

AGENDA ITEM: 10

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Meeting	Audit Committee
Date	16 December 2009
Subject	Adult Social Services – Directorate Risk Register
Report of	Director of Adult Social Services
Summary	This report summarises the service area's approach to risk management; its priority risks; and actions and timescales to control these risks. The service risk register for Adult Social Services is attached.

Officer Contributors	Mathew Kendall – Assistant Director, Performance & Supply Management
Status (public or exempt)	Public
Wards affected	None
Enclosures	Appendix A – Adult Social Services Risk Register
For decision by	Audit Committee
Function of	Council
Reason for urgency / exemption from call-in (if appropriate)	Not applicable

Contact for further information: Mathew Kendall – Assistant Director, Performance & Supply Management 020 8359 4256

1. RECOMMENDATIONS

- 1.1 That the Committee receive and comment upon the Adults Social Services approach to Risk Management within corporate policy.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Audit Committee 20 June 2008, approval of Risk Management strategy.
- 2.2 Audit Committee 29 September 2009 noted the operation of the Council's risk management process.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The presence of strong risk management policies and procedures is paramount to the council achieving all of its corporate priorities and as such impacts on all the corporate objectives.
- 3.1 No risks from the Directorate's Risk Register are currently included or proposed for inclusion in the Corporate Risk Register.

4. RISK MANAGEMENT ISSUES

- 4.1 The risk management process in Adult Social Services was reviewed and strengthened by Senior Management Team in September 2009 in order to:
- ensure a consistent approach to risk management throughout Adult Social Services;
 - ensure that by following this approach risk management is embedded throughout the Directorate;
 - detail the responsibilities for what is required of managers in respect of risk management;
 - provide guidance on what is required to complete the register.
- 4.2 All major projects maintain a risk register, and three Divisional Risk Registers using the corporate template are also being established with completion by December 2009. These will include identified risks in respect of Business Plan or Corporate Plan targets. These are the responsibility of the relevant Assistant Director who will ensure they are reviewed monthly by the lead Senior Manager, with the most significant risks being included in the Directorate Register.
- 4.3 The Head of Finance ensures consistency between the Directorate Register and the quantified corporate list of financial risks.
- 4.4 The Directorate Register is the responsibility of the Director who ensures it is reviewed monthly by Senior Management Team, and that the most significant risks are proposed for inclusion in the Corporate Register. The Director will also

insure that any identified risks in respect of her statutory responsibilities as Director and in respect of Safeguarding are included as appropriate.

- 4.5 All service managers are required to complete the Internal Control Checklist (ICC) in respect of their service area. The ICC uses, as part of the evidence to the outcomes stated, details from the risk register. It also gives assurance for the formal Statement of Internal Control.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 Effective management of risk gives assurance in the provision of services to the entire community on an equitable basis.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 Strong risk management processes and procedures protect the council from potential financial implications and enhance the control environment and governance requirements.

7. LEGAL ISSUES

- 7.1 None in the context of this report.

8. CONSTITUTIONAL POWERS

- 8.1 Constitution part 3 Responsibility for functions, section 2 responsibility for Council functions, details the terms of reference for the Audit Committee to provide independent assurance of the adequacy of the risk management framework.

9 BACKGROUND INFORMATION

- 9.1 The highest priority risks within the Directorate's Risk Register are those identified as being both high impact and high likelihood:

- Business Systems

The identified operational risk is of failure to maintain and develop business systems that support the delivery of current business and the implementation of the Vision of Choice and Independence.

An analysis of ASSD business requirements has taken place with a detailed focus on Case Management requirements and the need for systems that can deliver Personalisation and Self Directed Support. In addition, requirements for commissioning, contract management and financial management were also covered. This analysis, completed on 30/09/09, provided sufficient product detail

to measure the ability of providers to meet ASSD requirements. ASSD is now in a position to appraise the options for the procurement of systems.

- Catalyst Deficit Claim

A significant financial risk exists from this claim and work is continuing led by the Deputy Chief Executive. The claim is due to go to arbitration in February 2010. Substantial legal and other professional advice has and is being sought to ensure the Council is in the strongest possible position as it enters arbitration.

