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AUDIT AND PERFORMANCE REVIEW PANEL

THURSDAY, 12TH APRIL, 2018

At 7.00 pm
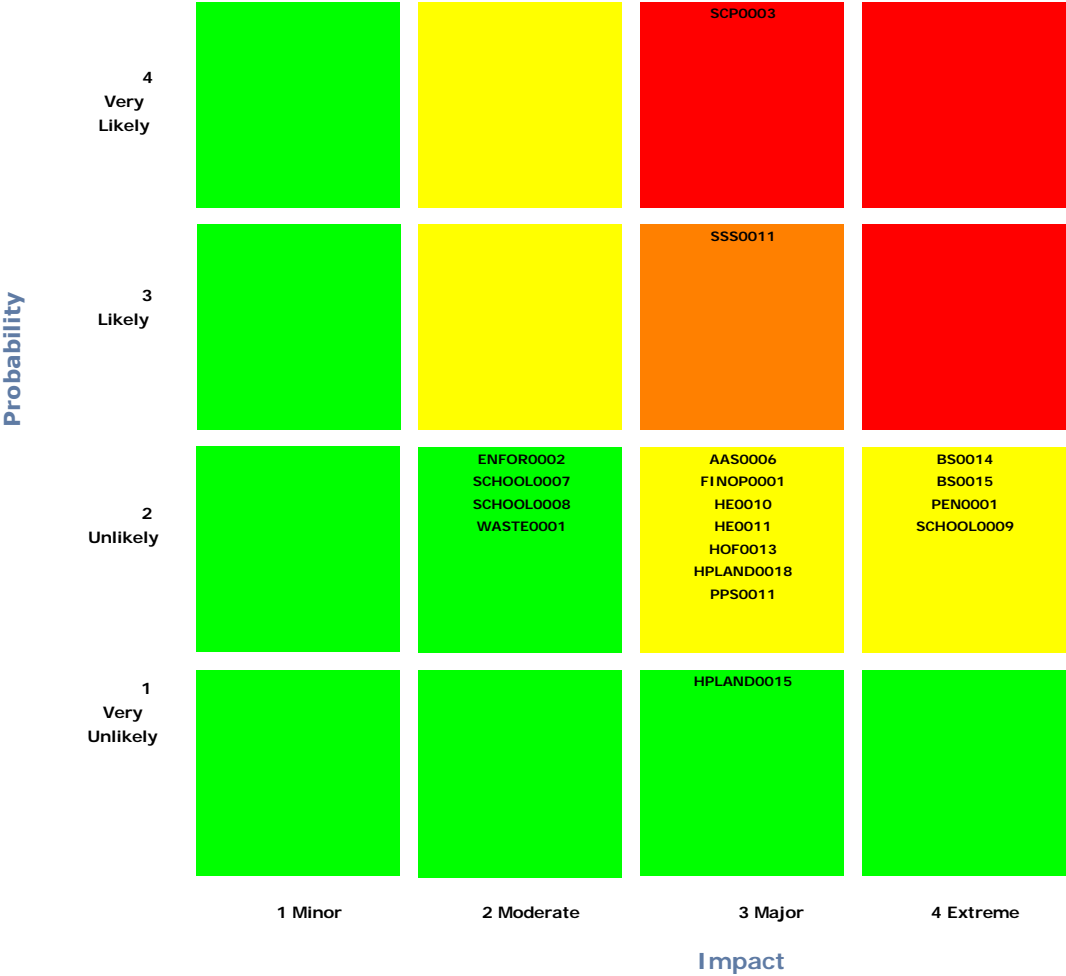
in the

COUNCIL CHAMBER - TOWN HALL, MAIDENHEAD

SUPPLEMENTARY AGENDA

PART I

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Probability				
4 **Very** **Likely**			SCP0003	
3 **Likely**			SSS0011	
2 **Unlikely**		ENFOR0002 SCHOOL0007 SCHOOL0008 WASTE0001	AAS0006 FINOP0001 HE0010 HE0011 HOF0013 HPLAND0018 PPS0011	BS0014 BS0015 PEN0001 SCHOOL0009
1 **Very** **Unlikely**			HPLAND0015	
	1 Minor	**2 Moderate**	**3 Major**	**4 Extreme**

