BAU.
- Impact assessments are undertaken and form part of the cover report for decisions.
- Risk are considered and form part of the cover report for decisions.
- Use of Verto to record benefit tracking and significant outcomes from projects will be picked up as part of Service Planning process.
- Change toolkits, together with factsheets, are on the intranet to support managers.
- Finance remove savings from budgets to ensure financial savings are delivered.
- Change Management Guidance has been developed.
- Quarterly Performance Reports on the Corporate Plan are sent to SLT, Cabinet and Scrutiny.
- SLT reviews key projects every three months.
- Programme Board members have attended Programme Management training.
- Lead Member for Finance, Performance & Strategic Assets now chairs the Corporate Plan Board, also sitting on the Budget Board. Their involvement in both boards ensures a coherent approach to our programmes and financial planning.
- The Corporate Plan was reviewed during its second tranche review in July during which the impact of covid-19 and current project progress was analysed. Senior managers and Cabinet confirmed their continued commitment to existing projects.

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Residual Risk

D2 – Major Risk: Unlikely / High Impact

Is our risk exposure (based on the score) consistent with the council's Risk Appetite?

Yes

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Risk 21: The risk that effective partnerships and interfaces between BCU Health Board and Denbighshire County Council (DCC) do not develop, leading to significant misalignment between the strategic and operational direction of BCU and DCC

Lead Member(s): Councillor Bobby Feeley

Risk Owner: Nicola Stubbins

Description

With BCUHB in special measures there is increased political and regulatory scrutiny. This is resource intensive and further detracts from effective partnership working.

Impact / Consequences

- Inefficient services
- Gaps in service provision
- Delays/failure to deliver joint projects
- Reputational damage
- Ability to meet statutory duties - Well-being of Future Generations Bill, Social Services and Well-being Act

Inherent Risk

A1 – Critical Risk: Almost certain / Very high impact

Controls to Manage Risk (in place)

- DCC presence in key meetings and Boards looking at implementing integrated new approaches.
- Central Area Integrated Services Board is in place.

Corporate Risk Register (September 2020)

- NWWASIC has reviewed its governance arrangements in partnership with BCUHB.
- BCUHB Area Director in place.
- Two Community Resource Teams have been established.
- The Regional Partnership Board is in place to progress cooperation and integration.
- BCUHB is a member of the Conwy/Denbighshire PSB, which has shared priorities and a shared governance vision.

Residual Risk

C2 – Major Risk: Possible / High Impact

Is our risk exposure (based on the score) consistent with the council's Risk Appetite?

Major risk. Risk Appetite suggests that this should be at most a moderate risk. The Risk Owner has confirmed that they are comfortable that the scoring accurately reflects the current risk to the council.

Further Actions

Completion of Community Resources project, to include delivery of two further sites in Denbigh and Prestatyn.

CRT Project documented through Verto - see PR004793

Action Due Date: 31/03/2021

Person Responsible: Phil Gilroy

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Risk 27: The risk that even if the settlement is as anticipated, decisions that are necessary to identify and deliver the savings programme and enable a balanced budget are not taken or implemented quickly enough

Lead Member(s): Cllr Julian Thompson-Hill

Risk Owner: Judith Greenhalgh

Description

As our financial settlement reduces, we need to identify savings and gain approval for, and deliver, plans as to where to reduce or withdraw financial resources. Even if the budget we anticipate is the settlement we receive, there is still a risk for funding our services and savings identified may not be delivered as expected or in-year demand/pressures arise.

Any plans require the approval of Council, and must be implemented in a timely manner that complies with legislation. While the budget process has been successful to date there are still substantial future savings to be made by the local authority and the political environment remains sensitive.

Impact / Consequences

- Denbighshire overspends on its budget.
- Denbighshire cannot deliver savings.
- Denbighshire has insufficient time to ensure good financial monitoring and robust planning.