- Cessation of Warden Service in Sheltered Accommodation

Implementation of this strategy has a robust project management approach with financial input. The decision is currently subject to judicial review. The risk fluctuates according to the latest position in the legal process. We have recently revised this to “medium/high”.

- 9.2 All risks are reviewed regularly by Senior Management Team and actively managed in the Directorate through the process described in section 4 above. The Directorate Risk Register is reported to Council Directors Group and to Statutory Officers Group. Clearly risks are inherent in the work of the Directorate and the strengthened process that has been put in place ensures that these are managed and appropriate actions put in place to address them.

10. LIST OF BACKGROUND PAPERS

- 10.1 None.

Legal: MAM

Finance: KB

2009/10 Service Risk Register

Number	Corporate Priority	Objective	Risk Type	Risk Description	Risk Raised by	Date Raised	Controls in place	Initial Assessment		Mitigating Action Plan	Lead Officer	Last updated / reviewed	Action taken	Current status	Revised Assessment		Closure Date	Closing Authority
								Likelihood	Impact						Likelihood	Impact		
1	Promoting Independence	Deliver the Vision Implementation Plan	Operational	Failure to deliver all or elements of the Vision Implementation Plan.	SMT	04/08	Detailed implementation plan. Full Risk register. Governance Structure in place to support delivery.	Low	High	Monitoring through Governance Arrangements.	Ed Gowan	10/09	Reviewed programme board and agreed priorities First Stat. 30/07/09 - No change. 26/10/09 - no change. Programme Governance has received full assurance from internal audit.	Open	Low	High		
2	Promoting Independence	Deliver and implement a sound Resource Allocation Systems	Financial	Failure to deliver a Resource Allocation System that is workable and affordable within the MTFP	SMT	04/08	Design being carried out by both social care and financial professionals. Vision Implementation governance arrangements.	Low	High	Quality assurance by both social care and financial professionals.	Ed Gowan	10/09	Review of progress to SMT November. 30/07/09 - Reviewed through regular Choice & Independence Board meetings and through monthly budget monitoring. 26/10/09 - at October Programme Board, it was agreed to set up a RAS Working Group to address issues with embedding the RAS beyond initial roll out - to include affordability within MTFP.	Open	Medium	High		
3	Promoting Independence	Maintain and develop business systems that support the delivery of current business and the implementation of the Vision.	Operational	Failure to maintain and develop business systems that support the delivery of current business and the implementation of the Vision.	Assistant Director Performance and Strategy	04/08	Detailed implementation plan. Full Risk register. Governance Structure in place to support delivery.	Medium	High	Monitoring through Governance Arrangements.	Mathew Kendall	10/09	26/10/09 ASSD future System requirements were analysed & comprehensively described by 30/9/09. These documents sent to Serco for provider response. Options appraisal for procurement being prepared. Current systems being reviewed for compatibility to meet requirements.	Open	High	High		
5	Promoting Independence	Meet all statutory duties	Compliance	Failure to meet statutory duties	SMT	04/08	Scheme of delegation. Professional supervision. Legal advice. Performance monitoring.	Low	Medium	Monitored through SLA with legal services	Irene Findlay	10/09	FAQs for social workers being produced with legal. 30/07/09 Scheme of delegation to be reviewed as part of this process	Open	Low	Medium		
6	Promoting Independence	Deliver Adult Social Services and Supporting People commissioning strategies	Strategic	Failure to deliver service commissioning strategies	SMT	04/08	Adult Strategy Group and Partnership Boards monitoring. Joint Board with PCT.	Low	High		Kate Kennally	10/09	Capacity assessment undertaken. New commissioning structure to be in place to address capacity gaps 30/07/09 - Strategic Commissioning Team in place. Likelihood reduced to Low	Open	Low	High		
7	Promoting Independence	Work within the MTFP	Financial	Failure to work within the Medium Term Financial Plan.	SMT	04/08	SMT monitoring. Budget challenge.	Low	High	Regular monthly financial monitoring and reporting to CRC - significant demand pressure for placements	Andrew Filby	10/09	Review of the learning disability recovery plan and continued use of fair pricing tool. 30/07/09 - Financial Sustainability Project Board meets regularly to ensure that financial plans exist that are achievable and sustainable within current resources.	Open	Medium	High		
8	Promoting Independence	Meet performance targets	Compliance	Failure to meet performance targets	SMT	04/08	SMT monitoring, Member challenge, OSC.	Low	High	6mth review held with mgrs. Liaison with head of Housing and Environment Health in relation to improvements against major adaptations.	Mathew Kendall	10/09	Reviews improvement plan with resources in place. Need to agree major adaptations improvement plan. 30/07/09 - Targets reviewed monthly at SMT and service management meetings. Likelihood reduced to Low to reflect improved recent performance	Open	Low	High		
