

Audit Committee

25 February 2021

**Strategic Risk Management Progress
Report for 2020/21
Review 3: 1 October – 31 December
2020**



Report of Corporate Management Team

Paul Darby, Corporate Director of Resources (Interim)

**Councillor Alan Napier, Deputy Leader and Portfolio Holder for
Finance**

Purpose of the Report

- 1 The purpose of this report is to highlight the strategic risks facing the Council and to give an insight into the work carried out by the Corporate Risk Management Group between October and December 2020.

Executive summary

- 2 This report supports the Council's Risk Management Strategy. Audit Committee monitors corporate governance, including risk management activity. Heads of service identify and manage risks that may impede Council objectives and provide assurance that effective controls are in place. Risks are reviewed three times each year, which contributes to improved performance, decision-making and governance.
- 3 The County Durham Plan risk has been removed from the risk register and there is an emerging risk in relation to demand for school support services. There continues to be significant uncertainty in terms of COVID-19 and the UK exit from the European Union.
- 4 On 31 December 2020, there were 29 risks on the strategic risk register. There are six key risks, relating to COVID-19, MTFP savings plans, Government funding, climate change, child safeguarding and vulnerable adults, for which key mitigating actions have been identified.

- 5 Performance against key indicators is set out to provide assurance that strategic risks are being effectively managed, and that officers and members are appropriately skilled in risk management.

Recommendation(s)

- 6 Audit Committee is requested to confirm that this report provides assurance that strategic risks are being effectively managed within the risk management framework across the Council.

Background

- 7 Each corporate director has a designated service risk manager to lead on risk management at a service grouping level. In addition, the Council has designated the Cabinet Portfolio holder for the Deputy Leader and Finance and the Corporate Director of Resources as member and officer risk champions respectively. Collectively, they meet with the Risk and Governance Manager as a Corporate Risk Management Group (CRMG). A summary setting out how the Council deals with the risk management framework is included in appendix 2.
- 8 Throughout this report, both in the summary and the appendices, all risks are reported as 'net risk' (after putting in place mitigating controls to the 'gross risk' assessment), which is based on an assessment of the impact and likelihood of the risk occurring with existing controls in place.

Current status of the risks to the Council

- 9 There continues to be significant uncertainty in terms of COVID-19 and the UK exit from the European Union.
- 10 On 31 December 2020, there were 29 risks on the corporate strategic risk register, one less than on 30 September 2020. During this period one risk was removed and none were added.
- 11 In summary, the key risks to the Council are:
 - (a) Failure/inability to respond to and recover from the COVID-19 pandemic, leading to high levels of staff absence, overwhelming pressure on services, and impacts on the safety and wellbeing of the wider community and economy.
 - (b) If timely and comprehensive savings plans are not in place across the council, required savings may not be achieved, necessitating extensive utilisation of reserves, which may have been depleted during the COVID-19 outbreak, to balance future years budgets.
 - (c) There is significant uncertainty in relation to future funding settlements from government, which will be impacted by the upcoming Comprehensive Spending Review and the Fair Funding Review.
 - (d) Risk that the Council fails, in its role as a community leader, to help partners, local businesses and communities make the necessary adaptations and mitigations in pursuit of the target of being a carbon-neutral County by 2050.
 - (e) Failure to protect a child from death or serious harm (where service failure is a factor or issue).

- (f) Failure to protect a vulnerable adult from death or serious harm (where service failure is a factor or issue).

Progress on addressing these key risks is detailed in appendix 3.

- 12 A list of all the Council's strategic risks as at 31 December 2020, aligned to the corporate themes in County Durham Vision 2035 and the Council Plan, is included in appendix 4.
- 13 Management has identified and assessed these risks using a structured and systematic approach, and is taking proactive measures to mitigate these risks to a manageable level. This effective management of our risks is contributing to improved performance, decision-making and governance across the Council.
- 14 An emerging risk is the *Potential reduction in demand for DCC support services from schools that create collaborative arrangements/academy, leading to overcapacity in internal school support services*. This is being monitored and mitigations are outlined in appendix 5.
- 15 To provide assurance that strategic risks are being effectively managed, and that officers and members are appropriately skilled in risk management, performance against key indicators is set out in appendix 6.

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Appendix 1: Implications

Legal Implications

There are no direct implications, but effective risk management helps to ensure compliance with legal and regulatory obligations.

Finance

There are no direct financial implications, but effective risk management helps to avoid or minimise financial loss.