Inherent Risk

B1 – Critical Risk: Likely / Very High Impact

Corporate Risk Register (September 2020)

Controls to Manage Risk (in place)

- The budget setting process involves Members, so they understand that difficult decisions are necessary, and they are involved with developing the proposals. This should make them more likely to support the recommendations made.
- As decisions are becoming harder then lead in times are becoming longer.
- The better than expected settlement for 2020/21 means that only savings with minimum impact on service delivery and staff have been accepted.
- The Reshaping the Council Budget board has been established, which is likely to make some controversial suggestions that will require political support. Therefore there may be increased risk of not achieving approval for the service changes required to deliver a balanced budget.
- Early identification of the budget gap and potential actions to address it are managed through the Reshaping the Council Budget Board and SLT.
- A workshop involving Cabinet and SLT took place in September 2019 to discuss the principles behind the budget and services budgets, and to identify areas where there is political will to make savings.
- All of these controls are in place to ensure good financial monitoring and robust financial planning.

Residual Risk

C2 – Major Risk: Possible / High Impact

Is our risk exposure (based on the score) consistent with the council's Risk Appetite?

Major risk. Risk Appetite suggests that this should be at most a moderate risk. The Risk Owner has confirmed that they are comfortable that the scoring accurately reflects the current risk to the council.

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Further Actions

Review Strategic Investment Group (SIG) process.

Action Due Date: 31/03/2020

Person Responsible: Steve Gadd

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Risk 30: The risk that Senior Leadership capacity and skills to sustain service and corporate performance is not available

Lead Member(s): Councillor Julian Thompson-Hill

Risk Owner: Judith Greenhalgh

Description

The current structure of the Senior Leadership Team has been built on the strength and experience of current postholders. As the number of posts at SLT has reduced there is a concentration of key roles that are critical to the successful delivery of services, and the organisation's ability to respond to policy and legislation. There is a risk that individuals with particular skill sets would be difficult to replace, and there is also a risk that the organisation is not flexible enough to keep up with the pace of change required in light of new corporate priorities and future budget pressures.

Impact / Consequences

- Reputational damage.
- Declining performance.
- Poor performance against new priorities.

Inherent Risk

C3 – Moderate Risk: Possible / Medium Impact

Controls to Manage Risk (in place)

- Greater opportunities for Middle Managers to 'act up' to key posts in order to gain experience at a more senior level
- Leadership Strategy is in place

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- Heads of Service are tested on their succession plans through Service Challenge
- Quarterly Leadership Conferences held to develop middle managers.
- Training Needs Analysis for SLT & Middle Managers is now complete, with an emphasis on leadership now being led through the DCC Leadership Conferences.
- Heads of Service are encouraged to rethink their service plans against context of new corporate plan, budget decisions, and any new legislation, etc.
- The establishment of an alternative delivery model for leisure includes within the project the need to reduce the risk of knowledge and skills loss. The senior leadership team restructure took place in September 2019.

Residual Risk

D3 – Moderate Risk: Unlikely / Medium Impact

Is our risk exposure (based on the score) consistent with the council's Risk Appetite?

Yes

Corporate Risk Register (September 2020)

Risk 31: The risk of fraud and corruption resulting in financial and reputational loss and possibly impacting on service delivery.

Lead Member(s): Cllr Julian Thompson-Hill

Risk Owner: Judith Greenhalgh

Description

Denbighshire County Council (the Council) employs 2,362 staff as at the last staff survey (2018/19), with a gross revenue budget of £305.8 million for 2018/19. It commissions and provides a wide range of services to individuals and households and works with a wide range of private, public and voluntary sector organisations. As with any other large organisation, the size and nature of the Council's services mean that there is an ongoing risk of loss due to fraud and corruption from both internal and external sources. There is also an ongoing risk of bribery as the Council provides and procures goods, works and services.

The Council recognises that as well as causing financial loss, fraud is also detrimental to the provision of services, and damaging to the reputation of, and confidence in, the Council and public bodies in general.

Impact / Consequences

- Financial loss.
- Loss of reputation and confidence in the Council and public bodies in general.
- Negative impact on service provision / delivery.
- Legal / compensation costs.
- Criminal prosecution.
- Negative audit / inspection reports.

