

Epping Forest District Council Corporate Risk Register

Date: 13 September 2018

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1. Introduction

A strategic risk management 'refresh' exercise was conducted on 15th May 2013 with assistance from Zurich Risk Engineering. This exercise was an opportunity for the Management Board to refresh (or update) through identification, analysis and prioritisation those risks that may affect the ability of the Council to achieve its strategic objectives and Corporate Plan. In doing so, the organisation is recognising the need to sustain risk management at the highest level.

The refresh exercise involved a workshop with Management Board to identify new business risk areas and to update and re-profile important risks from the existing corporate risk register.

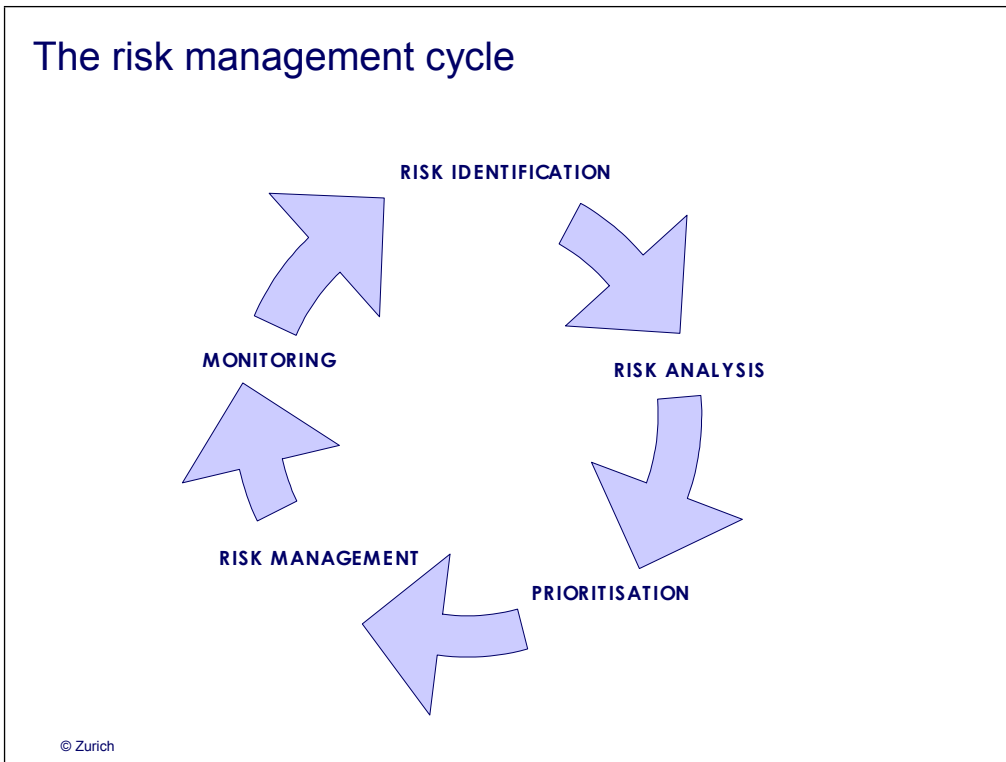
In total 8 strategic risks were profiled at the workshop and during the workshop, each risk was discussed to ensure common agreement and understanding of its description and then prioritised on a matrix. The risk matrix measured each risk for its likelihood and its impact in terms of its potential for affecting the ability of the organisation to achieve its objectives.

For the risks that were assessed with higher likelihood and impact, the group validated the risk scenarios and determined actions to manage them, including assessing the adequacy of existing actions and identifying the need for further actions in order to move the risk down the matrix.

Management Board agreed a timescale for re-visiting these risks in order to assess if they are still relevant and to identify new scenarios. Risks in the red zone will be monitored on a monthly basis and those in the amber zone on a quarterly basis.