Consultation

None

Equality and Diversity / Public Sector Equality Duty

None

Climate Change

There are no direct climate change implications, but effective risk management helps to avoid or minimise adverse impacts.

Human Rights

None

Crime and Disorder

None

Staffing

Staff training needs are addressed in the risk management training plan.

Accommodation

None

Risk

This report supports the delivery of the objectives of the Council's Risk Management Strategy.

Procurement

None

Appendix 2: How the Risk Management Framework operates

The Cabinet and the Corporate Management Team have designated the Cabinet Portfolio Holder for the Deputy Leader and Finance and the Corporate Director of Resources as Member and Officer Risk Champions respectively. Together they jointly take responsibility for embedding risk management throughout the Council and are supported by the Chief Internal Auditor and Corporate Fraud Manager, the lead officer responsible for risk management, as well as the Risk, Insurance and Governance Manager.

Each service grouping also has a designated service risk manager to lead on risk management at a service grouping level, and act as a first point of contact for staff who require any advice or guidance on risk management. Collectively, the risk champions, service risk managers and the Risk and Governance Manager meet as a Corporate Risk Management Group. This group monitors the progress of risk management across the Council, advises on strategic risk issues, identifies and monitors corporate cross-cutting risks, and agrees arrangements for reporting and awareness training.

An Audit Committee is in place, and one of its key roles is to monitor the effective development and operation of risk management and overall corporate governance in the Authority.

It is the responsibility of the Corporate Directors to develop and maintain the internal control framework and to ensure that their service resources are properly applied in the manner and to the activities intended. Therefore, in this context, heads of service are responsible for identifying and managing the key risks which may impact on their respective service, and providing assurance that adequate controls are in place, and working effectively to manage these risks where appropriate. In addition, independent assurance of the risk management process, and of the risks and controls of specific areas, is provided by Internal Audit. Reviews by the external auditor and bodies such as Ofsted and Care Quality Commission may also provide some independent assurance of the controls in place.

Risks are assessed in a logical and straightforward process, which involves the risk owner within the service assessing both the impact on finance, service delivery and stakeholders if the risk materialises, and also the likelihood that the risk will occur over a given period. The assessment is confirmed by the Service Management Team.

An assurance mapping framework is being developed to demonstrate where and how the Council receives assurance that its business is run efficiently and effectively, highlighting any gaps or duplication that may indicate where further assurance is required or could be achieved more effectively.

The Council is also jointly responsible for responding to civil emergencies (such as severe weather events, network power losses and flu epidemics) through the County Durham and Darlington Local Resilience Forum. An explanation of the arrangements for managing the risk of such events and a copy of the latest Community Risk Register can be found on the web page of the County Durham and Darlington [Local Resilience Forum](#).

Appendix 3: Progress on management of the Council’s Strategic Risks

Risks are assessed at two levels:

- Gross impact and likelihood are based on an assessment of the risk without any controls in place.
- Net impact and likelihood are based on the assessment of the current level of risk, taking account of the existing controls/ mitigation in place.

On 31 December 2020, there were 29 risks on the corporate strategic risk register, one less than on 30 September 2020. During this period one risk was removed and none were added.

The following matrix profiles the strategic risks according to their net risk evaluation as at 31 December 2020. To highlight changes in each category during the last period, the number of risks on 30 September 2020 is shown in brackets.

Overall number of Strategic Risks on 31 December 2020

Impact					
Critical	1 (1)		4 (4)		1 (1)
Major		5 (5)	4 (5)	1 (1)	
Moderate			10 (10)	3 (3)	
Minor					
Insignificant					
Likelihood	Remote	Unlikely	Possible	Probable	Highly Probable

In the above matrix, the risk assessed as Critical/Highly Probable is, “There is significant uncertainty in relation to future funding settlements from government, which will be impacted by the upcoming Comprehensive Spending Review and the Fair Funding Review.”

The key risks are reported in more detail below. In summary, key points to draw to your attention are:

Closed Risks

- 1 *Future strategic direction of the Council and the County will be adversely impacted if the County Durham Plan is not adopted.*

On 21 September 2020, the Inspector published his final report on the local plan examination, which concluded that the County Durham Plan was sound subject to Main Modifications being made. The Plan, incorporating all modifications, was adopted by Full Council on 21 October 2020 **(REG)**.