9	Promoting Independence	Maintain good contractual relationships with providers	Operational	Breakdown or withdrawal of service by providers.	SMT	04/08	Supply Management service.	Medium	High	New supply management function in place. Provider forums working. Continued investment in providers	Tom Pyne	10/09	Scheduled cross directorate review of ASS requirements - 29th October 08 to gain ownership of challenges and agree action plans to reflect corporate independencies 30/07/09 - New Supply Management Team working well. However, more work is required to ensure contracts and provisions are put onto Swift in a timely manner.	Open	Low	High		
10	Promoting Independence	Deliver safe and sustainable services	Compliance	Major internal or external service collapse. Serious injury to service user or staff member. Loss of reputation as a result of serious events. Major civil contingency such as flu pandemic.	SMT	04/08	Business Continuity plans. External contract monitoring. Health & Safety policies. Individual supervision and training.	Medium	High	Peer review of business continuity plans conducted	Mathew Kendall	10/09	Continued work following on from peer review to look at interface between ASS BCPs and corporate services. 30/07/09 - No change 22/10/2009 Business Continuity Plans updated. Overarching Adult Social Care Flu Plan prepared.	Open	Medium	High		
11	Promoting Independence	Collaborative working with statutory partners	Strategic	Major breakdown of relationships with statutory partners.	SMT	04/08	Regular liaison and joint planning	Low	High	Joint management team	Irene Findlay	10/09	Continue joint management meeting. Continued investment in joint strategies and teams eg commissioning. Resolve finally the outstanding issues regarding s256 and continuing care 30/07/09 - No change	Open	Low	High		
12	Promoting Independence	Workforce that is fit for purpose	Strategic	Insufficient workforce, inadequately trained, absent, unmotivated.	SMT	04/08	Workforce development strategy being commissioned.	Low	High	Regular team meetings; training plans; supervision and appraisals. Investment and training for external care partners as required by CQC	Mathew Kendall	10/09	Invested in change champions to support staff with Choice and Independence programme. OD plans being developed for new service structures 30/07/09 - No change 26/10/2009 The 'direction of travel' matrix has been updated	Open	Low	High		
13	More choice, better value.	Client Transport	Financial	Transport will continue to be a risk as the costs of the new contract and rising fuel prices are passed onto the services	SMT	08/08	The new contract provides a framework to enable costs to be calculated and expected.	Medium	Medium	The movement towards personalised budgets empower service users to determine their own transport use reducing the effect on the service. In addition the proposed Centre for Independent Living will look to be situated in a location to minimise transport costs.	Eryl Davies	10/09	Discussions taking place with environment to get better controls on transport budget and to cease leases where not required 30/07/09 - No change, transport review being implemented led by Head of Supply Management.	Open	Medium	High		
15	More choice, better value.	Continuing Care	Financial	These ongoing risks relating to the pressure from health to reduce continuing care payments by reviewing clients and transferring them to social care -108 packages, and the potential to transfer £1.1m.	SMT	04/08	local authority attendance at the continuing health care panel and training for staff. rigorous approach the transfer of resources to ensure that Barnet doesn't transfer more than it should.	Medium	High	Adopt a rigorous approach to applying the Continuing Health Care Framework to ensure that health and social care needs are met for people with complex needs. calculating our liabilities is maintained whilst	Glynnis Joffe	10/09	The risk remains and officers will continue to work with NHS Barnet to ensure that the National Continuing Health Care Framework is applied consistently.	Open	Medium	High		
16	More choice, better value.	Debt Management:	Financial	That debt will not be managed effectively ensuring that the income received by the service is significantly below its potential and that invoices are not raised in a timely and accurate manner	SMT	04/08	Ensuring sufficient high-calibre staff are in place to ensure debt is managed effectively. Significant work has already been done in this area to reduce the risk.	Medium	Medium	Continuing focus on debt as a department, regular review of debt collection position and identification of all potential charging streams.	Andrew Filby	10/09	Client billing audit undertaken and process improvements made. Client billing moved to Resources and capacity increased. 30/07/09 - Although improvements have occurred, issues remain to be resolved, in particular ensuring that income in SAP properly reconciles to records. Work is underway to resolve this. As a result, this likelihood has been increased to Medium.	Open	Low	Medium		