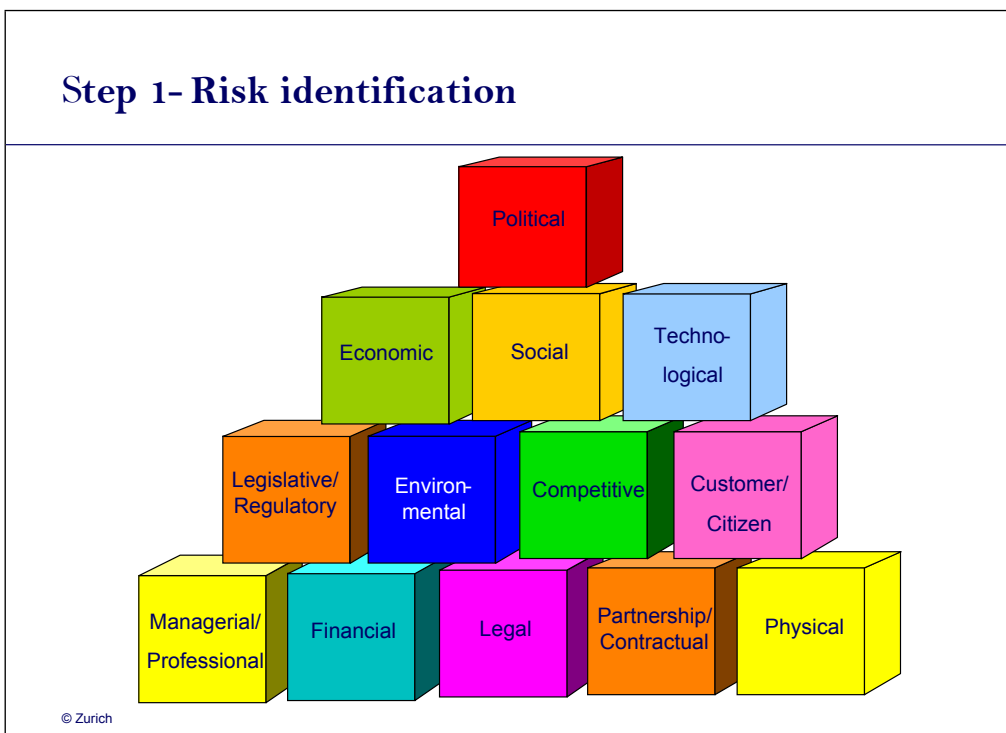
The following report outlines the process utilised by Zurich Risk Engineering and the results achieved.

2. The Process



Risk identification

The first of five stages of the risk management cycle requires risk identification. This formed the initial part of the workshop. In doing so the following 13 categories of risk were considered.



Risk analysis

During the workshop, the identified risks were discussed and framed into a risk scenario format, containing risk cause and consequence elements, with a 'trigger' also identified. This format ensured that the full nature of the risk was considered and also helped with the prioritisation of the risks.

Risk prioritisation

The discussion resulted in 8 risk scenarios being agreed (Appendix 2) and these were then assessed for impact and likelihood and plotted onto a matrix (Appendix 1). The likelihood of the risks was measured as being 'very high', 'high', 'medium', or 'low/very low'. The impact, compared against the key objectives and Corporate Plan was measured as being 'major', 'moderate', 'minor' or 'insignificant'.

Once all risks had been plotted the matrix was overlaid with red, amber and green filters, with those risks in the red area requiring further particular scrutiny in the short-term, followed by those in the amber area.

Risk management and monitoring

The next stage is to monitor the revised management action plans. These plans frame the risk management actions that are required. They map out the target for each risk i.e. to reduce the likelihood, impact or both. They also include targets and critical success factors to allow the risk management action to be monitored.

A risk owner has been identified for each risk. It is vital that each risk should be owned by a member of Management Board to ensure that there is high level support, understanding and monitoring of the work that is required as part of the plans. Risks should also be reviewed as part of the business planning process, in order to assess if they are still relevant and to identify new issues.

The monitoring of these action plans takes place at Corporate Governance Group, Management Board and the Risk Management Group. The action plans are also reported to Members quarterly.

As part of the regular review and reporting additional risks have been identified and added to the register, as shown in the table below.

