

Governance, Audit, Risk Management and Standards (GARMS) Committee

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Title	Quarterly Risks Report (Q2 2023/24)
Date of meeting	27 November 2023
Report of	Chief Executive
Wards	All
Status	Public
Urgent	No
Appendices	Appendix A – Strategic risks Appendix B – High level (15+) strategic and service risks
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Summary

This report provides an overview of risks for the latest (completed) quarter, focusing on the council's strategic and high level (15+) service risks. These risks were reviewed in Quarter 2 (Q2) 2023/24 by risk owners/managers and Directorate Senior Leadership Teams before undergoing a "check and challenge" by the corporate risk team and final review by the Council Management Team on 24 October 2023. They are presented here for noting.

Recommendations

That the Committee note the status of the council's strategic and high level (15+) service risks, including the controls/mitigations in place to manage these risks.

1. Reasons for the Recommendations

Background

1.1 The council has an established approach to risk management, which is set out in the Risk Management Framework. This outlines the different levels of risk – strategic, service, team and project – and how they should be managed. This report provides an overview of strategic and high level (15+) service risks for the latest (completed) quarter, which was Quarter 2 (Q2) 2023/24.



- 1.2 The strategic and service risks, which include joint risks with our strategic contractors Capita, The Barnet Group (TBG) and Barnet Education and Learning Service (BELS), are reviewed on a quarterly basis by risk owners/managers and Directorate Senior Leadership Teams before undergoing a "check and challenge" by the corporate risk team and final review by the Council Management Team (CMT). The strategic and high level (15+) service risks are presented to GARMS Committee for noting.¹
- 1.3 For clarification, the definitions of strategic and service level risks are outlined below:
 - Strategic: strategic (cross-council) and business critical risks.
 - **Service**: operational risks, either "retained" council risks or "joint" risks with our strategic contractors Capita, TBG and BELS.
 - Retained a risk that could impact the council were it to occur, and where only the council, and not the contracted party, is responsible for implementing the controls and/or mitigations to manage the risk.
 - Joint a risk that could impact the council were it to occur, and where the contracted party is responsible for implementing some or all of the controls and/or mitigations needed to manage the risk.

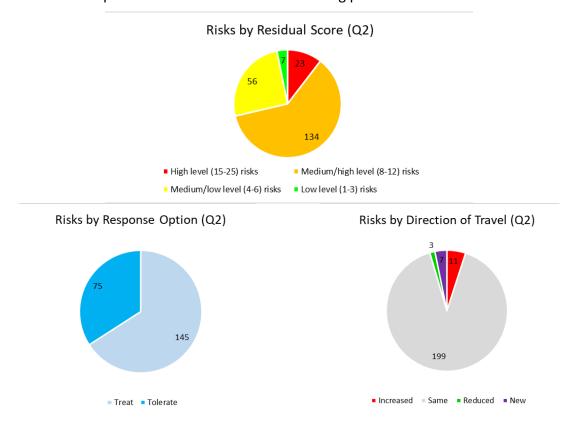
Comments/actions from last meeting

- 1.4 At the last meeting of GARMS on 16 October 2023, the committee asked for clarification on some of our risk management arrangements. To confirm:
 - **Risk identification** risks can be identified throughout the year via the risk champions, who should ensure they are discussed at an appropriate meeting. If the risk is accepted, the risk champion should add it to the relevant risk register and assign a risk owner (the senior officer for that area of work) and then work with them to assess the risk and assign it a score for likelihood and impact.
 - Risk champions are appointed by the Executive Directors to drive forward the risk
 management framework within their directorates. Their role is to advise officers on the
 application of the risk management framework; maintain their respective risk registers
 through discussions with risk owners/managers; attend relevant meetings to present
 updates on their risk register; and ensure risks are reviewed/risk registers are updated
 ahead of quarterly reporting.
 - Closed risks are not counted as 'open risks'. The committee asked if they could be
 referenced in future reports. Going forward, any strategic or high level service risks,
 previously reported, that are 'closed' in the quarter will be referenced in the relevant
 section below.
- 1.5 The committee also asked for a paper on the Oracle System risk to be brought to GARMS Committee, which has been tabled as a separate item for the November meeting.
- 1.6 The Q3 risk review is due to be completed by February 2024 and will be reported to GARMS Committee on 15 April 2024.

¹ The internal process of "check and challenge" and review by the Council Management Team inevitably creates a "time lag" before the risks can be reported to Committee.