Other Issues

- 2 *Risk of a suspension notice under Regulation 37, Environmental Permitting Regulations 2016, leading to a partial cessation of operations at Mountsett Crematorium.*

A temporary cremator was installed in July 2020. This equipment is being used in the first instance to minimise the use of the two permanent cremators, which were originally programmed for replacement starting in March 2021. Due to the current COVID-related restrictions for international travel, the start date has been put back to June 2021, meaning that the first installation will be complete in September 2021 and the second in December 2021.

Officers from the Council are continuing to liaise with Pollution Control representatives.

The net risk evaluation is a moderate impact – in the form of a suspension notice, reduced capacity and reputational damage – with a possible likelihood.

3 *Potential adverse effects of "EU Exit" on the economy, safety and welfare of the County.*

Following the United Kingdom's exit from the European Union (EU) on 31 January 2020, the 11-month transition period which, largely kept arrangements the same, expired on 31 December 2020. Instead, a new trade agreement between the UK and EU was concluded on 30 December 2020 and came into effect on 1 January 2021.

The agreement affects the flow of products, services, information and people between the two trading parties, and in turn the cost and regulation of products, goods and services.

The net risk evaluation is a moderate impact with a possible likelihood **(NCC)**.

Key Risks

4 The Council's key risks are shown in the following table.

Key Risks Matrix

Net Impact					
Critical			Risk 1 COVID-19 Risk 2 Savings Plans Risk 5 Child Safeguarding Risk 6 Vulnerable Adults		Risk 3 Government Funding
Major				Risk 4 Climate Change	
Moderate					
Minor					
Insignificant					
Net Likelihood	Remote	Unlikely	Possible	Probable	Highly Probable

In this matrix, the key risks have been arranged according to the net impact and net likelihood evaluations to illustrate their relative severity. The full title of each risk is shown in the Key Risks Schedule on the following pages.

Key Risks Schedule

The schedule below contains information about how the key risks are being managed, including proposed key actions. Where there have been changes to the risk assessment during the last quarter, these are highlighted in the column headed 'Direction of Travel'. The final column states when it is anticipated that the risk will have been reduced to an acceptable level.

Ref	Service leading on the risk	Range of impact (cross-cutting or service-specific)	Corporate Theme	Risk	Net Impact	Net Likelihood	Proposed Key Actions	Direction of Travel	Anticipated date when risk will be at an acceptable level
1	Corporate Management Team	Cross-cutting	Excellent Council	Failure/inability to respond to and recover from the COVID-19 pandemic, leading to high levels of staff absence, overwhelming pressure on services, and impacts on the safety and wellbeing of the wider community and economy.	Critical	Possible	The Council's response is being led by the Director of Public Health, supported by an internal planning group, which is linked to planning arrangements at local, regional and national levels. Formal internal governance arrangements to oversee and manage risk are in place. Longer-term risks will be identified and managed, including recovery of service delivery back to business as usual, dealing with the impact on future local government funding from central government and the economic impact on County Durham.		This risk is long term.

Ref	Service leading on the risk	Range of impact (cross-cutting or service-specific)	Corporate Theme	Risk	Net Impact	Net Likelihood	Proposed Key Actions	Direction of Travel	Anticipated date when risk will be at an acceptable level
2	RES Risk Owner: Jeff Garfoot	Cross-cutting	Excellent Council	If timely and comprehensive savings plans are not in place across the council, required savings may not be achieved, necessitating extensive utilisation of reserves, which may have been depleted during the COVID-19 outbreak, to balance future years budgets.	Critical	Possible	The Delivery plan implementation will be monitored by CMT and Cabinet.		This will be a significant risk for at least the next 4 years. No further mitigation is planned at the current stage.
3	RES Risk Owner: Jeff Garfoot	Cross-cutting	Excellent Council	There is significant uncertainty in relation to future funding settlements from government, which will be impacted by the upcoming Comprehensive Spending Review and the Fair Funding Review.	Critical	Highly Probable	Sound financial forecasting is in place based on thorough examination of the Government's "red book" plans alongside forecasting of council expenditure and income especially in relation to the areas impacted by COVID-19.		This will be a significant risk for at least the next 4 years.