Corporate Risk Register (September 2020)

Inherent Risk

C2 – Major Risk: Possible / High Impact

Controls to Manage Risk (in place)

In its policies and procedures the Council gives out the clear message that it will not tolerate any impropriety by employees, elected Members or third party organisations. It has put in place appropriate and proportionate systems to minimise this risk and these are kept under constant review, including:

- The Code of Corporate Governance
- The Code of Conduct for Elected Members
- The Employees' Code of Conduct
- Financial Regulations including Contract Procedure Rules
- The Whistleblowing Policy
- The Anti-Money Laundering Policy
- Recognition and monitoring of the risk of fraud in service risk registers
- Systems of internal control
- Recruitment processes
- Annual review by DCC's Internal Audit team
- Regular internal and external review of our systems and procedures
- Review of Council's anti-Fraud arrangements against the CIPFA Standard 2016 (checklist)
- The risk of fraud and corruption is also managed at a service level
- Engagement with the National Fraud Initiative (NFI)
- Strategy for the prevention and detection of fraud corruption and bribery which includes fraud response plan
- E-learning modules on Whistleblowing and Code of conduct

Residual Risk

E2 – Moderate Risk: Rare / High impact

Corporate Risk Register (September 2020)

Is our risk exposure (based on the score) consistent with the council's Risk Appetite?

Yes

Corporate Risk Register (September 2020)

Risk 33: The risk that the cost of care is outstripping the Council's resource

Lead Member(s): Bobby Feeley & Huw Hilditch Roberts

Risk Owner: Nicola Stubbins

Description

The continued inflationary pressure resulting from the cost of domiciliary and residential care means the cost of care could outstrip our budget.

Impact / Consequences

Overspends in Social Care place significant budget pressures on the Council and could result in the scaling back or withdrawal of non-statutory services.

Inherent Risk

B1 – Critical Risk: Likely / Very High Impact

Controls to Manage Risk (in place)

Demand needs to be managed in order to maintain current levels of expenditure. The following controls are currently being embedded:

- A focus on prevention and early intervention so people don't need to go into care.
- Third Sector grant programme.
- Talking Points.
- Community Navigators.
- Supporting Independence Strategy.
- Being innovative and maximising use of grant monies.
- New approach to supporting people to achieving outcomes.
- Improved partnership working with BCUHB and integrated assessment as well as managing continuing health care.

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- Identification of the pressures as part of the medium term financial process.
- Opportunities arising from the Healthier Wales Transformation Programme.

The social care budget is consistently overspent by £1m+ per year, which up until now has been mitigated somewhat by the use of reserves of £0.5m pa towards the overspend. However, the reserves are depleted. The Budget for 2020/21 has attempted to meet the growth in this area for 2020/21 with an additional budget of £2.6m added. It is recognised that growth in demand will continue in future years.

Residual Risk

C2 – Major Risk: Possible / High Impact

Is our risk exposure (based on the score) consistent with the council's Risk Appetite?

Major risk. Risk Appetite suggests that this should be at most a moderate risk. The Risk Owner has confirmed that they are comfortable that the scoring accurately reflects the current risk to the council.

Further Actions

Development of additional extra care housing (corporate plan priority)

This is being project managed by the Corporate Plan Board.

Action Due Date: 31/01/2022

Person Responsible: Phil Gilroy

Corporate Risk Register (September 2020)

Risk 34: The risk that demand for specialist care cannot be met locally

Lead Member(s): Cllr Bobby Feeley, Cllr Huw Hilditch-Roberts

Risk Owner: Nicola Stubbins

Description

Availability of some specialist adult and child places can be scarce, leading to the requirement to provide expensive services that aren't available locally. Reduction in availability of domiciliary care provision meaning they are unable to provide services needed (particularly in the south of the county)

Impact / Consequences

- High cost
- Individuals with eligible needs unable to receive suitable domiciliary care due to lack of resources and service provision
- If far from home there is a detrimental impact on a client's well-being (and that of their family)
- Unable to meet need in preferred language

Inherent Risk

B2 – Critical Risk: Likely / High Impact

Controls to Manage Risk (in place)

- Single Point of Access now fully established and proving successful in providing advice and information to individuals in order for them to access community services themselves.