Impact

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Detailed Risk Information

Current Risk Rating	Risk Ref	Summary	Assigned To
12	SCP0003	There is likely to be an increase in the number of homelessness applications and mitigations must address expectations: - Responses from charities and voluntary shelters attract more homeless people/rough sleepers into the borough generally. - The upper limit of what families can claim annually reduced from £26K to £23K in May 15. This may make some rented homes unaffordable to capped tenants. - Falling capital investment in new homes and the impact of the government's plan to extend the right to buy to 1.3M housing association tenants; - Housing associations may decide they can no longer take the chance of letting homes to larger families on benefits; - London authorities persuading people to move away from the capital. - Debts for temporary accommodation invoices may not be collected and further actions on Interest Free Loan debts can be delayed.	Hilary Hall
9	SSS0011	Children's safeguarding could be put at risk if there is no logical child's journey or maximum caseload levels are exceeded for social workers.	Kevin McDaniel
8	BS0014	Failure to comply with statutory obligations e.g. legionella policy, asbestos policy, gas, electric policies etc. leads to personal injury, damage and possible legal action. There is also exposure should any improvement notices not be carried out by building managers/headteachers/governing bodies.	Russell O'Keefe
8	BS0015	Failure to carry out fire safety works to council properties leads to increased exposure to fire risk, enforcement notice issued on inspection and reputation damage in event of fire.	Russell O'Keefe
8	PEN0001	Insufficient resources to meet demands leading to Pension Fund having a substantial deficit.	Nick Greenwood
8	SCHOOL0009	Failure to meet statutory responsibility to provide educational places for all borough residents. Necessity to build temporary buildings shows a failure to appropriately use capital resources. Current concerns: - Insufficient secondary places from 2018 across the borough. - Accurate data that captures changes to demographic profile and totals of children in the borough.	Kevin McDaniel
6	AAS0006	Increased number of child referrals and child specific placements after numerous high profile cases leads to increased costs in order to deal with these in a proper and professional manner.	Hilary Hall
6	FINOP0001	Write off over more than 5% of debt due to non-payment or collection failure causes reputation damage, fall in income and service reduction.	Rob Stubbs
6	HE0010	The borough has an inherent vulnerability to flooding. Localised flooding can result in disruption to residents and reputation damage to RBWM for not foreseeing the stress on capacity. Sewer flooding is a particular problem in Cookham and Ascot.	David Scott
6	HE0011	Failure to manage RBWM trees could lead to their collapse leading to property damage, injury, compensation claims and criticism. There are two areas: 1. Inadequate capacity to inspect (a) trees within parks, open spaces and cemeteries and (b) highways trees. 2. Failure to undertake the maintenance and safety works identified from inspection.	David Scott

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Detailed Risk Information

Current Risk Rating	Risk Ref	Summary	Assigned To
6	HOF0013	Risk of the investment strategies not making sufficient returns leads to shortfall in expected income. The choice is around where on the spectrum the council wants to be between safer investments and low returns against potentially higher returns but with the threat of losing deposits from riskier investments.	Rob Stubbs
6	HPLAND0018	If we do not deliver sound Borough Local Plan we risk a) Increased pressure on our ability to demonstrate we have a five year supply of land for housing. This could lead to development taking place at locations and/or in a way we would not otherwise accept or to planning by appeals; b) Stagnation and failure to provide for a range of housing needs; c) Inability to resist inappropriate development with panel decisions being overturned on appeal; d) Failure to attract S106 and CIL (from April 2015 government regs restricted the use of s106 agreements and CIL will become the principle means of collecting financial contributions from new development); e) Local infrastructure not planning to cope with or take advantage of local development possibilities as part of Maidenhead regeneration including Crossrail. f) Challenge to the BLP, major planning enquiries including the 4 joint ventures taking place in Maidenhead. There is also the consideration of the timing of expenditure and receipts as part of the delivery of the various BLP elements.	Russell O'Keefe
6	PPS0011	Highways and streetcare services are outsourced as a client/commissioning model with VolkerHighways providing highway inspection, management and maintenance using the RBWM HMMP and HSIM. Project Centre provides highway and transport services e.g. traffic and road safety, flood risk management, street lighting and drainage. Failure to deliver these contracts leads to problems in maintaining the streetscene to a safe level. This leads to costs to rectify, delays in doing so, resident complaints, highways injuries/claims.	Ben Smith
4	ENFOR0002	Failure to meet preventative statutory obligations around community protection results in: a. death or serious illness/injury of residents; b. public health implications from spread of notifiable disease and decimation of local/national farming economy consequent prosecution, fines, publicity. c. National government intervention. d. Reputational damage to the council. Failure to meet minimum legislative requirements for 1) food, 2) health and safety, 3) housing, 4) environmental protection for contaminated land.	David Scott
4	SCHOOL0007	Failure to provide a service for monitoring and managing school building related risks such legionella and asbestos. Schools fail to complete appropriate health and safety compliance checks and consequent rectifications.	Kevin McDaniel

