

Risk Register ~ Key Strategic Risks ~ Quarter 2 2020

Risk Owner	Code & Name	Risk or Issue	Risk Description	Cause(s)	Consequence(s)	Impact code	Matrix	Current Score & Review History	Control Actions	Date provided												
John Morgan	ASC06 / KSR78 Legal challenge ASC Placements	Key Strategic Risk	Some of our Adult Social Care placements might result in legal challenges	C19 has changed the provider market in Merton. We are working with our providers to understand the impact for Merton.	- increased costs of placements - increased staff time - additional legal costs - damage to reputation - Increase in complaints	R		<table border="1"> <tr> <td>9</td> <td></td> <td>30-Sep-2020</td> </tr> <tr> <td>9</td> <td></td> <td>22-Jun-2020</td> </tr> <tr> <td>9</td> <td></td> <td>20-Apr-2020</td> </tr> <tr> <td>9</td> <td></td> <td>17-Dec-2019</td> </tr> </table>	9		30-Sep-2020	9		22-Jun-2020	9		20-Apr-2020	9		17-Dec-2019	See Below	22 Jun 2020
9		30-Sep-2020																				
9		22-Jun-2020																				
9		20-Apr-2020																				
9		17-Dec-2019																				
<p>We are targeting the market to fill the gap in complex placements- we try to utilise homes within the borough but at times due to the lack of availability of suitable placements within Merton or south west London we have to look further.</p> <p>All decisions regarding eligibility, appropriateness and sufficiency of support are taken through the ASC outcomes forum.</p> <p>Our review of the learning disability 'offer' within the Strategy and Improvement programme will review market capacity and shape the market to meet the needs of residents and residents coming through transitions. This will include reviewing the cost model and fee structures. We continue to assess a cross section of placements to assess value for money.</p> <p>COVID 19 has altered the market position in Merton and we are working with providers to understand the impact and how we will proceed.</p>																						

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Lorraine Henry	ASC21 / KSR77 Increase in number of DoLS and Community DoL as we transition to Liberty Safeguards in 2022	Key Strategic Risk	ASC21 / KSR77 Increase in number of DoLS and Community DoL as we transition to Liberty Safeguards in April 2022	- A court ruling in 2014 known as 'Cheshire West' widened the criteria for people that can be subject to a DoLS or Community DoLS (CDoLS) - The Government has not made any additional resources available and in April 2022 DoLS will be replaced by Liberty Safeguards and we are awaiting the guidance on this. Due to COVID 19 the transition to Liberty Safeguards has been extended to Apr 2022.	- Existing backlog of assessments awaiting completion - Cost pressure in relation to DoLS assessments which need to be undertaken - Potential of legal challenge if DoLS authorisation requests are not completed	FI		<table border="1"> <tr> <td>9</td> <td></td> <td>28-Sep-2020</td> </tr> <tr> <td>9</td> <td></td> <td>26-Jun-2020</td> </tr> <tr> <td>9</td> <td></td> <td>20-Apr-2020</td> </tr> <tr> <td>9</td> <td></td> <td>10-Dec-2019</td> </tr> </table>	9		28-Sep-2020	9		26-Jun-2020	9		20-Apr-2020	9		10-Dec-2019	See Below	30 Sep 2020
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9		10-Dec-2019																				
<p>Following a paper to DMT/ CMT in 2018 a robust system is now in place to manage current Dols and historic cases. This is being monitored at DMT level.</p> <p>The backlog has reduced from 500 (going back over 3 years) in Sept 17 to 186 in September 2020 with all cases in this financial year.</p> <p>We are now completing desk top reviews during covid -19. And will resume full assessments once central government lifts lock down visits to care homes.</p> <p>Liberty protection safeguards has been delayed until at the earliest April 2022</p> <p>Community DoL- A system is in place to screen and prioritise Community DoL and this will also be reported to DMT.</p> <p>-Training has been delivered, and a RAG system is being developed to identify clients that pose the most risk to the Local Authority.</p> <p>All Merton BIA's & Managers have been spoken with, to ensure DOLS are completed in a timely way and a plan in place to increase independent BIA capacity.</p>																						