Overview of risks (Q2)

1.7 There were 220 open risks across the Directorate risk registers in Q2 (two more than in Q1; five risks were closed and seven new risks were identified). The open risks comprised of 25 strategic risks (one more than in Q1) and 195 service risks (one more than in Q1). An overview of the open risks can be seen in the following pie charts.



1.8 The Directorate risk registers vary in size (see table 1), with Customer and Place showing a much larger number of risks. This is due to incorporation of the former Environment risk register (covering services such as Street Scene, Highways and Parking) and joint risks with Capita and TBG. The Children's risk register is also larger as it includes joint risks with BELS.

Table 1: Risks by Directorate

Directorate	No. of strategic risks	No. of service risks	Total no. of open risks
Adults	3	28 (2 new)	31
Assurance	2	19	21
Children's	2	48 (3 new)	50
Customer & Place	5	79 (4 closed; 1 new)	84
Public Health	2	2 (1 closed)	4
Strategy & Resources	11 (1 new)	19	30
Total	25	195	220

1.9 In accordance with the Risk Management Framework, risks were assigned to one of six categories (see table 2) and assessed for likelihood (of occurring within the next five years) and impact (based on criteria relating to the assigned category). The likelihood and impact were each scored from one to five, and the overall risk score was calculated by multiplying the two values.

Table 2: Risk categories

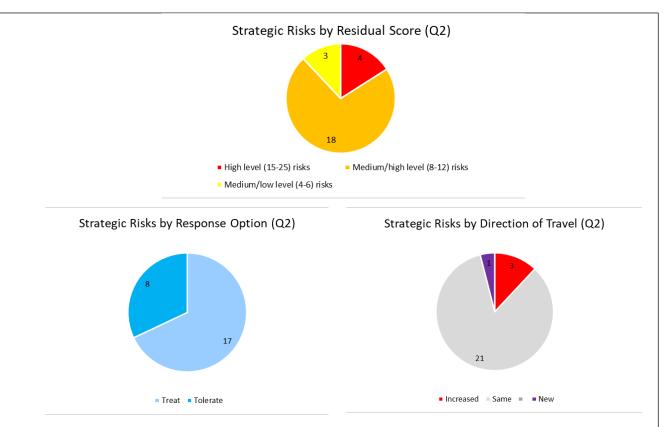
Category	Example	
Business continuity	i.e. risk of disruption to service or conduct of council business	
Statutory duty	i.e. risk of breach of legal obligations	
Finance	i.e. risk of financial loss or non-delivery of a saving	
Health and safety	i.e. risk of injury	
Information governance	i.e. risk of sensitive or personal data not being adequately controlled	
Staffing and culture	i.e. risk to staffing level, morale, competence or training	

1.10 Risks were assessed on three levels:

- Inherent (worst case) assessment based on the assumption that controls and/or
 mitigations currently in place do not exist. This assessment determines the reasonably
 foreseeable worst case scenario for the risk, which is the most adverse set of plausible
 circumstances and consequences for the risk described if no controls or mitigations are
 in place.
- Residual (current) assessment based on how the risk is currently being managed. It considers how well the controls and/or mitigations in place are working.
- Target (where you can get to) determination of the desired likelihood and impact levels for the risk, based on the amount of exposure the organisation is comfortable in accepting for the benefits it derives from taking the risk, and the feasibility and cost of further treatment activities. It is the position that the risk will get to once the additional actions have been completed.
- 1.11 Risks with a residual score of 15+ were marked as high level (RAG rated Red). This is the level of residual risk the council is prepared to tolerate before action is considered necessary to reduce it (known as the "risk appetite").
- 1.12 All risks should be managed towards the target score. These risks were marked as "Treat" under Response Option and had additional actions in place to manage the risks going forward. All high level (15+) risks had Treatment Actions in place. If the target score had been reached, the risks were set to "Tolerate" and were managed with the existing controls/mitigations in place.
- 1.13 For clarification, the definitions of a control and mitigation are outlined below:
 - Controls are activities and measures that have a specific and significant effect on reducing the <u>likelihood</u> of a risk
 - Mitigations are activities and measures that have a specific and significant effect on reducing the <u>impact</u> of a risk, should it occur.

Strategic risks (Q2)

1.14 There were 25 strategic risks in Q2 (one more than Q1), which can be viewed in Appendix A. An overview of the strategic risks can be seen in the following pie charts.