Corporate Risk Register (September 2020)

- Community Led Conversations 'What Matters' project changing the way staff support individuals enabling them to take control of their own well-being and utilising other external resources where possible.
- Developing a range of staff skill mixes through workforce development in order to enable staff to work in new ways that complement the new government agenda.
- Series of meetings with providers across CSS underway to negotiate increasing fees.
- Review and re-assessment project to ensure individuals are still eligible under new criteria
- Further development of support budgets
- Recruitment fayres taken place in county to highlight the need for specific health and social care staff.
- CIW national review of domiciliary care - implementing recommendations.
- Regional project considering issues.
- Recommissioning domiciliary care project in progress - this includes the implementation of the new regional domiciliary care framework in Denbighshire to include patch based commissioning for difficult rural areas.
- New care team in CSS South Locality (reablers providing longer term support whilst identifying appropriate agency)
- The North Wales Transformation Programme is in place and we are leading one of the four projects.

Residual Risk

C2 – Major Risk: Possible / High Impact

Is our risk exposure (based on the score) consistent with the council's Risk Appetite?

Major risk. Risk Appetite suggests that this should be at most a moderate risk. The Risk Owner has confirmed that they are comfortable that the scoring accurately reflects the current risk to the council.

Corporate Risk Register (September 2020)

Risk 35: The risk that the return on investment that Denbighshire receives from the Regional Growth Deal is disproportionate

Lead Member(s): Cllr Hugh Evans

Risk Owner: Graham Boase

Description

The regional growth deal offers opportunity to develop Denbighshire's economy, and there is a risk that there is insufficient engagement to capitalise on these opportunities.

Conversely, with the benefits not being clear at present, there is a risk that DCC puts in a lot of effort but doesn't receive a proportionate return on investment.

Impact / Consequences

- Disproportionate return on investment.
- Failure to maximise opportunities for the benefit of communities and businesses in Denbighshire.
- Failure to agree a regional approach to funding projects.

Inherent Risk

C2 – Major Risk: Possible / High Impact

Controls to Manage Risk (in place)

- We ensure we have senior-level representation at Board meetings. The North Wales Economic Ambition Board is attended by Denbighshire's Leader. Director-level representation is in place for the officer groups that support the Board and relevant key officers are represented on workstream meetings.
- Regular reports to Council committees.
- The Strategic Employment Manager is a key member of the 'People' workstream.

Corporate Risk Register (September 2020)

Residual Risk

C2 – Major Risk: Possible / High Impact

Is our risk exposure (based on the score) consistent with the council's Risk Appetite?

Yes

Corporate Risk Register (September 2020)

Risk 36: The risk that any negative impacts of leaving the European Union cannot be mitigated by the council

Lead Member(s): Councillor Hugh Evans

Risk Owner: Judith Greenhalgh

Description

The continued lack of clarity over Brexit makes it difficult for the Council to plan for a known set of political and financial circumstances.

Brexit has potentially significant implications for council services in terms of their funding and the likely impact on demand for services is unclear. For example, there could be short term supply issues with essential resources resulting in short term interruption or risk to certain services such as school and care meals.

It is unlikely the council will be in a position to mitigate the impacts of Brexit, specifically impacts relating to agriculture for instance.

Impact / Consequences

- Lack of clarity on the status of EU citizens living in Denbighshire.
- There is growing certainty over the replacement of EU funding (eg skills, poverty and regeneration projects; rural and business funding).
- Impact on supply chains and procurement of goods and services.
- Impact on farming and agriculture (status of common agricultural policy for example is still unknown).
- Potentially negative impact on broader public sector provision.
- Foreign Direct Investments in Denbighshire could be affected.
- Legislative change could result in delays and uncertainty for legal proceedings.
- Impact on university education in the region and research.
- Impact on recruitment across public services.
- Potential cohesion, well-being issues or social unrest.

Corporate Risk Register (September 2020)

- Denbighshire businesses that import/export to European Union areas.