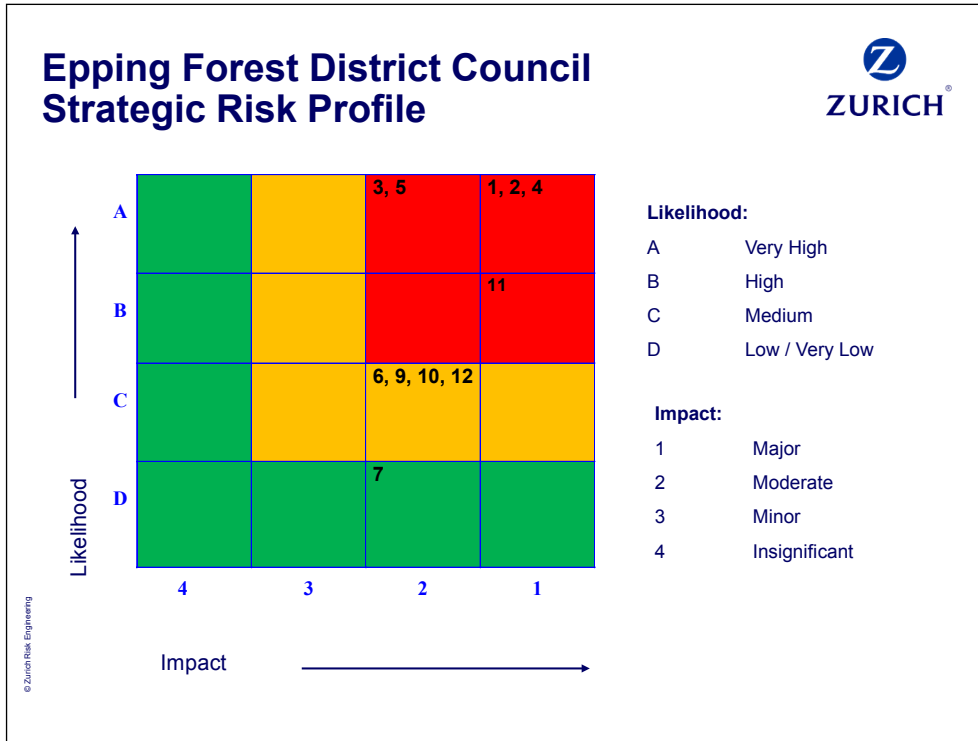
Risk number	Risk name	When added
9	Safeguarding	January 2014
10	Housing Capital Finance	June 2015
11	Transformation Programme	January 2018
12	Waste Management	June 2018

Risk 8 Partnerships – removed in September 2018.

Appendix 1 – Risk Profile

Risk profile

During the workshop, 8 risks were identified and framed into scenarios. The results are shown on the following risk profile.



Appendix 2 details all of the above risks.

It is important that an action plan element is written for each of the risks, with particular focus on those with the highest priority, as it is this which will allow them to be monitored and successfully managed down.

List of current Corporate Risks

Risk number	Short name
1	Local plan
2	Strategic sites
3	Welfare reform
4	Finance – income
5	Economic development
6	Data/ information
7	Business continuity
9	Safeguarding
10	Housing Capital
11	Transformation Programme
12	Waste Management