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Detailed Risk Information

Current Risk Rating	Risk Ref	Summary	Assigned To
4	SCHOOL0008	Schools are not improving at the rate required to remain in or achieve the top quartile performance. Schools are judged as below "Good" by Ofsted. The schools attainment rates are insufficient to make them competitive with their peers. Families choose to not use borough schools because of underperformance, resulting in smaller schools with a higher probability of further performance decline.	Kevin McDaniel
4	WASTE0001	Impact of failure to procure the waste collection contract in April 19 e.g. tender does not meet anticipated outcomes. Failure to collect waste leads to resident frustration.	Ben Smith
3	HPLAND0015	Failure to identify and approve projects for the expenditure of S106 monies indicates lack of a clear strategy for the most resource effective use of the funding and will not bring benefits to local residents, businesses and visitors. The money may have to be repaid. It can be a challenge to get services to identify the future ongoing need for funding. Failure to identify the s106 monies will also affect the progress of the CIL. The council is successful at claiming monies and there's an agreed list of spending. The risk is whether we are spending appropriately in accordance with the relevant legal agreement. Whilst there has been little challenge so far there is an exposure here.	Jenifer Jackson

THE ROYAL BOROUGH OF
WINDSOR AND MAIDENHEAD

Risk Ref Headline Details	Implemented or Ongoing Controls	Current Rating & Risk Appetite Target	Controls not Fully Developed	Changes made at Last Review	Lead Member & Assigned to
TECHAN0 001 **IT Infrastructure failure** If there is an IT infrastructure failure i.e. data storage infrastructure, systems access or total loss of council data centre then this could affect the ability of RBWM to function normally. A Cloud-hosted infrastructure significantly reduces the risk of a major disaster as it includes resilience as part of the design. No core business systems are to be > one year old within the Cloud system.	1. Out of Hours IT support. 2. Data centres in Dublin and London with contracts guaranteeing back ups and restoration. Maximum downtime < 1 day. 3. BCP for IT published which focusses on disaster recovery.	**12 High** **4 - Low**	1. CLT will review all business unit BC plans and ICT will produce an overarching plan that supports those individual BC plans. 2. Data transfer commenced July 14 on a server by server basis. Servers can be moved to Cloud once this is complete.	None.	Cllr Targowska Russell O'Keefe
CMT0043 **Safeguarding** 1. Major preventable injuries occur. 2. Lack of intelligence around unknown risk areas e.g. trafficking, CSE.	1. 2. Strategies on known areas of risk and a CSE strategy. 2. 2. Strategic and operational groups for areas of identified risk to gather intelligence. 3. 1. Business plan stipulating the activity of the service to specifically mitigate safeguarding risk. 4. 2. Strategy for recruitment and retention of experienced social workers and managers - Frontline etc. 5. 2. Multi-agency safeguarding hub (MASH) strengthens response to children and young people at risk of significant harm incl. CSE. 6. 1. In the event of a major preventable injury occurring a serious case review will take place and then report to LSCB and SAB.	**9 Medium/High** **6 - Medium Low**	1. Increase public awareness and interventions.	Updated to reflect audit.	Cllr Airey - children and Cllr Carroll - adults Alison Alexander