Inherent Risk

B1 – Critical Risk: Likely / Very High Impact

Controls to Manage Risk (in place)

- As requested by the Welsh Local Government Association, Denbighshire have two named Brexit lead contacts: Corporate Director: Economy and Public Realm and the Leader.
- Workforce planning is in place.
- Regular contact with Welsh Government and the Welsh Local Government Association.
- A consultation paper on European-funded projects is expected from Welsh Government.
- Our Economic and Business Development Team is available to discuss queries, concerns and give advice.
- SLT will review the employers toolkit on the rights of EU citizens under the EU Settlement Scheme. The toolkit will provide some guidance on vulnerable people, for example, victims of domestic abuse or trafficking victims.
- A Brexit Briefing Paper was produced and a Brexit Briefing Workshop took place on 4 December 2018. All Members were invited and the event was jointly presented by Welsh Local Government Association and Denbighshire County Council Officers. The Workshop considered the potential impacts of Brexit on the way the Council functions and on our residents.
- Services are identifying supply chains that could be at risk.
- SLT actively manages risks associated with Brexit on a monthly basis, until such time the risks can be managed corporately or at a service-level.
- DCC's Chief Executive is the North Wales representative on the WLGA Brexit Working Group.
- The Statement of Accounts considers Brexit and the impacts of Brexit.

Corporate Risk Register (September 2020)

Residual Risk

B1 – Critical Risk: Likely / Very High Impact

Is our risk exposure (based on the score) consistent with the council's Risk Appetite?

Critical risk. Risk Appetite suggests that this should be at most a moderate risk. The Risk Owner has confirmed that they are comfortable that the scoring accurately reflects the current risk to the council.

Corporate Risk Register (September 2020)

Risk 37: The risk that partners don't have the resources, matching priorities or commitment to support delivery of shared plans and priorities

Lead Member(s): Councillor Hugh Evans

Risk Owner: Judith Greenhalgh

Description

With finite resources and competing priorities, there is a risk of a lack of commitment or capacity available to support realisation of shared plans and priorities.

Covid-19 has put external pressure on the council and its partners to deliver services; this is likely to be the case into the medium term.

Impact / Consequences

- Objectives not delivered.
- Issues/problems that provided justification for the priorities continue or deteriorate.
- Failure to maximise opportunities to collaborate to resolve issues no single organisation is responsible for or capable of resolving on its own.
- Ineffective management of expectations among partners/public leading to reputational damage.
- Investment of council resources with minimal return.

Inherent Risk

B1 – Critical Risk: Very Likely / High Impact

Corporate Risk Register (September 2020)

Controls to Manage Risk (in place)

- Denbighshire is represented at collaborative boards by senior managers and / or political leadership, for example, at the Regional Partnership Board, Economic Ambition Board, and Regional Leadership Board.
- Collaborative plans and priorities (for instance, the PSB's Well-being Plan) has been developed to reflect broader public sector priorities across the two counties.

Residual Risk

C2 – Major risk: Possible / High Impact

Is our risk exposure (based on the score) consistent with the council's Risk Appetite?

Major risk. Risk Appetite suggests that this should be at most a moderate risk. The Risk Owner has confirmed that they are comfortable that the scoring accurately reflects the current risk to the council.

Corporate Risk Register (September 2020)

Risk 43: The risk that the council does not have the funds or resources to meet its statutory obligations under the Additional Learning Needs and Education Tribunal (Wales) Act 2018

Lead Member(s): Cllr Huw Hilditch-Roberts and Cllr Bobby Feeley

Risk Owner: Geraint Davies

Description

The Act places a range of duties on local authorities in relation to additional learning needs (ALN), which can be grouped as follows:

Specific duties - in relation to individual learners (usually those in their area) such as duties to maintain individual development plans (IDPs) for some learners (including learners who are dual registered and those with more complex needs) and the duty to reconsider decisions made by school governing bodies.

General duties - to support the functioning and effectiveness of the ALN system – including the duty to provide information and advice and the duty to keep additional learning provision under review.

