

## **Risk Governance Process For Our Integrated Adult Social Care Service**

This document is an appendix to the council's risk management framework. It sets out the processes that provide the risk assurance of our Adult Social Care services in Torbay.

### **Introduction**

Torbay Council holds the statutory duty to ensure that Adult Social Care is in place in Torbay. This consists of duties under The Care Act 2014, The Mental Capacity Act 2005 and the Mental Health Act 1983/2007. The Director of Adult Social Services (DASS) holds the statutory duty for Adult Social Care (ASC) in Torbay.

A Section 75 agreement is in place with Torbay and South Devon NHS Foundation Trust (TSDFT) who deliver operational services in relation to the Care Act 2014, the Mental Health Act 1983/2007, and the Mental Capacity Act 2005.

Practically, this means the delivery of Social Work Services, operational delivery of Safeguarding Adult Services, operational commissioning, and contract management of the social care market are delivered by TSDFT. Torbay Council retains responsibility for oversight of the Adult Social Care market and the wider delivery of wellbeing, information, and advice.

This arrangement was originally founded in 2005 and was refreshed in 2012 when Torbay and Southern Devon Health and Care Trust was established and novated to Torbay and South Devon NHS Foundation Trust on the 1<sup>st</sup> October 2015.

Nationally, Adult Social Care services are facing big challenges due to increasing demand, complexity of need and availability of resources. For Torbay Council, the Adult Social Care spend represents approximately 38% of the council's overall budget, therefore it is a significant spend and the risks must be carefully managed.

### **Risk Assurance**

Both organisations follow their own risk management frameworks. Risks for Adult Social Care are included in both. The risk management framework in operation within each organisation is audited by each organisation's auditors: Torbay Council's auditors are Devon Audit Partnership (DAP) and Torbay & South Devon NHS Foundation Trust's auditors are ASW Assurance.

As the Council's DASS holds the overall responsibility for Adult Social Care in Torbay, this post works in partnership with both DAP and ASW Assurance to ensure identified control systems and processes are reviewed providing assurance that risk is appropriately managed.



## Torbay Council

The council's Section 151 Officer holds the statutory responsibility for ensuring there are effective arrangements in place to manage the organisation's risks. The council's DASS takes responsibility for identifying, managing, and updating the Adult Social Care risks as per the council's risk management framework.

Each year, the DASS will be consulted by the Section 151 Officer to identify the areas that need to be included within the council's annual audit plan. This audit plan is delivered by the Devon Audit Partnership. The council's Audit Committee have oversight of the entire audit plan for the council and DAP's annual report. After each audit the DASS is supplied a draft report of DAP's findings and recommendations. The report is finalised once the DASS has provided a response to the recommendations. Should the need arise, the DASS can make a request to the Section 151 Officer for additional audits.

## Torbay and South Devon NHS Foundation Trust

The Board of Torbay and South Devon NHS Foundation Trust (TSDFT) is collectively accountable for maintaining a sound system of internal control and is responsible for putting in place arrangements for gaining assurance about the effectiveness of that overall system. This governance framework includes the committee structure, the structure and use of the Board Assurance Framework, and risk assessment and management processes.

TSDFT's internal auditors, ASW Assurance, include within an overall annual audit plan Adult Social Care related operational audit reviews, identified and approved through discussion with the DASS. The annual audit plan is agreed through the Risk Group prior to consideration and approval by the Audit and Risk Committee.

## Section 75 Strategic Agreement

To formalise the above, the Section 75 Strategic Agreement between Torbay Council and Torbay and South Devon NHS Foundation Trust states that the Trust will:

- ✓ Along with the council put forward areas of Adult Social Care audit priorities;
- ✓ Consult with the Director of Adults Social Services (DASS) of Torbay Council on proposed internal audit coverage;
- ✓ Provide to the DASS copies of assignment reports that relate to control arrangements for Adult Services;
- ✓ Provide an annual statement to the DASS on the adequacy and effectiveness of the overall system of internal control for the Trust, and in particular, those areas directly affecting Adult Services.

## Devon Audit Partnership & ASW Assurance

In addition to the processes laid out in the Strategic Agreement. The auditors for both organisations have agreed to:

### Joint Planning:

- Meet in January each year to consider how ASC is included in their audit plans for the forthcoming year. The auditors will meet again in June/July to discuss their assurance reports.
- Share between each other their proposed audit plans to inform the overall picture of ASC assurance sources.
- Discuss and consider both organisation's risks in relation to ASC to inform planning discussions (annual and in year) with the DASS.

### ASW Assurance:

- At the start of each audit year ASW Assurance will set out the expected assurance reviews that will be required to be shared, upon completion, with the council's DASS, Section 151 Officer and DAP.
- ASW Assurance and TSDFT to agree a process for early/urgent identification and consideration of audit control concerns to the DASS.
- ASW Assurance and TSDFT to agree the format of the Annual Assurance Statement that is provided to the council's DASS, Section 151 Officer and DAP.
- ASW Assurance's Annual Assurance Statement to be agreed by TSDFT Deputy Chief Executive and Chief Finance Officer prior to sharing with the Council's DASS, Section 151 Officer and DAP.

## Governance

All council risks associated with Adult Social Care will be managed in accordance with the council's risk policy and framework. The council's strategic, corporate and service risks are held, managed and reviewed using the council's risk management software SPAR.net. The council's strategic and corporate risk registers are reported to and reviewed by the Directors at their Directors Overview Meeting, Members of Cabinet and Audit Committee at least three times per year.

The TSDFT risks associated with Adult Social Care are managed in accordance with their risk management framework and policy. TSDFT's strategic, corporate and service risks to objectives are held, managed and reviewed using the Trust's risk management software Datix. Risks identified to the delivery of the Adult Social Care Services are reported to the Adult Social Care Operational Oversight Group and when necessary escalated to the specific Integrated Governance Group meeting for: Families Community and Place Based Care and potentially to the Trust's Risk Group.

When TSDFT mitigated risks score 16 or above, the council's DASS will be made aware. These risks, the controls they have in place and officer reviews/updates will be shared with the DASS until the mitigated risk score reduces down again below 16.

On receipt of ASW Assurance's Annual Assurance Statement, which provides an overall opinion on the Adult Social Care services provided by the Trust, the council's DASS will review the findings with the Section 151 Officer.

The DASS in conjunction with the council's Section 151 Officer will prepare a report for Audit Committee and when considered necessary also the Adult Social Care and Health Overview and Scrutiny Sub-Board. This report will include:

- Any notable outcomes or concerns that DAP or ASW Assurance have identified as part of their audit reports.
- Any responses made by the DASS in relation to audit report recommendations.
- The DASS's overarching opinion on any risks or assurances that need to be shared with the committees.
- The audit plan for the current year and thoughts on future audits required.
- ASW Assurance's latest Annual Assurance Statement.

This report will also be presented to the Section 75 Executive Committee for oversight and assurance.