

Risk Register ~ Key Strategic Risks ~ Quarter 2 2019

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	- shortage of suitable placements in Merton - budgetary constraints - people placed further from their support networks.	- increased costs of placements - prevention of other developments - increased staff time - additional legal costs - damage to reputation	R		9 18-Sep-2019	See Below	26 Jun 2019
								9 26-Jun-2019		
								9 02-Apr-2019		
								9 09-Jan-2019		
Control Actions: - 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 we have to look further. - All decisions regarding appropriateness and sufficiency of support are taken through the ASC outcomes forum. - The learning disability offer review within the Strategy and Improvement programme will review market capacity and shape the markets appropriately for the future. This will include reviewing the cost model and fees structures. We continue to assess a cross section of placements to assess value for money.										
Lorraine Henry	ASC21 / KSR77 Increase in number of DoLS and Community DoL	Key Strategic Risk	We may not be able to manage the rise in Deprivation of Liberty Safeguards (DOLS) and Community DOL effectively	- 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	- 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		9 18-Sep-2019	See Below	18 Sep 2019
								9 25-Jun-2019		
								9 01-Apr-2019		
								9 03-Jan-2019		
Control Actions: - 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. - The backlog has reduced from 500 in Sept 17 to 220 in September 2019. - The reason for the increase since March is that we receive 40- 50 authorisation requests on average each month. In the last few months we have seen an increased amount come in and a reduction of DoLS completed due to multiple factors such as reduction in use of external BIA's, staff holiday and additional training needs. - Community DoL- A system is in place to screen and prioritise Community DoL and this will also be reported to DMT. - Training is being organised, and a RAG system is being developed to identify clients that pose the most risk to the Local Authority. Community DOL training currently being procured.										

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Fiona Thomsen	CG25 / KSR79 GDPR	Key Strategic Risk	LB Merton may not be compliant with the General Data Protection Regulation (GDPR) or Data Protection Act 2018 that came into effect on 25th May 2018	<ul style="list-style-type: none"> - insufficient time or resources to fully comply - Weaknesses in some existing and legacy IT systems - technical barriers to compliance - reliance on external suppliers 	<ul style="list-style-type: none"> - LB Merton is fined by the Information Commissioner's Office - reputational damage - key stakeholders lose confidence & may not share information / work with the Council. 	FI		16 04-Oct-2019	See Below	04 Oct 2019
								12 04-Sep-2019		
								12 04-Jun-2019		
								12 04-Mar-2019		

Control Actions:

Work is on-going in all BAU areas i.e. advising staff DPA issues e.g. Information Sharing Agreements and dealing with data security issues. Still some outstanding actions from original action plan to be completed. Likelihood score increased from 3 to 4 at 2 October CRMG in view of potential 'no deal' brexit.

Page 152 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 04-Sep-2019	See Below	04 Sep 2019
								8 03-Jun-2019		
								8 11-Dec-2018		
								8 17-Oct-2018		

Control Actions:

- The standards expected for consultation are described in the Community Engagement Strategy ("Get Involved") which was agreed by the Merton Partnership in 2010 and refreshed in 2014. 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.

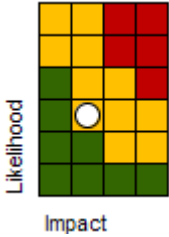




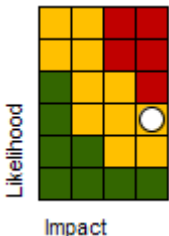




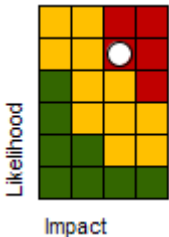




- A recent exercise showed the need for the coordination of our overall stakeholder management, which has been addressed.

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 	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 24-Sep-2019	See Below	18 Jul 2019
								12 01-Jul-2019		
								12 18-Mar-2019		
								12 23-Jan-2019		

Control Actions:

- Strengthened MSCB governance and development of new partnership arrangements. Refreshed the Merton CYP and Family Wellbeing Model. Ongoing rigour in conversations with partner agencies and third sector to improve understanding and responsibility of safeguarding. Launched consultation on CSC Practice Model. Signs of Safety and Think Family approaches being rolled-out. Post-Ofsted action plan fully implemented.

- Permanent appointments made to key senior positions in Children's Social Care and Education Divisions.

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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  23-Sep-2019	See Below	23 Sep 2019
								6  20-Jun-2019		
								6  25-Mar-2019		
								8  25-Sep-2018		
Control Actions: <ul style="list-style-type: none"> - Following the roll out of the new collection service in Oct 2018 our waste horizons continue to reduce. In line with our forecast a budget saving of £250k has been taken this financial year (2019/20) We continue to undertake monthly monitor our waste volume and amend our budget projections accordingly. - Due to growth in Food waste and Garden waste these budget areas are under pressure. This will be offset by the 14% reduction in general waste. 										
Bill 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	<ul style="list-style-type: none"> - 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  17-Sep-2019	See Below	07 Oct 2019
								12  20-Jun-2019		
								12  25-Mar-2019		
								12  02-Jan-2019		
Control Actions: <ul style="list-style-type: none"> - Ongoing engagement with CR2 to identify alternative options to minimise land-take in Wimbledon town centre. - New phased proposals illustrated in LBM Future Wimbledon Masterplan. - CR2 awaiting government approval to progress with safeguarding land south of Wimbledon. - No further update until Gov Spending Review post-Brexit 										
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	<ul style="list-style-type: none"> - 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 	<ul style="list-style-type: none"> - reputational damage to the Council - negative environmental impacts - negative public health impacts 	R		15  23-Sep-2019	Review of internal resources and client structure to be undertaken to build greater resilience within the service.	23 Sep 2019
								15  20-Jun-2019		
								15  25-Mar-2019		
								15  06-Feb-2019		