Appendix 2 – Corporate Risk Register and Action Plans

Risk No 1	Local Plan	A1		
Vulnerability	Trigger	Consequence	Risk Owner	
<p>On-going changes to the Planning system increase the importance of having an up to date adopted Local Plan to avoid the risk of intervention by the Secretary of State. On 16 November 2017 the Secretary Statement announced the commencement of intervention in the plan making arrangements of 15 local planning authorities that had failed to progress a Local Plan to the stage of publication</p>	<p>The Council is currently awaiting the decision on an application by the claimants to the Court of Appeal to seek leave to appeal the High Court decision which dismissed the claim for judicial review. This is holding up the submission of the Local Plan Submission Version (LPSV) for independent examination. As a result of an injunction granted on 20 March 2018 by Mrs Justice Lang which prevents the Council from submitting the plan until the final determination of the legal proceedings.</p>	<p>Plan not “sound”, leading to further delay, wasted resources, and vulnerability to planning appeal decisions and development in the Green Belt.</p>	<p>Derek Macnab</p>	
<p>A failure to submit the Local Plan to the Secretary of State for Independent Examination within six months of the date of publication of the revised National Planning Policy Framework (NPPF) (published on 24 July 2018 with a six month date of 24 January 2019) will result in the Council needing to use the standard methodology for the assessment of housing need – using this methodology it is likely that the housing target will be as set out in the consultation (i.e 923 homes per annum) rather than the 518 homes currently identified as the District’s housing requirement. MHCLG has announced that it will be reviewing the methodology following the publication of ONS data due in September. Any delay will also require the Council to undertake a significant amount of further work. In addition the Government is introducing a new Housing Delivery Test which without an adopted Local Plan the Council will not be able to meet.</p>	<p>As above</p>	<p>As above</p>		
<p>Planning policy recruitment and retention issues. Not considering alternative options of delivering work i.e outsourcing/secondments.</p>	<p>Inability to fill vacancies.</p>	<p>Significant diversion of professional resources to appeals. Risk of costs awards against Council. Delays in achieving timetable.</p>		

Risk No 1 Local Plan – Action Plan						
Existing Controls/actions to address risk	Effectiveness of controls/actions	Required further management action	Responsibility for action	Critical success factors and measures	Review frequency	Key date
Local Plan Submission Version 2017 Agreed by Council 14 December 2017 and published between 18 December 2017 and 29 January 2018.	Key milestone to achieve new LDS. Revised LDS may be required depending on JR outcome.	Collation of Representations and plan was ready to be submitted to Planning Inspectorate by 31 March 2018. Submission held up by JR.	Derek Macnab	Future adherence to project plan.	MB review 6 weekly	None – process ongoing.
Local Development Scheme (LDS) revised following submission of plan for independent examination.	Revised Local Development Scheme adopted by Cabinet following submission.	Review progress against key milestones. Planning Inspectorate (PINS) have advised that an updated LDS is not required prior to submission.	Derek Macnab	Adherence to revised LDS	MB review 6 weekly	Submit as soon as possible after JR decision

Risk No 1 Local Plan – Action Plan						
Existing Controls/actions to address risk	Effectiveness of controls/actions	Required further management action	Responsibility for action	Critical success factors and measures	Review frequency	Key date
Systematic approach to Duty to Co-operate, engaging public bodies and developing Memorandum of Understanding (MoU) with key councils in the Strategic Housing Market Area (SHMA).	Regular reports at officer and Member level through the Cooperation for Sustainable Development Group. Draft Employment MoU now agreed.	Important that key decisions do not precede Duty to Co-operate i.e. “fait accompli”- Group is exploring additional items to be included on discussion agenda.	Derek Macnab	Submitted plan passes legal test of Duty to Co-operate.	MB review six weekly	Officer Meetings – monthly now underway. Duty to Co-operate” Member meetings held regularly.
Development of mitigation strategy as set out in the MoU regarding the effect of development on Epping Forest SAC.	Regular meetings now held with key stakeholders to develop mitigation strategy.	Awaiting information on projects to support the mitigation strategy from City of London (Epping Forest Conservators)	Derek Macnab	Interim mitigation strategy in place pending a full agreed strategy.		Agreed strategy by the end of 2018.
Consultants in place to support project management, resource planning, Sustainability Assessment, transport modelling, master planning..	Staff cannot be prevented from leaving. Exit interviews should reveal any specific patterns. Market is picking up, making recruitment more difficult. EFDC has offered market supplements on key posts to offer competitive salaries in a tight market.	Ongoing review of strategy by senior planners and Management Board. Scrutiny Function to be undertaken by Neighbourhood Select Committee.	Derek Macnab	No delays to timetable due to staffing gaps or lack of critical skills		