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Kris Witherington	CPI39 / KSR74 Inadequate consultation	Key Strategic Risk	We may fail to adequately consult over changes to Council services and policies, and/or the design and implementation of projects (formerly CS17/KSR74)	<ul style="list-style-type: none"> - inadequate consultation - not meeting expected standards - insufficient training 	<ul style="list-style-type: none"> - increasingly robust scrutiny and challenge - possibility of Judicial Reviews 	R, FI		8 17-Sep-2020	See Below	17 Sep 2020
								8 17-Jun-2020		
								8 09-Mar-2020		
								8 02-Dec-2019		

The standards expected for consultation are described in the Community Engagement Strategy ("Get Involved"). All Council consultations should be listed on the Council's online consultation database, having been approved by the Consultation and Community Engagement Team. Support for services is available including training around the need for consultation, design, and legal obligations. Advice is also available on how to adjust consultation plans to take into account the impact of COVID-19 on traditional activities like public meetings.

As part of the response to the Internal and Peer reviews additional guidance on consultation in relation to budget setting and service changes is being developed.

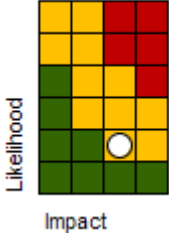




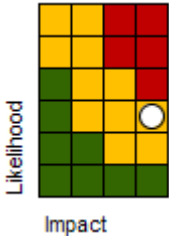




Rachael Wardell	CSF01 / KSR35 Safeguarding children	Key Strategic Risk	We may fail to adequately safeguard children	Because of: <ul style="list-style-type: none"> - Less effective inter-agency working - Changing expectations & updated regulatory framework - Ongoing budget pressures across all agencies - Increase in demand due to Covid-19, and a related reduction in through-put. 	Resulting in: <ul style="list-style-type: none"> - Child protection & safeguarding consequences including possible child death or serious harm. - increasing costs of "high cost" interventions - undermining of the Merton Model 	R		12 21-Oct-2020	See Below	21 Oct 2020
								16 26-Jun-2020		
								16 16-Apr-2020		
								16 23-Dec-2019		

New Partnership arrangements have been implemented. This ensures ongoing rigor in conversations with partner agencies and third sector to improve understanding and responsibility of safeguarding.

A chair and independent scrutineer assumed office in April 2020 and have provided further rigor to existing partnership arrangements.

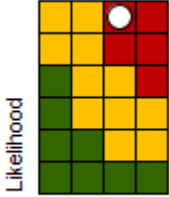




We have recently re-organised our Early Help offer. To support implementation, interim staffing arrangements have been put in place. As part of wider changes to our Early Help services and approach, we are reviewing the family well being model (thresholds document) with partners.

CSC&YI forecast for potential additional resource requirements up to £350k. These now need to be activated

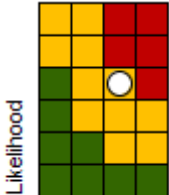




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Charles Baker; John Bosley	ER112 / KSR73 Waste disposal budget (Viridor)	Key Strategic Risk	We may be unable to meet financial budget for waste disposal	<ul style="list-style-type: none"> - Waste may not be adequately disposed of - Delays in moving over to ERF - Increase in waste forecasted - Reduction in recycling - Insufficient budget to cover disposal costs 	<ul style="list-style-type: none"> - increased costs for waste disposal - operational difficulties - performance may be affected (more landfill, less recycling and more missed bins) - political and reputational impact 	FI/R/O		6  29-Sep-2020	See Below	29 Sep 2020
								6  24-Jun-2020		
								6  19-Feb-2020		
								6  11-Dec-2019		
Waste volumes are reviewed monthly and financial implications of areas of growth assessed and budget forecast amended accordingly. .										
Paul McGarry; James McGinlay	ER118 / KSR75 Crossrail 2	Key Strategic Risk	We may fail to minimise the negative impact of Crossrail2 on the Council's income and/or commercial activity in Wimbledon Town Centre and Weir Road	- inadequate preparation and planning on our part	<ul style="list-style-type: none"> - financial impact on council and services - economic impact on Wimbledon Town Centre and the borough (potential loss of businesses and jobs) - Council reputation 	FI		12  29-Sep-2020	See Below	29 Sep 2020
								12  24-Jun-2020		
								12  20-Mar-2020		
								12  11-Dec-2019		
This is on hold awaiting Government decisions.										