In addition, local authorities have general education functions - related to maintaining schools and the provision of education, including intervention powers where schools fail to perform their duties.

Local authorities will be directly responsible for meeting the needs of children and young people with the most complex and/or severe needs, those who do not attend a maintained school or FEI in Wales (including those below school age).

Corporate Risk Register (September 2020)

This risk has been escalated from the Education and Children's Service Risk Register to reflect the wide-ranging implications for other areas of the council (adult's services, legal, procurement and so on).

Impact / Consequences

To not meet the requirements of the Act could have an impact on learners with ALN and would have regulatory and reputational consequences for the authority, including potential legal and financial implications. There is also the potential for increased demand on services.

Inherent Risk

B2 – Critical risk: Likely / High Impact

Controls to Manage Risk (in place)

- Corporate Director: Communities (Statutory Director of Social Services) to ensure that the council's Senior Leadership Team is making necessary preparations for implementation of the Act.
- SLT will monitor progress through the Corporate Risk Register. The Head of Education and Children's Services gave a presentation to SLT in the autumn of 2019.
- The risk is also managed closely at a service level by Education and Children's Services.

Residual Risk

D3 – Moderate risk: Unlikely / Medium Impact

Is our risk exposure (based on the score) consistent with the council's Risk Appetite?

Yes

Corporate Risk Register (September 2020)

Further Actions

Pressure to be considered as part of budget setting process for 2021-22 as the implications become clear

Action Due Date:

Person Responsible: Steve Gadd

Corporate Risk Register (September 2020)

Risk 44: The risk of Ash Dieback Disease (ADB) in Denbighshire leading to significant health and safety issues that represent a potential risk to life

Lead Member(s): Cllr Tony Thomas

Risk Owner: Tony Ward

Description

ADB is already present in Denbighshire. The range and frequency is unknown at this present time. The frequency is currently low but will inevitably increase over the next few years. Also, the number of ash trees in the County is similarly unknown. ADB will not be "business as usual" and the scale must be assessed and there will be a need for changes in management practice.

Impact / Consequences

The impact is likely to be far reaching, across various Council services and communities themselves.

- Considerable impact on landscape - dead and dying ash trees across the County.
- Increased liability.
- Impacts on statutory functions and service delivery.
- Public safety.
- Staff safety.
- Significant budgetary implications.
- Disruption to infrastructure and communities.
- Political and reputational impact.

Inherent Risk

A1 – Critical Risk: Almost certain / Very high impact

Corporate Risk Register (September 2020)

Controls to Manage Risk (in place)

A proactive approach is necessary to understand how many ash trees are in the County and prepare an ADB action plan. Capacity and resources will need to be secured to achieve this.

- A briefing paper on our approach went to Cabinet in December 2019.
- Project brief is being drawn up (through Verto) outlining our approach to developing our action plan over the next 12 months, and agreeing procedures to identify and deal with trees (including replanting initiatives).
- The Head of Service has now started to progress the collaborative project with Conwy on ADB. This was planned to begin in April, but was postponed due to Covid-19. 2 tree inspectors have been appointed (on 12-month secondment from Countryside Services) to start to inspect/map our tree assets. The aim is now for the project to begin on (or around) 1st Sept, and detailed discussions with Conwy are currently taking place. The aim is still to have a corporate ADB Plan in place within 12 months of starting the project, but the impact of ADB could need to be managed for the next 5-10 years.
- 200k identified within council budget to support initial development of Action Plan over the next 12 months.

This is a live risk in the Highways and Environmental Services' Risk Register but due to the score of A2, this risk meets our criteria to be managed as a 'major' risk to be managed by SLT and Cabinet.

Residual Risk

A2 – Critical Risk: Almost Certain / High impact

Is our risk exposure (based on the score) consistent with the council's Risk Appetite?

Critical risk. Risk Appetite suggests that this should be at most a moderate risk. Our management of this difficult risk is in its early stages. Our current score reflects this and

Corporate Risk Register (September 2020)

the serious potential for death or injury. As our mitigating actions progress over the next 12 months, we would expect to see the risk come more under our control, and the scoring reduce towards our accepted appetite.