Ref	Service leading on the risk	Range of impact (cross-cutting or service-specific)	Corporate Theme	Risk	Net Impact	Net Likelihood	Proposed Key Actions	Direction of Travel	Anticipated date when risk will be at an acceptable level
4	NCC Risk Owner: Alan Patrickson	Cross-cutting	Long and independent lives	Risk that the Council fails, in its role as a community leader, to help partners, local businesses and communities make the necessary adaptations and mitigations in pursuit of the target of being a carbon-neutral County by 2050.	Major	Probable	One of the key mitigations is the Climate Emergency Response Plan 2020-2022, incorporating over 100 projects. The scale, duration and complexity of the programme means that sustained oversight, monitoring and review are essential. Environment and Sustainable Communities Overview and Scrutiny Committee will review performance against the plan and make recommendations for the revision of targets.		This risk is long term.
5	CYPS Risk Owner: Helen Fergusson	Service-specific	Connected communities	Failure to protect a child from death or serious harm (where service failure is a factor or issue)	Critical	Possible	Durham Safeguarding Children Partnership has been established in line with the statutory requirements set out in 'Working Together 2018'. Partnership learning through scrutiny mechanisms and learning reviews underpins training for front line staff and regular staff supervision takes place. A review of the partnership arrangements is in progress.		This risk is long term.

Ref	Service leading on the risk	Range of impact (cross-cutting or service-specific)	Corporate Theme	Risk	Net Impact	Net Likelihood	Proposed Key Actions	Direction of Travel	Anticipated date when risk will be at an acceptable level
6	AHS Risk Owner: Lee Alexander	Service-specific	Long and independent lives	Failure to protect a vulnerable adult from death or serious harm (where service failure is a factor or issue).	Critical	Possible	As the statutory body, the multi-agency Safeguarding Adults Board has a Business Plan in place for taking forward actions to safeguard vulnerable adults including a comprehensive training programme for staff and regular supervision takes place. Procedures are reviewed on a regular basis. Following allegations of abuse at Whorlton Hall Hospital, an independent review the Council's safeguarding adults processes has been commissioned. Any learning will inform actions to reframe and develop practice.		Nationally there has been an increased awareness of potential vulnerabilities relating to adults with care and support needs. High profile exposures heighten awareness of adult safeguarding concerns. This risk is long term.

Appendix 4: List of all Strategic Risks (per Corporate Theme)

Based on the net risk assessment as at 31 December 2020, the following tables highlight the risks for each Corporate Theme in County Durham Vision 2035 and the Council Plan.

Corporate Theme – Excellent Council

Ref	Service leading on the risk	Range of impact (cross-cutting or service-specific)	Risk
1	CMT	Cross-cutting	Failure/inability to respond to and recover from the COVID-19 pandemic, leading to high levels of staff absence, overwhelming pressure on services, and impacts on the safety and wellbeing of the wider community and economy.
2	RES	Cross-cutting	If timely and comprehensive savings plans are not in place across the council, required savings may not be achieved, necessitating extensive utilisation of reserves, which may have been depleted during the COVID-19 outbreak, to balance future years budgets.
3	RES	Cross-cutting	There is significant uncertainty in relation to future funding settlements from government, which will be impacted by the upcoming Comprehensive Spending Review and the Fair Funding Review
4	REG	Cross-cutting	Potential serious injury or loss of life due to the Council failing to meet its statutory, regulatory and best practice responsibilities for property and land.
5	NCC	Cross-cutting	Breach of duty under Civil Contingencies Act by failing to prepare for, respond to and recover from a major incident, leading to a civil emergency.
6	RES	Cross-cutting	Potential violence and aggression towards members and employees from members of the public
7	NCC	Cross-cutting	Demand pressures on the Community Protection inspections and interventions arising from the COVID-19 pandemic and EU Exit may lead to an adverse impact on public health and safety in Co Durham.
8	RES	Cross-cutting	Failure to consider equality implications of decisions on communities leading to successful legal challenge and delays in implementation
9	RES	Cross-cutting	Serious breach of Health and Safety Legislation
10	RES	Cross-cutting	Potential significant size and scope of the liabilities of equal value claims
11	NCC	Cross-cutting	Failure to consult with communities on major service & policy changes leading to legal challenge & delays in implementation
12	RES	Cross-cutting	If the Council suffered a major cyber-attack, then it may be unable to effectively deliver essential services.