Risk Owner	Code & Name	Risk or Issue	Risk Description	Cause(s)	Consequence(s)	Impact code	Matrix	Current Score & Review History	Control Actions	Date provided
Charles Baker; John Bosley	ER132 / KSR 81 Waste services contractor	Key Strategic Risk	Veolia may fail to deliver the street cleaning and/or waste collection services to the standard required by their contract	- insufficient capacity (Veolia) - disputed areas of responsibility - financial impact of recycling market changes which adversely affect Veolia - lack of ICT integration and real time information - poor management by Veolia	- reputational damage to the Council - negative environmental impacts - negative public health impacts	R		12 29-Sep-2020 12 24-Jun-2020 15 20-Mar-2020 15 11-Dec-2019	See Below	29 Sep 2020
Regular schedule contract meetings are in place for both operational and strategic work streams. Regular reports are tabled for Scrutiny to review current performance standards being achieved by the service provider.										
Overall level of performance is improving in a sustainable manner.										
Page 231 Paul McGarry	ER154 / KSR 82 Bishopsford Road Bridge	Key Strategic Risk	Structural risk to the damaged bridge structure and Financial risk re. repair or replacement of the bridge	1.Continued adverse weather. 2.Another flood event 3.TBC, if the current bridge cannot be saved. 4.TBC. whether fault is the flood, a contractor liability or employer liability. 5.Lack of comms or visible action on-site. 6.Ongoing disruption to motorists and public transport users.	1. Flood risk to properties 2.Structural risk to the damaged bridge structure 3.Financial risk re. repair or replacement of the bridge 4.Litigation – risk of contractual disputes. 5.Reputational risk on LBM 6.Traffic & Transport and safety of pedestrians on the remaining footbridge.	FI, R		16 21-Oct-2020 16 24-Jun-2020 16 20-Mar-2020 16 19-Dec-2019	See Below	21 Oct 2020
The contractor has been improved and is working with our Planning department on the plans for the Bridge. The plans will have to be approved and when they are work on the bridge is hoping to commence early 2021.										
The risk rating will stay the same until the work begins.										

Risk Owner	Code & Name	Risk or Issue	Risk Description	Cause(s)	Consequence(s)	Impact code	Matrix	Current Score & Review History	Control Actions	Date provided
Caroline Holland; Mark Humphries	IT24 / KSR21 Public Contract Regulations/Contract Standing Orders	Key Strategic Risk	We might breach Public Contract Regulations 2015 and Contract Standing Orders (previously risk RE03)	<ul style="list-style-type: none"> - incorrect procurement (despite this being a tightly regulated area of council activity) - Lack of staff awareness - insufficient training and guidance 	<ul style="list-style-type: none"> - procurement exercises impacting on strategy and time - adverse budget and service implications if not carried out correctly - legal challenges - slower identification, capture and delivery of savings - reputational risk. 	R		15 30-Sep-2020	See Below	02 Dec 2019
								15 09-Jun-2020		
								15 01-Apr-2020		
								6 06-Mar-2020		
A review and update of Contract Standing Orders is currently being undertaken, and the drive to improve compliance with legislative requirements is being further supported through the introduction of specialist procurement training for those individuals who are responsible for procurement as part of their normal duties.										
Page 202 The Church; Caroline Holland	RE02 / KSR49 Corporate Business Plan & balanced budget	Key Strategic Risk	We may fail to develop a corporate Business Plan & set a balanced budget for 19/23 & beyond	<ul style="list-style-type: none"> - Reduction in Government Grant - challenges of making accurate projections of Business Rate Retention due to lack of clarity over future of London Pilot Pool 	<ul style="list-style-type: none"> - negative impact on service provision - damage to council reputation - negative impact on staff morale - dissatisfaction of internal & external customers 	FI		18 17-Sep-2020	See Below	17 Sep 2020
								18 07-Jul-2020		
								15 17-Jun-2020		
								15 11-Mar-2020		
<p>The MTFS has been rolled forward a year and updated for the 2019/20 outturn position. MTFS gap updated incorporating median level assumptions for DSG deficit, growth, income loss and savings unachieved due to Covid-19.</p> <p>Cabinet (7 Sept.'20) agreed savings targets for 2021-25 based on the updated MTFS</p> <p>The COVID-19 crisis is only partly played out and when final resolution will be reached is impossible to predict at the current time. There is also uncertainty arising from the implications of Brexit which are unknown but could have a significant impact.</p> <p>The Spending Review 2020 will be delayed and this will delay</p> <p>Central Government funding announcements and indications of Council Tax referendum principles making financial planning difficult</p>										