Risk No 2 Strategic Sites A1						
Vulnerability		Trigger		Consequence		Risk Owner
The Council has a number of Strategic sites which it needs to make the right decisions about and then deliver on those decisions.		Not maximising the opportunity of the strategic sites either through decisions or delivery. Loss of key officers.		<ul style="list-style-type: none"> Financial viability of Council harmed Lack of economic development and job creation External criticism <ul style="list-style-type: none"> Project delayed or mismanaged 		Derek Macnab
Existing Controls/actions to address risk	Effectiveness of controls/actions	Required further management action	Responsibility for action	Critical success factors and measures	Review frequency	Key date
Work on strategic sites is co-ordinated through a dedicated Cabinet Committee.	<p>Work is progressing on developing a number of sites:</p> <ol style="list-style-type: none"> 1. Landmark/ former Winston Churchill, negotiations taking place with potential tenants for retail space. One unit let, two under offer and remaining unit being marketed. 2. St Johns, negotiations are ongoing with Epping Town Council; 3. Waltham Abbey Leisure Centre; leisure centres are now managed by Places for People, they are developing sites. Construction is progressing to plan; 4. Pyrles Lane Nursery, Cabinet agreed disposal strategy. Marketing to end summer 2018. 5. North Weald Airfield. Cabinet agreed letting to National Police Air Service (NPAS). Currently in solicitors hands. 	<p>Complete letting of retail space.</p> <p>Relocation of Housing depot to Oakwood Hill depot in progress.</p> <p>Monitor construction of new centre. Currently on programme.</p> <p>Nursery Services to re-locate to Town Mead.</p> <p>Complete letting of site to NPAS.</p>	Derek Macnab	Development of strategic sites completed in accordance with Cabinet decisions.	Monthly	None

Risk No 3 Welfare Reform A2						
Vulnerability		Trigger	Consequence			Risk Owner
The government has pledged to make substantial savings from the overall welfare bill. This will require a major reform of the welfare system which is likely to have serious impacts on the Council and the community. This includes Universal Credit, changes to Council Tax and other benefits and direct payments to tenants.		Welfare reform changes have a detrimental effect on the Council and community	<ul style="list-style-type: none"> • Tenants no longer able to afford current/new tenancies. • Increase in evictions and homelessness • Increased costs of temporary accommodation • Unable to secure similar level of income due to payment defaults • Increase in rent arrears • Public dissatisfaction • Criticism of the Council for not mitigating the effects for residents. 			Alan Hall
Existing Controls /actions to address risk	Effectiveness of controls/actions	Required further management action	Responsibility for action	Critical success factors and measures	Review frequency	Key date
Joint Benefits and Housing working group established. Mitigation action plan developed.	Two thirds of the actions have been implemented.	Working Group to continue and amend mitigation action plan as necessary. To be reviewed when the full service is implemented.	Alan Hall	A smooth implementation of welfare reforms. Minimise number and cost of redundancies.	Monthly	31 December 2018.

Risk No 4 Finance Income A1						
Vulnerability		Trigger	Consequence			Risk Owner
<p>The Government are consulting on significant changes in responsibilities and financing. Despite four year settlements being in place further reductions still likely.</p> <p>A large number of rating appeals have been received and the outcome of these is uncertain.</p> <p>Welfare reform may require substantial change to the calculation and administration of benefits with a likely reduction in funding received.</p> <p>The medium term financial strategy requires substantial net CSB reductions over three years.</p>		<p>Unable to secure required level of income due to reduced demand for services, changes in legislation or adverse change in funding mechanisms.</p>	<ul style="list-style-type: none"> • Council unable to meet budget requirements • Staffing and service level reductions • Increase Council Tax • Increase in charges • Greater use of reserves if required net savings not achieved • Higher level of saving in subsequent years. 			<p>Peter Maddock</p>
Existing Controls /actions to address risk	Effectiveness of controls/actions	Required further management action	Responsibility for action	Critical success factors and measures	Review frequency	Key date
<p>Monitoring of key income streams and NDR tax base. Savings opportunities pursued through service reviews and corporate restructure.</p>	<p>Effective to date as budgets have been achieved that meet the financial targets set by Members.</p>	<p>Update Medium Term Financial Strategy as announcements are made on changes to central funding and welfare.</p> <p>Continue to pursue opportunities to reduce net spending.</p>	<p>Peter Maddock</p>	<p>Savings targets achieved with net expenditure reductions over the medium term as part of a structured plan.</p>	<p>Monthly</p>	<p>28 February 2019, budget to Council.</p>