17	Promoting Independence	Day Service Modernisation and Direct Payments:	Financial	As clients attending in-house day support services (Flightways & Community Network) are transferred to direct payments / individualised budgets will necessitate the reduction of fixed costs within services to ensure	SMT	04/08	Detailed financial monitoring	High	Medium	New staffing structure for Flightways agreed. Staffing vacancies held at community network	Glynnis Joffe	10/09	See comments on client transport above. Fairer charging review to support commissioning objective	Open	High	Medium
18	Promoting Independence	Catalyst Deficit Claim	Financial	Work is continuing led by the Deputy Chief Executive as a high risk corporate issue to manage this.	SMT	04/07	Direct involvement from the top of the organisation to ensure relevant expertise and influence are brought to bear. The appointment of a project manager to ensure there is dedicated resource to oversee its progress.	High	High	An earmarked reserve has been set aside to cover any costs to ensure resources do not need to be diverted from services.	Andrew Filby	10/09	Going to arbitration. Legal and counsel engaged. 30/07/09 - Arbitration due to occur in March 2010	Open	High	High
20	Promoting Independence	Care Home Top-up Fees	Financial	A complaint has been received which has progressed to the Ombudsman. If the Ombudsman should find against Barnet then the potential impact on Barnet and all other Councils with Social Care responsibilities may be very significant.	SMT	04/08	The case is currently with the Ombudsman. Once a judgement is made, a issue will be reviewed as appropriate.	Low	Medium	Ensure future contracts with care homes prohibit such charges	Glynnis Joffe	10/09	Judgement received from Ombudsman. New residential home contracts clarify the LA position on top ups.	Open	Low	Medium
21	Promoting Independence	Learning Disabilities Transfer	Financial	Work is progressing on the transfer of financial responsibility & funding of clients with learning disabilities from the PCT to the Council. There are a number of risks associated with this, however there are also potential benefits for both parties quantified in the original heads of terms	SMT	09/08	Adherence to the guidance should ensure the transfer occurs in a fair and transparent manner.	Medium	High	Adherence to the DH guidance and robust stance with Barnet PCT	Kate Kennally	11/09	Council position set out in writing. Negotiation meeting scheduled for mid November 08. 30/07/09 - Very likely to go to arbitration. Difference between NHS Barnet and LBB positions remains > £1m. 31/10/09 - Agreed to have local negotiation / mediation meeting scheduled for 23 November 09 involving CEOs of NHS Barnet and LBB. Failure to agree at that meeting will invoke arbitration and NHS London / CQC been advised	Open	Medium	High
22	Promoting Independence	Younger Adults Placements	Financial	Younger adult placements continue to experience extreme demand pressure which are being managed within the service.	SMT	04/08	High cost placements are reviewed at panel to ensure costs are kept down.	Medium	High	A budget pressure is being submitted to Budget Board to ensure sufficient funding is available to cover	Glynnis Joffe	10/09	All high cost placements agreed at SMT level. 30/07/09 - No change	Open	Medium	High
23	Promoting Independence	Adult Care Contracts	Financial	Budget insufficient to cover contractual inflation	SMT	04/08	Exercising tight controls over inflation awards. Providing subsidised training to offset increased costs	Low	High	Ensuring future contracts are drafted to minimise risk exposure to inflation, ideally by ensuring contractors receive the uplift the Council receives in gratn from the Government.	Tom Pyne	10/09	Budget bid made as part of 2009/10 budget planning. Benchmarking with other london councils to develop sustainable approach. 30/07/09 - Although it is likely that budget will be sufficient to cover inflation during 2009/10, uncertainty exists over future years given current financial situation. Supply Management team will continue to negotiate strongly with suppliers. 26/10/09 Supply management to develop Fees Strategy to SMT that will look at how allocated budget for uplifts is calculated/distributed	Open	Medium	High