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Caroline Holland; Bindi Lakhani	RE16 / KSR61 Annual Savings Programme	Key Strategic Issue	Failure to deliver savings of £12.074m which have been agreed for the financial year 2020/21	We are unable to achieve planned savings due to the impact of Covid-19	<ul style="list-style-type: none"> - adverse impact on the authority's ability to balance its budget in the medium to long term - gap is larger than the contingency - we are required to reinstate reserves 	FI		18  17-Sep-2020	See Below	17 Sep 2020
								18  04-Sep-2020		
								18  07-Jul-2020		
								15  10-Mar-2020		

The monthly monitoring report is forecasting a shortfall in savings in 20/21 of £6.67million (55%). The majority of this is due to Covid-19. Delivery of savings continues to be carefully monitored and reported as they are critical to balance the budget.

Page 233 Corporate Management Team	RE24 / KSR80 Impact of Brexit	Key Strategic Risk	We might be unable to respond effectively to the changes brought about by Brexit	<ul style="list-style-type: none"> - A challenging withdrawal process - Changes to procurement frameworks - Other regulatory/statutory changes - Loss of regional aid funding - Changing eligibility of EU nationals to live &/or work in UK - potential impact on staff recruitment and retention - security of supplier network - short to medium term impact on LBM's pension investments - community cohesion 	<ul style="list-style-type: none"> - Financial uncertainty - Impact on local economy, investment & growth - Employment & skills gaps - Strain on resources - Impact on services esp. social care - Difficulty complying with statutory requirements - inability to capitalise on post-Brexit opportunities <p>The risk profile assumes a Brexit deal. If no deal, the risk profile will significantly increase as a consequence of the uncertainty created.</p>	FI, SP, O		12  17-Sep-2020	See Below	17 Sep 2020
								12  09-Jun-2020		
								12  20-Feb-2020		
								12  16-Dec-2019		

Officers closely monitor developments on the Brexit negotiations and the potential impact for the council, citizens and businesses. This includes reviewing the Technical Notices, guidance from the LGA and other sector related assessments of possible implications. A session has been held with Collective DMT to identify risks. This has been reviewed by CMT and a task group of officers from across the council meets regularly to monitor developments and how the Council responds.

Cabinet considered the implications of Brexit at their November 2018 meeting and the Overview and Scrutiny Commission are reviewing the implications for citizens. One outcome of the Cabinet meeting was to establish a corporate task group headed by the CS Director to review the implications of Brexit in detail and direct appropriate actions as required.

Risk Register ~ Key Strategic Issues ~ Quarter 2 2020

Risk Owner	Code & Name	Risk or Issue	Risk Description	Cause(s)	Consequence(s)	Impact code	Matrix	Current Score & Review History	Control Actions	Date provided
John Dimmer; Rachael Wardell	CPI41 / KSR53 Equalities duties	Key Strategic Risk	We may be in breach of Equalities legislation regarding new policy development, designing services and decision making (formerly RE11)	- insufficient evidence to demonstrate how equalities implications have been considered	- reputational impact for council - risk of judicial review & litigation - negative impact on service users - loss of savings.	R		12 17-Sep-2020	See Below	17 Sep 2020
								12 16-Jun-2020		
								12 10-Mar-2020		
								12 12-Dec-2019		
<p>The key concerns still relate to service changes as a result of budget reductions. We continue to need to reduce or reconfigure services which could impact on vulnerable people. We have updated the equalities guidance to managers and a manager's bulletin was sent out in December stressing the importance of conducting good EAs to accompany report recommendations.</p> <p>COVID 19 has disproportionately impacted on some Protected Characteristics, such as Age, Disability and Race and we are working with Public Health and BAME Voice to commission qualitative research which will make recommendations to inform our activity/services going forward</p>										

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Rachael Wardell	CSF04 / KSR55 Demographic changes	Key Strategic Issue	We may fail to respond adequately to increasing children's social care demands	Due to changing borough demographics including: - an increase in the total population in the borough - a particular increase in families with young children - a change in the mix of the population with respect to ethnicity, disability & deprivation - an increase in children with special educational needs and disabilities. Growth in demand taking place in context of pressures on budgets - specifically savings targets of £2.8m for 19/20.	This will lead to: - Additional demand for services for children with special educational needs & disabilities - pressure for growth in children's social care & child protection interventions - increasing level of support for families with no recourse to public funds. - Budget pressures	SP		12 21-Oct-2020	See Below	21 Oct 2020
								12 26-Jun-2020		
								12 28-Apr-2020		
								15 23-Dec-2019		