Risk Ref Details	Headline	Implemented or Ongoing Controls	Current Rating & Risk Appetite Target	Controls not Fully Developed	Changes made at Last Review	Lead Member & Assigned to
CMT0040 Insufficient local resilience through the operation of the Thames Valley Local Resilience Forum (LRF) and the financial impact on RBWM from a critical event.	**Fail to protect residents should an emergency incident occur**	1. Waste suppliers have confirmed their processes and arrangements in the event of severe weather. 2. Ensure sufficient resilience for IT systems/back ups in emergencies for the 24/7 control room or EOC. 3. Residential care homes have temporary accommodation plans for vulnerable adults that the council can support.	9 Medium/High 8 - Medium	1. Operational continuity plans at head of service level with connections to emergency plan and CLT strategic action plan. 2. Engage specific service managers across RBWM to cater for emergency response to flood, infectious disease, major civic emergency 3. Develop community emergency plans. 4. Identify and co-ordinate individuals for gold, silver and bronze operational command for the emergency operations centre. 5. Shared service for emergency planning post to meet requirements of CCA and embed BCP to a reasonable level.	Andy Jeffs to ensure that work on the business continuity plan is progressed by the Emergency Planning Officer	Cllr Grey Andy Jeffs
FOI0003 ∞ (a) Serious external security breaches, (b) data loss or damage to data caused by inadequate information security leads to delays and errors in business processes.	**Data protection**	1. Secure remote working with computers, encrypted area for sensitive laptop data. 2. Security awareness of officers and external service providers who use our IT. Gaps on induction and annual refreshing. 3. Develop, publish and communicate information security policies. 4. Audit use of all Council laptops and obtain management authorisation for their use. 5. Create a security induction and training procedure and embed in HR procedures and the appraisal process. 6. All security breaches are investigated. Intel shared with organisational development team to weave into future learning.	9 Medium/High 8 - Medium	1. Information governance manager to check and take action when inappropriate external transmissions of data are reported. 2. Implement a robust exit strategy with accountabilities when staff leave the organisation or return surplus IT equipment..	Reviewed by Martin Tubbs, Info Governance Manager 16/01/18. No material changes.	Cllr Targowska Andy Jeffs

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	7. Disposal of confidential waste papers. Specific bins are in place to ensure such waste is locked and secure at all times. 8. Exchange of data and information with other organisations. Policies, procedures and declarations available to increase security.				
CMT0039 Security The UK is facing threats and not just from groups inspired by al-Qaida e.g, far right extremists, disenfranchised groups. There is the risk of security and community problems arising from the actions and behaviour of such groups, particularly in the area around Windsor's Combermere and Victoria barracks. 6	1. Community Safety Partnership Strategy and Action plan in place, updated during 2017 2. Sharing of Information between partners through use of Community Safety Information Sharing Arrangement. 3. Agreed TOR for Channel Panel (administered and chaired by RBWM) who collectively assess risk and decide on support packages. 4. One Borough Group reports quarterly to the Community Partnerships Board. 5. One Borough Group responsible for identifying individuals vulnerable to extremism and putting in place actions to reduce risk.	8 Medium 8 - Medium	1. Since the Act places a new risk based duty on LA, proposals have been drafted on the councils response. 2. Develop an evacuation plan for Windsor.	None	Cllr Grey with Cllr Rayner for Prevent strategy Andy Jeffs