Further Actions

Develop and adopt a corporate action plan for Ash Dieback

Action plan will be informed by detailed mapping of the council's ash tree population and condition information, identifying those trees that need to be made a priority based on the level of risk.

Action Due Date: 30/09/21

Person Responsible: Tony Ward

Secure further funding for the delivery of the action plan

Ash Dieback is anticipated to have the greatest impact over the next ten years. Our action plan to tackle the issue will require resourcing.

Action Due Date: 31/03/2021

Person Responsible: Tony Ward

Agree detail of collaborative project with Conwy to enable our 2 tree inspectors to begin work on 1st Sept 2020

Action Due Date: 01/09/2020

Person Responsible: Tony Ward

Corporate Risk Register (September 2020)

Risk 45: The risk that the council is unable to deliver the agenda of Council and external organisations within existing resources

Lead Member(s): Cllr Hugh H Evans

Risk Owner: Judith Greenhalgh

Description

As resources have reduced, there is less capacity to additionally respond to new, emerging and unplanned issues of importance to residents, councillors or partners.

Impact / Consequences

- Damage to reputation
- Financial liabilities
- Regulatory liabilities
- Deteriorating Staff morale
- Inability to meet statutory obligations

Inherent Risk

A3 – Major Risk: Almost Certain / Medium Impact

Controls to Manage Risk (in place)

- The content of the Corporate Plan was developed and agreed with officers and Members at the start of the new council year. This document should capture the ambition of Elected Members for their term of office.
- The Council partakes in government consultations on new legislation (either directly or through the WLGA).
- Heads of Service assume responsibility for the implementation of new legislation, supported by the Strategic Planning Team where appropriate.

Corporate Risk Register (September 2020)

Residual Risk

C4 – Moderate Risk: Possible / Low Impact

Is our risk exposure (based on the score) consistent with the council's Risk Appetite?

Yes

Corporate Risk Register (September 2020)

Risk 46: Failure to progress the replacement Local Development Plan (LDP) to adoption

Lead Member (s): Cllr Mark Young

Risk Owner: Emlyn Jones

Description

As a result of impacts of the Covid-19 crisis we will not be able to progress the Replacement LDP in line with the current Delivery Agreement timetable. Consequently, there will not be a new LDP adopted when the current LDP expires at the end of 2021. Risks are the failure to agree a revised Delivery Agreement, the risk of WG not agreeing a new Delivery Agreement, and WG not allowing an extension to the end date of the current LDP, meaning that there would be a period of time with no local planning policies in place for Denbighshire. We would be reliant on national policy only, which would have an impact, for example, on delivery of affordable housing in Denbighshire, and pressure for development on unallocated sites.

Impact / Consequences

- Potential impact to our population in terms of the development of houses on inappropriate sites
- Reputational risk to the council
- Financial risk
- Legal challenge
- Lack of political agreement

Inherent Risk

A2 - Critical Risk: Almost Certain / High impact

Corporate Risk Register (September 2020)

Controls to Manage Risk (in place)

Undertook a broad risk assessment as part of the Delivery Agreement approved by the Council and Welsh Government. A Strategic Planning Group has been established and the work on the development of the Replacement LDP is underway; however, meetings were suspended from February 2020. Meetings of the Group will reconvene in September 2020. Discussions with WG officers are ongoing and WG are exploring options to allow for more flexibility with LDP end dates. The Team are currently undertaking a Covid-19 impact assessment, looking at implications for the draft Preferred Strategy in terms of content and approach, timescales for the delivery of the new LDP and whether background evidence will need to be reviewed. This will be submitted to WG along with a revised Delivery Agreement once we have further clarification from WG.

Residual Risk

A2 - Critical Risk: Almost Certain / High impact

Is our risk exposure (based on the score) consistent with the council's Risk Appetite?

Critical risk. Risk Appetite suggests that this should be at most a major risk. The Risk Owner has confirmed that they are comfortable that the scoring accurately reflects the current risk to the council.