Risk No 5 Economic Development A2						
Vulnerability		Trigger	Consequence			Risk Owner
Economic development and employment is very important, particularly in the current economic climate. The Council needs to be able to provide opportunities for economic development and employment (especially youth employment) in the District.		Council performs relatively poorly compared to other authorities.	<ul style="list-style-type: none"> • Unable to secure sufficient opportunities • Local area and people lose out • Insufficient inward investment • Impact on economic vitality of area • Loss of revenue 			Derek Macnab
Existing Controls/actions to address risk	Effectiveness of controls/actions	Required further management action	Responsibility for action	Critical success factors and measures	Review frequency	Key date
<p>Members have agreed the key objectives to be delivered by the Economic Development Strategy. Work on final strategy has paused pending outcome of further evidence work e.g. Employment/Visitor Economy being undertaken as part of the Local Plan.</p> <p>Economic Development Team fully staffed.</p>	Too early to determine effectiveness.	Amend and update following consultation on Local Plan.	Derek Macnab	Growth in NDR tax base and employment opportunities. Council to be viewed as punching above its weight.	Monthly	None

Risk No 6 Data / Information C2						
Vulnerability		Trigger	Consequence			Risk Owner
The Authority handles a large amount of personal and business data. Either through hacking or carelessness, security of the data could be compromised.		Data held by the Council ends up in inappropriate hands.	<ul style="list-style-type: none"> • Breach of corporate governance • Increased costs and legal implications • Reputation damaged 			Simon Hill
Existing Controls/actions to address risk	Effectiveness of controls/actions	Required further management action	Responsibility for action	Critical success factors and measures	Review frequency	Key date
<p>Updated Data Protection policy agreed by Corporate Governance Group and rolling out through meta-compliance.</p> <p>Data Protection formed part of Member induction from May 2014, with requirement to confirm acceptance of the Council's DP policy.</p> <p>Consolidation of Data Protection and Freedom of Information work in one area.</p> <p>Security Officer is continually monitoring situation and potential risks. Most systems have in built controls to prevent unauthorised access.</p> <p>Controls in systems have been strengthened in response to specific occurrences.</p> <p>New system for handling F.O.I. requests now implemented.</p> <p>Data retention policies on the Council intranet.</p>	Generally effective to date, with no significant lapses so far in 2018/19.	<p>Update F.O.I. publication scheme and guide to information.</p> <p>Data sharing and fair processing notices to be reviewed and standardised.</p> <p>Maintain GCSx compliance and system controls.</p>	Simon Hill	<p>Continued security of personal data held by the Council in accordance with the Data Protections Act 1998.</p> <p>No criticism from the ICO over how requests are handled.</p> <p>No data loss or system downtime due to unauthorised access of EFDC systems or data.</p>	Quarterly	None

Risk No 7 Business Continuity D2						
Vulnerability		Trigger	Consequence			Risk Owner
<p>The Council is required to develop and implement robust Business Continuity Plans in line with the requirements of the Civil Contingencies Act.</p> <p>Following the re-organisation plans will need to be updated and changes in responsibilities confirmed.</p>		<p>Unable to respond effectively to a business continuity incident (e.g. IT virus/flu pandemic)</p>	<ul style="list-style-type: none"> • Services disrupted / Loss of service • Possible loss of income • Staff absence • Hardship for some of the community • Council criticised for not responding effectively 			Derek Macnab
Existing Controls/actions to address risk	Effectiveness of controls/actions	Required further management action	Responsibility for action	Critical success factors and measures	Review frequency	Key date
<p>Most services already have business continuity plans in place and a separate flu pandemic plan has been developed.</p> <p>The Corporate Plan has been updated and adopted.</p>	<p>The effectiveness of controls is assessed periodically through test and exercises</p>	<p>Guidance to be issued to services on updating plans.</p> <p>Arrange periodic tests and exercises.</p>	Derek Macnab	<p>Having plans in place which are proved fit for purpose either by events or external scrutiny.</p>	Quarterly	None