24	Promoting Independence	The Darzi Review	Operational	Lord Darzi launched the Next Stage Review final report on 30 June. It covers. It sets out a vision for the development of health services in England over the next ten years. The implementation of his proposals are	SMT	10/08	At present the impact on Councils is not clear. Developments in relation to this will be closely monitored.	Medium	High	Developments will be closely monitored and action taken accordingly.	Irene Findlay	10/09	30/07/09 - A watching brief is being kept over developments that result from this.	Open	Medium	High
25	Promoting Independence	Deferred payments	Financial	Due to the present housing market, clients are finding it more difficult to sell their home to fund for residential care. The risk is that the Council will be obliged to extend its deferred payments provision to cover these costs until these homes are sold	SMT	10/08	Policy exists stating Council's position regarding residential care funding.	Medium	Low	Develop existing policy to clarify position regarding residential care funding and provide information on obtaining advice about realising capital from an unsold property.	Gary Johnson	10/09	To be discussed with Director of Resources and Cabinet member. 30/07/09 - Systems in place to ensure charges are placed on properties wherever legally possible. 26/10/2009 At present one user on deferred payments scheme.	Open	Medium	Low
26	Promoting Independence	Homecare Commissioning	Financial	Current contracts for homecare commissioning end in 2009 and 2010 thus requiring a re-tendering exercise. There is a risk that new contracts' costs will not be able to be contained within current resources.	SMT	10/08	Regular reporting of progress to SMT and Home Care Project Board	Medium	Medium	Implementation through robust project management approach with financial input	Eryl Davies	11/09	Implementation through strong project management approach 30/07/09. Project Management Group is overseeing this development. As homecare contracts are high cost the potential impact has been changed to high. Procurement framework to be signed off in partnership with Corporate Procurement. 01/11/09 - Analysis of market completed. Procurement plan to be developed by mid December 2009 for sign off by SMT and Commercial Services Directorate	Open	Medium	High
27	Promoting Independence	Asylum Seekers: No Recourse to Public Funds	Financial	The Slough judgement clarified local authority obligations with regard to asylum seekers who have no recourse to public funds. Although this could reduce the impact on local authorities, there remains the risk of legal challenge.	SMT	01/09	Project group meets regularly to monitor and manage progress	Medium	Medium	Effective work of project group.	Glynnis Joffe	10/09	30/07/2009 - No change	Open	Medium	Medium
28	Promoting Independence	Cessation of Warden Service in Sheltered Accommodation	Financial	This is a high profile project with significant financial and political risks.	SMT	01/09	Close monitoring and management by SMT and Cabinet Member.	Medium	Medium	Implementation through robust project management approach with financial input	Kate Kennally	10/09	30/07/09 - 8 June Cabinet agreed options. Implementation of option is being overseen and managed through Project Team. 27/08/09 - SMT agreed that risk should be consistent with that reported to Sheltered Housing Project Board. Its risk register contains various "High/High" risks, most notably that the project has to be terminated or significantly delayed. The risk ratings have been amended accordingly however Counsel have advised that the Barnet case is strong. Risk rating to be reviewed following JR Hearing on the 2nd / 3rd of December 2009	Open	Medium	High