1.15 Most strategic risks were assigned to the Statutory duty or Finance category.

Table 3: Strategic risks

Category	Total no. of open risks	No. of strategic risks	No. of high level (15+) strategic risks
Business continuity	34	6	1
Statutory duty	83	8	0
Finance	73	7	2
Health and safety	12	1	0
Information governance	6	0	0
Staffing and culture	12	3	1
Total	220	25	4

- 1.16 No strategic risks were closed in Q2.
- 1.17 Summary information on the **four high level (15+) strategic risks** (by category) is provided below.

Business continuity

1.18 A cyber attack could lead to the council being unable to operate resulting in widescale disruption and financial cost. The cyber security risk has been identified at both a strategic and service level. The strategic risk (STR013) focuses on how the organisation controls/ mitigates and responds to cyber, with a focus on managing the contract/ relationship with Capita; mandatory training for staff; governance, including regular audits; and business continuity should the risk materialise in a major attack. In Q2, a PwC audit was completed on cyber security and supply chain risk, and the recommendations were being implemented. As part of this, a working group has been set up to look at the supply chain risk across the organisation. A phishing exercise will now be run quarterly, and the very small number of 'offenders' will be given additional specific training that will be tracked for completion. CMT will also be provided with the 'offender' list and asked to take proactive management action.

The mandatory staff e-learning training is also being enhanced, and specific training is being provided to CMT and Members. The service risk (CSG003) focuses on the specific IT operational controls/mitigations and response, including technical controls such as firewalls, technical blocks on suspect websites and emails, regular infrastructure scans and the technical response if the risk was to materialise (see para 1.26).

Finance

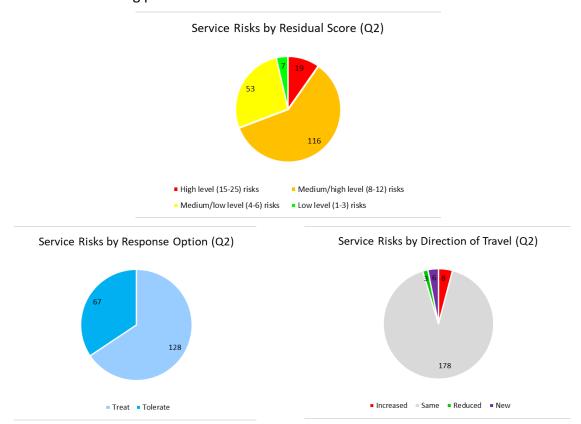
- 1.19 Affordability of the capital programme (STR028) continued to be challenged by economic conditions. The controls/mitigations included factoring a contingency percentage that assumes a high rate of inflation into the capital budget; updating project cost plans/ reviewing project viability with schemes of high sensitivity/value being reviewed more frequently; and maximising cost savings opportunities including methods of construction and areas for value engineering. In Q2, there continued to be less projected capital available for delivering the council's ambitions and the risk remained high. Cost reviews were ongoing, as part of the Medium Term Financial Strategy (MTFS) work.
- 1.20 Revenue overspend (STR017) was provisionally reported to GARMS (on 16 October 2023) as a 16 for Q2 but this was revised to a 20 (the impact score was increased from a 4 to a 5, based on the forecast overspend) upon further discussion at CMT on 24 October 2023, when the Q2 risks were reported for final review. The controls/mitigations included monthly budget monitoring for both capital and revenue expenditure; a robust budget setting process validating savings, income generation and forecast pressures; engaging with colleagues across London and nationally, sectoral experts and keeping informed from media and annual scenario planning as part of the MTFS and identification of the key variables, both nationally (such as market fragility for adults and children's placements) and locally (such as delivery of housing numbers to meet modelled increases in Council Tax base). In Q2, the council was forecasting a revenue overspend of £23m for 2023/24 (now reported as £25.8m, as per Chief Finance Officer Report to Overview and Scrutiny Committee on 7 November). Rising demand for services continued to be a financial challenge for the authority, against a backdrop of rising costs faced by care sector providers. Officers have been focusing on the key financial risks via the monthly monitoring process and the introduction of a Financial Sustainability Board. Opportunities for additional income realisation and cost mitigation are also being explored, alongside possible efficiencies identified via the Transformation Strategy.