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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)	- incorrect procurement (despite this being a tightly regulated area of council activity) - Lack of staff awareness - insufficient training and guidance	- 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 06-Sep-2019	See Below	05 Feb 2019
								15 04-Jun-2019		
								15 13-Mar-2019		
								15 04-Dec-2018		

Control Actions:

- An online procurement 'toolkit' was formally launched in September 2018. This will be supported by staff training sessions in order to promote use of the Councils procurement portal and the suite of new documents and templates. This will promote and embed good practice across the organisation and significantly reduce the risk of a legal challenge due to a failure to meet the requirements of the Public Contract Regulation or Contract Standing Orders.

The Operational Procurement Groups (Within each Department) are responsible for providing Governance, appropriate challenge, assurance and management of key activities within the procurement process, and work in conjunction with the Council's Procurement Board to ensure adherence to Public Contract Regulations & Contract Standing Orders

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	- Reduction in Government Grant - challenges of making accurate projections of Business Rate Retention due to lack of clarity over future of London Pilot Pool	- negative impact on service provision - damage to council reputation - negative impact on staff morale - dissatisfaction of internal & external customers	FI		15 12-Sep-2019	See Below	12 Sep 2019
								15 05-Jul-2019		
								12 17-Jun-2019		
								12 04-Mar-2019		

Control Actions:

- The MTFS has been rolled forward a year and updated for the 2018/19 outturn position.

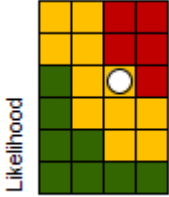




- Officers are currently revising the financial implications of the Spending Round 2019 and awaiting further information of future allocations of schools funding.

- There is also uncertainty arising from the implications of Brexit which are unknown but could have a significant impact.

Caroline Holland; Bindi Lakhani	RE16 / KSR61 Annual Savings Programme	Key Strategic Risk	We might fail to deliver the savings of £15.7m which have been agreed for the period 2019/20 to 2022/23 (the period of budget decisions required by this council)	- we are unable to achieve planned and/or anticipated savings - projected outturns do not match actuality	- adverse impact on the authorities ability to balance its budget in the medium to long term - gap is larger than the contingency - we are required to reinstate reserves	FI		15 10-Sep-2019	See Below	10 Sep 2019
								15 17-Jun-2019		
								15 04-Mar-2019		
								15 04-Dec-2018		

Control Actions:

The monthly monitoring report is forecasting a shortfall in savings in 2019/20 of £1.5 million (21%). In 2018/19 savings of £1.5 million were underachieved and £0.5 million are an ongoing pressure and not expected to be achieved in 2019/20. Delivery of savings continues to be carefully monitored and reported in 2019/20 as they are critical to balance the budget.

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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		<ul style="list-style-type: none"> 12  02-Sep-2019 12  03-Jun-2019 12  04-Mar-2019 12  05-Dec-2018 	See Below	02 Sep 2019

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Control Actions:

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.

New Key Strategic Risk

Risk Owner	Code & Name	Risk or Issue	Risk Description	Cause(s)	Consequence(s)	Impact code	Matrix	Current Score & Review History	Control Actions	Date provided
Paul McGarry	ER154 / KSR 82 NEW RISK Bishopsford Road Bridge	Key Strategic Risk	Structural risk to the damaged bridge structure and Financial risk re. repair or replacement of the bridge	<ol style="list-style-type: none"> Continued adverse weather. Another flood event TBC, if the current bridge cannot be saved. TBC. Whether fault is the flood, a contractor liability or employer liability. Lack of comms or visible action on-site. Ongoing disruption to motorists and public transport users. 	<ol style="list-style-type: none"> Flood risk to properties Structural risk to the damaged bridge structure Financial risk re. repair or replacement of the bridge Litigation – risk of contractual disputes. Reputational risk on LBM Traffic & Transport and safety of pedestrians on the remaining footbridge. 	FI, R		16 08-Oct-2019	See Below	07 Oct 2019
<p>Control Actions:</p> <ol style="list-style-type: none"> Webcam installed under the bridge to monitor water flow and identify potential blockages in heavy rain events. Regular flood alerts being monitored. Stabilisation of the structure is now complete and the riverbed 'scour' has now been backfilled. The bridge is now stable; awaiting structural reports on next steps. Independent study commissioned to assess what led to the collapse. A second Independent study is being procured to set out costed structural and logistic options for repairing or replacing the bridge. FMC will also be asked to provide their assessment for options going forward to repair the bridge. LBM have set up a web-page for information, attended local meetings and hosted a resident information day on the bridge and will attend Community Forum. Information leaflets are being prepared for letterbox distribution. Councillors are being updated weekly. Business rate relief being offered to affected businesses. Bus diversions in place and advanced traffic diversion signs from Sutton-Mitcham are in place. LBM are seeking an additional shuttle bus service to Morden (TBC mid-Oct). Pedestrian safety has been improved with new lights in Ravensbury Park path; Anti-moped barriers and signs installed. ANPR cameras installed and vegetation cut back and being monitored. Additional litter-picks arranged. 										