29	Promoting Independence	Welfare Rights Service Consultation	Financial	Effective management of WRS consultation and review to ensure Members decisions are implemented as efficiently and effectively as possible.	SMT	07/09	Close monitoring and management by SMT and Cabinet Member.	Medium	Medium	Implementation through robust project management approach with financial input	Mathew Kendall	10/09	30/07/09 - Cabinet to be appraised of options on 1 September with a view to deciding action to be taken. Sept 2009 Cabinet decision. Plan in place for current team to be wound up by Feb 2010 however still within time for JR challenge to be bought. To be reviewed December 2009	Open	Medium	Medium		
30	Promoting Independence	Meals at Home Contract	Financial	Ensuring continuation with cost effective Meals at Home provision following Sodexo's notice of termination	SMT	07/09	Close monitoring by SMT and personal leadership by Head of Supply Management in negotiations	Medium	Medium	Head of Supply Management to negotiate most financially and operationally advantageous outcome	Tom Pyne	10/09	30/07/09 - Negotiations remain ongoing. 27/08/09 - Risk likelihood revised down to Low following agreement in principle with Sodexo. This will need to be reviewed in connection with Meals numbers. 26/10/09 Risk likelihood remains low as agreement now reached with Sodexo	Open	Low	Medium		
31	Promoting Independence	Brent PCT - Judicial Review	Financial	A Judicial Review claim was brought by Brent PCT against Barnet Council on 23 March 2009. Brent PCT claim Barnet are responsible for residents in Residential Care Homes. These patients were historically the responsibility of Brent PCT on the basis that they were in hospitals in the area of Brent PCT. Resided in the	SMT	07/09	Legal advice is being sought on this issue. It's advice will be duly considered once received to ensure that risk to the Council is mitigated.	Medium	Medium	See controls in place	Glynis Joffe	10/09	30/07/09 - No change. Legal process still underway. Defending this claim in partnership with LB Harrow	Open	Medium	Medium		
32	Promoting Independence	Care Providers: Business Failure	Operational	There has been an increase in the number of care providers experiencing difficulties as a result of the	SMT	07/09	Wider economic conditions lie behind this risk.	Low	High	The Supply Management team has been strengthened following a recent	Tom Pyne	10/09	30/07/09 - No change	Open	Medium	Medium		
33	Promoting Independence	Improve employment outcomes for adults with learning disabilities (NI146)	Compliance	May not meet the target for Q 3 and year end due to the gap in the project since the end of May and current economic climate. By the end of the year we need to	SMT	09/09	The project is now formed to deliver a comprehensive approach to access paid work for people with learning disabilities	High	Medium	Effective work of project group.	Eryl Davies	10/09	26/10/2009 The MENCAP right4work strand of this has been agreed with a remodelled service level agreement which addresses gaps through putting place the structure within the	Open	High	Medium		
34	Promoting Independence	Reduce sickness absence.	Compliance	May not meet target of reduction to corporate average at a time of swine flu.	SMT	09/09	Close monitoring and management by SMT.	High	Medium	Active involvement in corporate planning arrangements	Mathew Kendall	10/09	26/10/2009 Detailed monthly reports to SMT and Operational Managers. Review of all long term cases and frequent absences. Particular focus on provider services where rates are higher. Dedicated ASS training session on capability for	Open	High	Medium		
	Promoting Independence	Occupational Therapy	Operational	OT waiting lists growing due to demand from the public has risen and shorter hospital stays.	SMT	07/09	Short Term capacity secured from within corporate earmarked resources. Longer term solution being developed	High	Medium	Action plan agreed by SMT in November 2009	Glynis Joffe	11/09	Action plan agreed SMT in November 2009	Open	High	Medium		
	Promoting Independence	Mental Health Reconfiguration	Financial	Mental Health: Proposed changes to delivery of acute care and introduction of payment by results leads to increased social care pressures .	PMG	07/09	Joint Commissioner is leading stakeholder engagement event on proposed changes. Controls need to be strengthened in respect of agreeing an explicit investment plan with NHS Barnet and implementation overseen by the Partnership Management Group. KK to provide update to SMT.	Medium	High	Continued senior leadership through the Partnership Management Group with BEH and through the Joint Management Team with NHS Barnet.	Kate Kennally	10/09	Letter sent from Deputy Director, Adult Social Services, to lead Directors within NHS Barnet and NHS Enfield on proposals. Awaiting response. To be followed up with Director from NHS Barnet on 20/11/09	Open	Medium	High		
	Promoting Independence	Assessments	Operational	Failure to meet the stretching and ambitious corporate plan target	SMT	10/09	Strong performance management arrangements led by AD Adult Social Services and subject to monthly review	Medium	Low	Barnet performance against timeliness of assessments is in the top quartile compared to comparator	Glynis Joffe	11/09	A strategy is in place to maximise performance. New Social Care Direct team is established at the access point with the aim of resolving requests for help more quickly.	Open	Medium	Low		