Staffing and culture

1.21 Difficulties recruiting/retaining staff in specialist areas (STR023) continued to be mitigated through improved staff engagement; promotion of flexible workstyles; development of employer brand and benefits of working for Barnet; tailored recruitment campaigns; and use of recruitment and retention payments where appropriate. Addressing this risk is a key priority within the "A Great Place to Work" workstream of Our Plan for Barnet, where work is being done to strengthen the council's employer brand, improve the employer value proposition (EVP) and tackle barriers to making staff feel valued at work and proud to work for the council. Continuing from Q1, the labour market appeared to be cooling slightly which should help with recruitment and retention. Work to review Unified Reward and improve the grading structure also continued in Q2.

Service risks (Q2)

1.22 There were 195 service risks in Q2 (one more than Q1). An overview of the service risks can be seen in the following pie charts.



1.23 Five service risks were closed in Q2, one of which was reported at a high level (15+) in Q1. The HR Core Admin transition risk (C&P082) was closed as the Oracle Programme is now driving commercial decisions. The timeline for the Oracle Programme will determine the timing for the transfer of HR Core Admin rather than the other way round. Fortnightly meetings regarding the transfer of services are being held with Capita.

High level service risks (Q2)

1.24 In addition to the four high level (15+) strategic risks, there were 19 high level (15+) service risks (one more than Q1). All the high level (15+) risks can be found in Appendix B.

Table 4: Service risks

Category	Total no. of open risks	No. of service risks	No. of high level (15+) service risks
Business continuity	34	28	1
Statutory duty	83	75	10
Finance	73	66	7
Health and safety	12	11	0
Information governance	6	6	0
Staffing and culture	12	9	1
Total	220	195	19

1.25 Summary information on the **19 high level (15+) service risks** (by category) is provided below.

Business continuity

1.26 The cyber security service risk (CSG003) focuses on the specific IT operational controls/ mitigations and response, including technical controls such as firewalls, technical blocks on suspect websites and emails, regular infrastructure scans and the technical response if the risk was to materialise. In Q2, there was increased activity via worldwide rogue actors in the cyber space. Imperva (website monitoring preventing DDoS attacks) identified an increase in attempted cyber attacks, and these attacks were prevented. Microsoft Office 365 E5 enabled enhanced phishing detection and prevention (ATP), and malicious email was blocked or prevented from entering the network where possible. Microsoft Sentinel was deployed to constantly monitor suspicious activity and logs. Action was taken on those rogue email/phishing attempts that did get through and were subsequently blocked. A suite of PowerBI reports continued to be used to monitor overseas activity from staff, alerting to any suspicious activity to be reported. The service created a Cyber Security Incident runbook, which will enhance the council's cyber security incident response.

Statutory duty / Staffing and culture

- 1.27 In Adult Social Care, pressures on the health and social care system and social care market continued to create budget challenges (AD001). In-year financial recovery plans have been produced alongside savings plans for 2024/25, with actions focused on benchmarking analysis of demand, spend and income; senior sign-off of all high-cost packages; quick reviews of people following discharge from hospital to ensure a proportionate level of care as people recover; the use of equipment and technology wherever suitable; and maximising the benefits of enablement services.
- 1.28 The new provider for community equipment began (AD017), but the large backlog they inherited across multiple London boroughs has impacted on service capacity and stock.

 Initial challenges were addressed with the provider and The London Consortium and there is a plan to work through the backlog for Barnet.
- 1.29 A new risk on triage (contact) times for assessments and reviews (AD027) was identified. The occupational therapy team have implemented a new approach to triage and allocate new referrals which is having a positive impact. The situation is being monitored.
- 1.30 In **Children's Services**, 39% of local authority maintained primary schools, special schools and pupil referral units (PRUs) set deficit budgets in 2023/24 (ES025). The council's Finance team is supporting schools to create three-year recovery plans where needed. The School Improvement team is supporting schools with prioritisation of funding.
- 1.31 The potential strain on Special Educational Needs (SEN)transport (ES033) continued to be monitored. The number of Education, Health and Care Plans (EHCPs) continued to grow and a recent change in statutory guidance has widened the number of children and young people who may be potentially eligible for home school transport. Barnet's SEN Transport policy needs to be updated in light of this, which should also emphasise alternatives such as the benefits of personal transport budgets.
- 1.32 In **Highways**, at Barnet Hill A1000 (C&P096), additional survey work was conducted on carriageway and voids, moving to the undertaking of trial holes on the carriageway. The interim drainage solution to deflect water from discharging straight down the bank is now in place. For Barnet's roads (C&P097), reactive repairs continued for all intervention level defects whilst the geotechnical survey was undertaken. The survey is due to be reviewed and next steps agreed. Recruitment to vacant posts (C&P089) continued with six new