Ref	Service leading on the risk	Range of impact (cross-cutting or service-specific)	Risk
13	RES	Cross-cutting	Due to the current economic climate, COVID-19 (grants, hardship reliefs, scams) and amount of change occurring across the Council, there is potential for increases in fraud and corruption.
14	NCC	Cross-cutting	Failure to prepare for, respond to and recover from a disruptive event, leading to a major interruption to the provision of essential services by the Council.
15	RES	Cross-cutting	Potential breach of the Data Protection Act 2018
16	REG	Service-specific	Serious injury or loss of life due to Safeguarding failure (Transport Service)

Connected Communities

Ref	Service leading on the risk	Range of impact (cross-cutting or service-specific)	Risk
17	CYPS	Service-specific	Failure to protect a child from death or serious harm (where service failure is a factor or issue)
18	NCC	Service-specific	Potential progressive land slippage near the A690 may develop to an extent where a major road closure is necessary for repairs to be undertaken.

Long and Independent Lives

Ref	Service leading on the risk	Range of impact (cross-cutting or service-specific)	Risk
19	NCC	Cross-cutting	Risk that the Council fails, in its role as a community leader, to help partners, local businesses and communities make the necessary adaptations and mitigations in pursuit of the target of being a carbon-neutral County by 2050.
20	AHS	Service-specific	Failure to protect a vulnerable adult from death or serious harm (where service failure is a factor or issue).
21	AHS	Service-specific	Pressures nationally across residential, nursing and domiciliary care providers, could affect the availability, delivery, continuity, quality, sustainability and capacity of care provision within County Durham.
22	CYPS	Service-specific	Inability to recruit and retain children's social workers and social work managers may seriously inhibit the delivery of services.
23	CYPS	Service-specific	Volatile and high-cost, demographic demands of children looked after on the Children's Social Care budget may result in adverse impacts on the budget and service delivery.
24	CYPS	Service-specific	Increasing demand on the Dedicated Schools Grant budget for High Needs Block special educational needs services and inclusive education services may result in adverse impacts on finance and service delivery.
25	NCC	Service-specific	Risk of a suspension notice under Regulation 37, Environmental Permitting Regulations 2016, leading to a partial cessation of operations at Mountsett Crematorium.
26	AHS	Service-specific	Risk that the Council is subject to legal challenge by Providers in relation to application of its Residential Care Charging Policy and Deferred Payment Policy.

More and Better Jobs

Ref	Service leading on the risk	Range of impact (cross-cutting or service-specific)	Risk
27	CYPS	Service-specific	Potential financial and other pressures threaten the viability of some educational providers
28	CMT	Cross-cutting	Potential adverse effects of "EU Exit" on the economy, safety and welfare of the County.
29	RES	Cross-cutting	Risk that Council does not fully respond to the drivers of financial hardship caused by the economic impacts of the coronavirus pandemic and wider determinants of poverty to help alleviate the impacts on County Durham residents.

Appendix 5: Emerging Strategic Risks

In this context, **emerging risks** are newly developing or changing risks which are difficult to quantify, but which may have a major impact on the Council if they materialise in the future.

Ref	Emerging Risk	Description	Risk Owner	Update and Actions
1	School Support Services	Potential reduction in demand for DCC support services from schools that create collaborative arrangements/ academy, leading to overcapacity in internal school support services.	Richard Crane	There is still uncertainty about the impacts and CMT is monitoring developments. Preliminary mitigations include the Monitoring, Intervention and Improvement Protocol, and regular visits and liaison with school heads.

Appendix 6: Performance of Risk Management

Performance Indicators - Tangible Measures

Objective: To demonstrate that risks are being effectively managed				
KPI	Measure of Assessment	Target & (Frequency of Measurement)	Last Period	This Period
All risks are reviewed on a continual cycle	Service Risk Review completed each quarter	100% (3 times pa)	100%	100%
Risk mitigation is being implemented as planned	Risk actions on high-scoring risks implemented within target date	Target N/A (3 times pa)	No outstanding actions	No outstanding actions
Risks are being effectively managed	Number of current risks where Net risk scores have reduced over the quarter	Target N/A (3 times pa)	None	None
Contributing to effective corporate governance	Meeting CIPFA governance principles and objectives on risk management	Confirmed in the annual review of the effectiveness of corporate governance (Annual)	None	None
Objective: To ensure that Officers and Members are appropriately skilled in risk management				
KPI	Measure of Assessment	Target & (Frequency of Measurement)	Last Period	This Period
Appropriate staff are adequately skilled in risk management	Number of officers attending risk management training course	Target N/A	No training provided in this period due to the COVID-19 response.	No training provided in this period due to the COVID-19 response.
Members are adequately skilled in risk management	New Members attending risk management training course within 6 months of being elected (for co-opted members, within 6 months of being appointed)	75%	No training provided in this period due to the COVID-19 response.	No training provided in this period due to the COVID-19 response.