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HOF0006	**Expenditure volatility** RBWM may not be able to deal with any expenditure volatility because of a lack of a mid/long term strategy that successfully encompasses finance options/mitigations to match service demands and central government funding reduction i.e. MTFP fails.	1. Forward Plan as part of the budget setting process. 2. Link to transformation agenda and different model for delivery of service. Use FSR's to identify potential savings. 3. Head of finance's annual assessment of the need to retain reserves and ensure the economic contingency reserve is sufficient. 4. Respond to economic and emerging policy signals as an annual process with monthly monitoring of targeted against actual income. 5. All service monitoring reports require dir's to bring spending into line. Managers to adopt new approach and "ways of thinking". 6. Increased focus on monitoring debt recovery programme. 7. Monitor Govt/LGA statements and impact of welfare benefit changes. 8. Build business rate refund assumptions into MTFP based on historical data 9. Use of economic scorecard. Finance partners attend DMT's to refine processes and ensure common understanding of same. 10. Ensure sufficient reserves to accommodate spikes in demand. Head of finance makes an assessment of the need to hold balances. 11. Budget grazing in the event specific service pressures can't be controlled. Dec 15 cabinet report refers to ASC budget pressure. 12. Base budget review toolkit prepared for managers.	**4 Low** **4 - Low**	None	Reviewed as part of risk assessment of budget reserves. No changes.	Cllr MJ Saunders Rob Stubbs

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Risk Ref Headline Details	Implemented or Ongoing Controls	Current Rating & Risk Appetite Target	Controls not Fully Developed	Changes made at Last Review	Lead Member & Assigned to
HPLAND0 013 **Maidenhead regeneration** Main risks to success include: - Inadequate funding - Conflict on key sites - The need for temporary parking - Inadequate infrastructure delivery not tied in with the BLP Infrastructure Delivery Plan. - Achieving the required programme for the relocation of the leisure centre including obtaining planning consent ahead of the green belt release. - Without an Access and Movement Strategy the proposed development will be coming forward as individual sites without a vision for the town centre on how vehicles, cyclists and pedestrians move around the town and between developments. - Challenge to the BLP and any of the 4 joint ventures taking place in Maidenhead.	1. Discussions with developers for a number of key town centre sites. 2. Ensure budget and financial controls in place to support programme. Budget spreadsheet updated monthly. 3. Renegeration programme RAID log lists detailed risks/issues for ongoing management is used to steer project group discussions. 4. Area Action Plan adopted in September 2011 to provide the basis for phased regeneration. 5. PRoM2 launched January 2012 and actively guiding development. Stakeholders represented on PRoM2. 6. Commitment to council's role evidenced through capital contribution, programme management and stakeholder engagement.	6 Medium/Low 8 - Medium	1. Determine and secure land provision to meet parking need in Maidenhead as part of regeneration. 2. YROA - Successfully deliver the agreed way forward for York Road 3. Establish governance and structure/capacity/capability to manage the whole Maidenhead programme and all its opportunity areas.	Reviewed by the MD 06/02/18. Slight adjustments to threat wording.	Cllr Rankin Russell O'Keefe
FOI0006 **Data protection** Statutory breach arising from non-compliance with the General Data Protection Regulation (GDPR) leads to fines of up to €20m plus legal action costs following judicial remedies. Regulators can also issue temporary or permanent bans on processing. DPA principles regarding personal data are: 1. Process fairly and lawfully. 2. Use only for the purposes it was originally obtained. 3. Ensure it is adequate, relevant and not excessive for the purposes for which it's processed. 4. Ensure it's accurate and up to date. 5. Retain only for the time period required to meet the organisation's reasonable requirements. 6. Process in accordance with rights of data subjects. 7. Adopt appropriate technical and organisational measures against unauthorised or unlawful processing and against accidental loss, damage or destruction of data. 8. Ensure countries outside the EU have an adequate level of protection if transferring data there.	1. Appoint a data protection officer (DPO). Update DP Policy to include DPO mandatory role.	Awaited	1. Identify personal data processing activities relying on consent incl. children >13 and implement revised GDPR procedures. 2. Review information assets. Continuing development of the information asset register and updating entries by info asset owners 3. A programme of work across all services to introduce awareness and data handling changes to the new GDPR in force from May 18 4. Run training sessions for officers, members and parish councils. 5. Adapt privacy notices to include the 6 GDPR principles. Ensure all policies align to GDPR. 6. Review all partnership agreements and determine the information sharing arrangements, updating as necessary. 7. Prepare for public response to GDPR - developing systems and procedures to deal with data subject rights requests.	Improved risk articulation to capture DPA principles and added expected controls.	Cllr Targowska Alison Alexander - note that this officer assignment is whilst the articulation of the risk is in draft form and may change once the wording is agreed and a detailed implementation becomes clear.

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