- starters and two internal promotions. However, 20 vacancies still remained. The service is working with HR to ensure jobs are advertised as quickly as possible.
- 1.33 In **Housing**, works on the medium and low-rise fire safety programme continued (TBG002). This included investigation of specific types of timber framed houses following a significant fire involving a terrace of four houses in Finchley in June 2023. Consultation with residents on options for the Large Panel Systems (LPS) schemes continued and a business case is to be presented to Cabinet in November 2023. Good progress continued to be made on the Damp and Mould Action Plan. An update went to the Health and Wellbeing Board on 28 September 2023. In the private rented sector (C&P086), resources continued to be focused on the highest risk cases. Resource gaps due to staff departures/retirements are being filled on an interim basis whilst permanent recruitment is undertaken as part of service reorganisation (now in January 2024).
- 1.34 In Assurance, work was completed on the audit actions due for completion in Q2 (ASS018). Only 14% of actions due by 30 September were confirmed as implemented (this follows on from Q1, when only 39% of actions due by 30 June were confirmed as implemented). The target for completion is 90%. The internal audit team are following up with action owners on a monthly basis where actions are due. CMT Directors will be made aware as soon as it looks like an action in their area will not be implemented within the agreed timeframe, or if the responsible officer is not providing a suitable update to internal audit.

Finance

- 1.35 In **Housing**, the homelessness prevention targets were being met but significant demand pressures have placed financial stress on general fund budgets (TBG001). To combat this, Medium Term Financial Strategy (MTFS) mitigations were developed during Q2 and will be further refined in Q3. By the end of September 2023, 255 units had been acquired through the Open Door Homes (ODH) acquisitions programme.
- 1.36 Whilst the Medium Term Financial Strategy (MTFS) solutions for 2023/24 (TBG007) were on track in terms of delivery, the cost pressures arising from homelessness have escalated significantly (see para 1.35). The service is reviewing the future MTFS commitments and existing pressures with a view to a revised MTFS programme as part of the budget setting process.
- 1.37 High build cost inflation and interest rate increases continued to place pressure on contractors delivering new build schemes on fixed cost design and build contracts (TBG006), increasing the risk of contractors failing or additional cost claims; as a result, the frequency of contractor financial checks was increased to annual and the first round of annual checks was completed in Q2. This identified concerns with one specific contractor and a mitigation plan was enacted that enabled the project to be completed.
- 1.38 At **Brent Cross**, agreement was reached with the station contractor on a settlement agreement that brings more cost certainty to the station final outturn (C&P002). Once the station is completed and in use, the focus will shift to close out of commercial disputes with Network Rail. This will provide clarity on the final outturn of the station related works. Discussions are ongoing relating to an alternative site for the Waste Transfer Station which will impact how the budget is allocated. An update to the funding strategy, approved by Policy and Resources Committee in September 2022, is underway. This will highlight any shortfalls across the programme and inform an updated approach if required. The team are looking at reallocation of internal budgets as appropriate. A bid is being compiled for the

- Civic Partnership Programme, which is hoped to contribute towards active travel improvements in the area.
- 1.39 In **Parking**, budget implications continued to be monitored; whilst new base income forecasting tools are being developed by Finance (C&P038). A revised Controlled Parking Zones (CPZ) programme is awaiting Capital Strategy Board (CSB) funding approval. Increased uncertainty may derive from the government's 'Plan for Drivers' published on 2 October 2023, which will be monitored.
- 1.40 In **Strategy**, the high number of asylum seekers in hotels (RCS018) being served a decision and asked to leave hotel accommodation within a relatively short timeframe (as short as five days in some instances) has placed additional pressure on Barnet Homes leading to concerns about asylum seekers becoming homeless (in particular, young men who would not be considered a priority). Additional meetings with Barnet Homes and other stakeholders (including New Citizens' Gateway and Persian Advice Bureau) have been put in place to monitor the flow of asylum seekers into the borough.
- 1.41 In **Greenspaces**, some at risk trees (AD025) were not pollarded during winter and continued into spring and summer due to contractor resourcing. Contractor meetings have been held and a legal review is in place with options being considered to resolve issues and improve future delivery. Contact has been made with Insurance over potential claims received, and the approach for the future.