Supporting the SENDIS Team to manage increasing demand for SEN Support and EHCP

Continued focus on preventative services

Risk Owner	Code & Name	Risk or Issue	Risk Description	Cause(s)	Consequence(s)	Impact code	Matrix	Current Score & Review History	Control Actions	Date provided
Jane McSherry	CSF05 / KSR34 Insufficient school places	Key Strategic Issue	Risk that there are insufficient special school places in the borough to meet need.	This is because: - EHCP numbers are increasing significantly and we are reaching the limits on our in-borough capacity in ARPs and special schools	Insufficient special school places provided will result in: - inability to meet statutory duty to children with additional needs through local provision and more children needing to travel out of borough for their education - increased costs in independent sector special school places - increase transport costs to placements outside the borough - increased scrutiny - reputational damage	R		16 21-Oct-2020	See Below	21 Oct 2020
								16 29-Jun-2020		
								16 16-Apr-2020		
								16 23-Dec-2019		
<p>Expansion of places at Cricket Green School completed spring 2020; expansion of Melrose School in process of being implemented.</p> <p>Implementation of further proposal for new ASD provision delayed due to Covid. Also considering further Additional Resourced Provision</p> <p>We are working to ensure that as many children's needs are met effectively at SEND support with the aim of preventing escalation of need.</p> <p>Through peer challenge process we are identifying alternative strategies to assist reducing demand for statutory assessments.</p>										

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Children, Schools & Families	CSF06 / KSR56 CSF funding & statutory services	Key Strategic Issue	CSF funding changes, budget savings & resource management may impact on our ability to provide statutory services, and this is exacerbated by the overspend on the DSG.	<p>Causes include:</p> <ul style="list-style-type: none"> - Right sizing of budgets has not taken place. - Savings for 20/21 have not yet been found. - Move to national funding formula for DSG and implications for overspends - continued uncertainty regarding changes to funding regimes & external grants - concurrent additional statutory duties - demographic pressures - the impact of maintained schools becoming academies - Insufficient funding for new burdens: C&F Act; NRPF; Leaving Care and housing for care leavers. - Requirement to make significant savings over the next 3-4 years - Need to balance competing & increasing demands at a time of contracting resources & extensive change. - High needs funding is not keeping track with demand and changes to rules on DSG overspend increase potential impact. 	<p>Leading to:</p> <ul style="list-style-type: none"> - DSG overspend would impact on council general fund budget - Negative impact on our ability to provide statutory services - undermining of the Merton Model, causing additional spend pressures in targeted services. - Low staff morale - Difficulties in managing the impact of the Workforce Management Strategy - Time & effort required to manage change & meet expectations of members & central government may lead to failures in the management of ongoing operational work - High Needs Block national funding formula allocated £5.5m through the funding floor factor for 2018/19 which means that Merton will not receive the required growth as EHCP numbers increase 	FI		16 21-Oct-2020	See Below	21 Oct 2020
								16 29-Jun-2020		
								16 28-Apr-2020		
								24 23-Dec-2019		
Additional burdens reported on monthly and demographic pressures identified. Feeds into the MTFs, TOM, Service Planning work and relevant strategies to deliver the required savings without adversely impacting on performance. Early help and prevention a key theme of our TOM coupled with our continued focus on our statutory services. Right sizing of budgets to enable unfunded service demands to be met.										

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Current DSG recovery plan shows that position cannot be recovered within 3 years.										
Through peer challenge process we are identifying alternative strategies to assist reducing demand for statutory assessments										
Rachael Wardell	CSF09 / KSR62 Intervention/ prevention commissioning	Key Strategic Issue	We may fail to re-commission appropriate intervention and prevention services	Due to: - reduction in contracting with local third sector - change in delivery reports of CSF	Resulting in: - Destabilisation of the Local Strategic Partnership & Children's Trust Board partnership arrangements - reduced service delivery - an increase in reactive, rather than pro-active, services - adverse reputational impact - political impact	R		12 21-Oct-2020 12 26-Jun-2020 12 16-Apr-2020 12 23-Dec-2019	See Below	21 Oct 2020
all re-commissioning activity is currently underway as a result of Covid. Impact of delay to be monitored.										
The integration of existing council services as part of the review of Early Help in Merton will enable us to commission more effectively.										