Risk No 9 Safeguarding C2			
Vulnerability	Trigger	Consequence	Risk Owner
<p>The Council needs to demonstrate its ability to meet its duties under Sections 11 and 47 of the Children Act 2004 and the Care Act 2014, which refer to adults with needs for care and support. This includes a specific responsibility for safeguarding adults from self-neglect.</p>	<p>The Council fails to meet its duties in regard to safeguarding children, young people and adults with needs for care and support.</p>	<ul style="list-style-type: none"> • A child, young person or vulnerable adult suffers significant harm • A child, young person or vulnerable adult suffers from exploitation • Avoidable death of a child, young person or vulnerable adult living in the District • Reputational risk for Council • Censure and special measures applied 	<p>Alan Hall</p>

Risk No 9 Safeguarding - Action Plan

Existing Controls/ actions to address risk	Effectiveness of controls/actions	Required further management action	Responsibility for action	Critical success factors and measures	Review frequency	Key date
<p>The Council has a Safeguarding Policy (2018), which is updated in line with new legislation. The policy details what is required of all staff and Elected Members and is supported by a set of procedures which set out the process for recording safeguarding concerns, incidents and allegations.</p> <p>A corporate Safeguarding Group ensures sharing of best practice and information across Directorates and enables the identification of any weaknesses in the Council's work.</p> <p>Council policies have been developed for all new and emerging safeguarding issues such as Child Sexual Exploitation (CSE).</p> <p>A Safeguarding Strategy and Action Plan has been adopted by Cabinet.</p> <p>A bespoke Basic Safeguarding Awareness e-learning training resource has been developed, which all EFDC staff and Members must undertake.</p> <p>An EFDC bespoke 'Enhanced' safeguarding training session has been developed, to be rolled out October 2018.</p> <p>Nursery Worker Accommodation Task Group established.</p>	<p>The Council has reduced the risk of safeguarding issues going unnoticed by staff and Elected Members by developing a new programme of training and production of the new Policy and procedures 2018.</p> <p>This group has become an effective forum for sharing of best practice and commitment from all Directorates is shown.</p> <p>Several of these policies have been used across Essex as examples of best practice.</p> <p>These documents set out areas requiring further improvement.</p> <p>To be launched summer 2018.</p> <p>The Safeguarding 'Hub' enables all EFDC safeguarding issues to be reported. The number of concerns identified in the last year has increased significantly.</p>	<p>Leadership Team and Managers to continue to promote vigilance amongst staff.</p> <p>The Council needs to ensure timely response to changes in legislation or local procedures.</p> <p>Directorates need to continue to commit time for representatives to attend the Corporate Working Group.</p> <p>Safeguarding Strategy and Action Plan to be reviewed in 2018/19.</p> <p>Training records to be held and maintained centrally by the People Team.</p>	<p>Alan Hall</p>	<p>The Council meets all of its duties for safeguarding children under Section 11 and 47 of the Safeguarding Act 2004.</p> <p>The Council meets the new duties of the Care Act 2014.</p> <p>The Council fully meets all aspects of the ESCB Section 11 and ESAB Safeguarding self - assessment.</p>	<p>Quarterly</p>	<p>Annual submission of ESAB/ESCB Audits.</p>