2 Alternative Options Considered and Not Recommended

2.1 None

3 Post Decision Implementation

3.1 None

4 Corporate Priorities, Performance and Other Considerations

Corporate Plan

- 4.1 The overarching aims of the Risk Management Framework are to improve the organisation's ability to deliver its strategic objectives by managing risk; creating a risk culture that adds value to operational activities; and achieving sustained benefit across the portfolio of activities.
- 4.2 The Risk Management Framework supports the organisation's strategic objectives in Our Plan for Barnet 2023-26 to Care for People, Our Places and the Planet and to be an Engaged and Effective council.

Corporate Performance / Outcome Measures

4.3 Relevant high level (15+) risks were reported to Overview and Scrutiny Committee and Cabinet as part of the Quarter 2 (Q2) 2023/24 report on the Delivery and Outcomes Framework for Our Plan for Barnet. The Delivery and Outcomes Framework is the means through which we provide assurance that the council's strategic objectives are being delivered as planned and highlight any potential areas of concern.

Sustainability

4.4 There are no direct impacts on sustainability from noting the recommendations.

Corporate Parenting

4.5 In line with Children and Social Work Act 2017, the council has a duty to consider Corporate Parenting Principles in decision-making across the council. There are no direct implications for Corporate Parenting in relation to this report.

Risk Management

4.6 The council has an established approach to risk management, which is set out in the Risk Management Framework. All strategic and service risks (including joint risks with our strategic contractors Capita, TBG and BELS) are reviewed on a quarterly basis (as a minimum) to ensure they remain relevant and the controls/mitigations in place to manage the risks remain effective. The strategic risks, along with any high level (15+) service risks, are reported to this Committee.

Insight

- 4.7 Horizon scanning is undertaken periodically and as part of quarterly risk reviews to ensure the risks remain relevant and are framed in the current context.
- 4.8 An internal audit is carried out annually to check compliance with the Risk Management Framework, with the last audit (reported in December 2022) concluding that: "Overall, it is clear that the service areas we reviewed are operating in compliance with the Risk Management Framework. This indicates that there is a strong risk management culture in place at Barnet Council in which risk owners and champions understand and fulfil their responsibilities relating to risk management".

Social Value

4.9 The Public Services (Social Value) Act 2013 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits.

5 Resource Implications (Finance and Value for Money, Procurement, Staffing, IT and Property)

- 5.1 This report includes strategic risks and high level (15+) service risks assigned to the "Finance" and "Staffing and culture" categories.
- 5.2 Finance Strategic risks
 - STR009 Unmet customer expectations (12)
 - STR017 Revenue overspend (20, increased from 12)
 - STR018 Funding uncertainty due to reduction in local taxation income (12)
 - STR019 Internal controls (6)
 - STR020 New burdens (9)
 - STR021 Increase in the North London Waste Authority (NLWA) levy (6)
 - STR028 Affordability of Capital Programme (20)
- 5.3 <u>Finance High level (15+) service risks</u>
 - TBG001 Increased demand for temporary accommodation (16)
 - TBG006 New build and development (16)
 - TBG007 Medium Term Financial Strategy (MTFS) savings projects underachievement (16, increased from 12)
 - C&P002 Affordability of BXC (15)
 - C&P038 Variations to budget for parking (16)

- RCS018 Resettlement schemes (16, increased from 12)
- AD025 Non completion of cyclical tree programme building subsidence (15, increased from 9)
- 5.4 Staffing and culture Strategic risks
 - STR016 Staff wellbeing and mental health (9)
 - STR023 Recruitment and retention (16)
 - STR026 Embedding the new administration's priorities (9, increased from 3)
- 5.5 Staffing and culture High level (15+) service risks
 - RE006 People attrition (15)

6 Legal Implications and Constitution References

6.1 Part 2B & Part 2C of the Constitution outline the "Terms of reference and delegation of duties to Committees and Joint arrangements", including for the Governance, Audit, Risk Management and Standards (GARMS) Committee which specify the following powers and duties relating to risk management: To monitor the effective development and operation of risk management in the council.

7 Consultation

7.1 None

8 Equalities and Diversity

- 8.1 The Equality Act 2010 requires organisations exercising public functions to demonstrate that due regard has been given to:
 - a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 The Equality Act 2010 identifies the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership, pregnancy and maternity; race; religion or belief; sex and sexual orientation.
- 8.3 In order to assist in meeting the Public Sector Equality Duty the council will:
 - Try to understand the diversity of our customers to improve our services.
 - Consider the impact of our decisions on different groups.
- 8.4 This is set out in the council's Equalities Policy, which can be found on the website at: https://www.barnet.gov.uk/your-council/policies-plans-and-performance/equality-and-diversity

9 Background Papers

9.1 None