Risk No 10 Housing Capital Finance		C2				
Vulnerability		Trigger	Consequence			Risk Owner
<p>If the Council is unable to spend right to buy receipts in set timescale on qualifying capital schemes we will have to pay the money to the Government along with interest at a penalty rate.</p> <p>Changes to legislation which reduce income to the HRA.</p> <p>The Government is introducing right to buy for tenants of housing associations financed through the forced sales of Council properties as they become void. The initial pilot is being expanded in 2017/18 with funding from the Treasury. What will happen beyond 2017/18 remains unclear.</p>		<p>Schemes are delayed by either the planning process or unanticipated site problems.</p> <p>Imposition of further restrictions on rent levels.</p> <p>Imposition of right to buy scheme which requires the disposal of a large proportion of the Council's void properties.</p>	<ul style="list-style-type: none"> • Loss of capital resources • Revenues cost of penalty interest • Loss of rental income • Delays in provision of new social housing • Increase in housing waiting list • Current 30 year business plan may become unsustainable. 			Alan Hall
Existing Controls/actions to address risk	Effectiveness of controls/actions	Required further management action	Responsibility for action	Critical success factors and measures	Review frequency	Key date
<p>Position being monitored by the House Building Cabinet Committee and a number of contingency options are available including purchasing on the open market.</p> <p>The Council belongs to the Association of Retained Council Housing which lobbies on such issues.</p>	<p>Effective to date.</p> <p>Too early to comment yet as the policy is still being developed.</p>	<p>Continue close monitoring of financial position.</p> <p>Keeping Members fully informed of the potential consequences of their actions.</p> <p>Monitor policy development/announcements and participate in lobbying if appropriate.</p>	<p>Alan Hall</p> <p>Alan Hall</p>	<p>Loss of right to buy receipts is minimised.</p> <p>No loss of Council properties to support right to buy for HA tenants.</p>	<p>Monthly</p> <p>Monthly</p>	<p>Ongoing</p>

Risk No 11 Transformation Programme B1						
Vulnerability		Trigger		Consequence		Risk Owner
<p>The Council has embarked on a major programme to modernise working practices and improve efficiency. The three key projects within the programme are people, accommodation and ICT. These are all challenging pieces of work and if any of them fail or are significantly delayed the whole programme may collapse.</p>		<p>There are many issues with the potential to disrupt one or more of the projects. Each project requires resourcing financially and with staff time. Loss of a key individual or a lack of finance would make delivery difficult.</p> <p>Restrictive listing of offices could obstruct the work on accommodation.</p>		<ul style="list-style-type: none"> • Service improvements not achieved for residents. • Improvements in efficiency not delivered. • Pressure on future budgets. • Reputational damage to the Council. 		Derek Macnab
Existing Controls /actions to address risk	Effectiveness of controls/actions	Required further management action	Responsibility for action	Critical success factors and measures	Review frequency	Key date
<p>Regular meetings of Transformation Programme Board (TPB) and monitoring reports presented to every Cabinet meeting.</p>	<p>ICT and People strategies approved by Cabinet and progressing.</p>	<p>TPB to continue to monitor projects and ensure adequate human and financial resource available.</p> <p>Action on listing can only be determined when the outcome is clear.</p> <p>To work with Historic England to ascertain the extent of the works that can be done to satisfy the listing criteria.</p>	Derek Macnab	<p>Projects delivered on time and in budget with full benefits realisation.</p> <p>Detailed success factors and measures are set out in the project management documents for each project.</p>	Monthly	<p>Key dates are set out in the project management documents for each project.</p>

Risk No 12 Waste Management C2						
Vulnerability		Trigger	Consequence			Risk Owner
Inability of the Council's partnering contractor, Biffa Municipal Limited to secure profitable outlets for recycling materials processed through the Material Recycling Facility (MRF) could result in diminishing income.		There has been significant drop in income from the sale of recycling materials especially paper, caused primarily by the Chinese government decision to ban import of MRF paper. This has resulted in saturation in the commodity markets.	<ul style="list-style-type: none"> • Reputational damage to the Council if recycling materials is sent to landfill. • Additional costs to the Council if Biffa cannot sell materials. • Additional costs under pain/gain share mechanism in the contract if the income from recycling continues to drop or worst case becomes a cost. 			Derek Macnab
Existing Controls /actions to address risk	Effectiveness of controls/actions	Required further management action	Responsibility for action	Critical success factors and measures	Review frequency	Key date
Financial settlement is being agreed with Biffa to mitigate some of the costs arising from the increased costs of processing and the capital investment incurred to improve the quality of recycling output from the Biffa MRF.	<p>Dependent, to a large extent, on the market forces in the case of commodity prices.</p> <p>Risks due to Recycling Index Unit Rate (RIUR) variation to be continued to be monitored closely.</p>	Management Board to continue to monitor the costs and market fluctuations.	Derek Macnab	<p>RIUR reviews result in increased income.</p> <p>Difficulties in selling recycling materials is identified early.</p>	Monthly	November 2018