

<b>Risk Code: CP05</b>	<b>Failure to comply with Health &amp; Safety legislation</b>	<b>Accountable Officer : Matt Fairclough-Kay</b>
<b>Unmitigated Score:</b> High (20)	<b>Description:</b> Health and Safety is a legislative requirement that is enforced by the Health and Safety Executive (HSE). The HSE intervenes when the organisation is found to be in failing in its management of health and safety (in contravention HSG 65). Routine and periodic inspections of systems are required on ASSURE (the council's health and safety software management system). Likewise, incidents are required to be reported and investigated in accordance with the council's policies and procedures. From the 1st July 2024, the assets which were previously managed by TEDC have transferred back to the Council and are now under direct control. Some of these assets have given cause for concern due to recent near misses, therefore, the risk scoring will need to raise.	<b>Risk Completion Officer : Dave Walker</b>
<b>Mitigated Current Score:</b> High (20)		<b>Last Review Date : 05/02/2025</b>
<b>Direction of Travel:</b> —		<b>Identification Date: 23/11/2022</b>
<b>Mitigation status:</b>	<b>Mitigation:</b>	
Action needed	Adequate Health and Safety resources available	
Action ongoing	Auditing of Assets	
Action ongoing	Development and maintenance of ASSURE health and safety system	
Action needed	Policies and procedures in place	
Action ongoing	Review of Asset Management	
Action ongoing	Risk Assessments	
Action ongoing	Systems and procedures	
Action needed	Up take of Health and Safety training	
<b>Latest Note:</b> There continue to be issues with regards to Asset Management, particularly with the timely inspection, certification and maintenance of lifting equipment. A review is also needs as to designated roles and responsibilities under current Water Hygiene, Asbestos and Fire Safety Management in accordance with current H&S legislation following the integration of TEDC. This process has commenced, but needs to be expedited with the current HSE focus on Asbestos and Contractor Management. Training uptake remains poor in several areas without resolution, impacting the Authority's ability to demonstrate due diligence.		

<b>Risk Code: CP06</b>	<b>Failure for our wholly owned companies to comply with H&amp;S, fire, environmental legislation.</b>	<b>Accountable Officer : Matt Fairclough-Kay</b>
<b>Unmitigated Score:</b> High (16)	<b>Description:</b> It is vital that the Council oversees the delivery of health and safety within all our wholly owned companies.	<b>Risk Completion Officer : Dave Walker</b>
<b>Mitigated Current Score:</b> High (20)		<b>Last Review Date : 05/02/2025</b>
<b>Direction of Travel:</b> —		<b>Identification Date: 30/03/2023</b>
<b>Mitigation status:</b>	<b>Mitigation:</b>	
Action ongoing	Adequate Health and Safety resources available	
Action needed	Auditing of Assets/Sites	
Action ongoing	External Liaison	
Action ongoing	Fire Safety Post	
Action ongoing	H&S Training	
Action needed	Health & Safety Management Auditing	
Action ongoing	Policies and proures in place	
Action ongoing	Reporting of H&S	
<b>Latest Note:</b> Implementation of procedures around refuelling are on target to be delivered by the end of February which, in conjunction with the testing of fuel storage tanks, will mitigate this risk and reduce the score. Additional on site compliance auditing has been targeted for implementation in March 2025 providing reassurance and testing existing systems. Changes have been implemented to the induction processes, ensuring consistency of material delivered.		

<b>Risk Code: CP14</b>	<b>Delivery of SEND</b>	<b>Accountable Officer : Nancy Meehan</b>
<b>Unmitigated Score:</b> Very High (25)	<b>Description:</b> The Local Area is required to deliver high quality SEND services in line with SEND Code of Practice 0 – 25 years – January 2015. In November 2021 the Local Area was inspected by Ofsted and CQC on the effectiveness of delivering the SEND duties. The Local Area was found to have significant areas of weakness in the area's practice and as such required a written statement of action to be created and enacted to improve practice.	<b>Risk Completion Officer : Lisa Chittenden</b>
<b>Mitigated Current Score:</b> High (20)		<b>Last Review Date : 29/01/2025</b>
<b>Direction of Travel:</b> —		<b>Identification Date: 30/03/2023</b>
<b>Mitigation status:</b>	<b>Mitigation:</b>	
Action ongoing	Internal controls	
Action ongoing	Networking / best practice	
Action ongoing	P1 - Joint Commissioning	
Action ongoing	P2 – SEND Strategy	
Action ongoing	P3 – Cultural change	
Action ongoing	P4 – Joint working	
Action ongoing	P5 – Graduated response	
Action ongoing	P6 – Becoming an adult	
Action ongoing	P7 – Quality assurance and community engagement	
Action ongoing	Written Statement of Action for SEND Improvement	
<b>Latest Note:</b> The progress of our Written Statement of Action continues to be tracked and governed through our SEND Board and DfE Monitoring Visits. Risks and issues are identified through this process. Current risks are: resilience of all agencies to respond and systems changes need to ensure joint commissioning and financial contributions across agencies. The impact on children and young people although starting to change, is not felt widely enough across the system at this stage. The Graduated Response has been widely communicated however the impact on the Requests for Statutory Assessment (RSA) is not yet being seen in the number of referrals received. A high rate of refusal is still seen at the panel, on average 40%. As per the last update from the DCS we are still seeing our data going in the wrong direction with a huge increase in RSAs which impact on the Education Health and Care Plan projection. We have a high refusal rate and also a number which are going to tribunal, with the tribunal timescales being shortened to a 10 week turn around.  Recently an LGA review has determined that our governance of our SEND improvement work should be stripped back to focus on key areas. Our new Self Evaluation Framework and Local Area Improvement Plan will now drive the future improvement work.  A SEND LGA Peer review took place in November 2024 and feedback from this (due early 2025) will be used to further support the planning for the next SEND inspection.		

<b>Risk Code: CP15</b>	<b>Failure to stabilise the budget for the Higher Needs block</b>	<b>Accountable Officer : Nancy Meehan</b>
<b>Unmitigated Score:</b> Very High (25)	<b>Description:</b> The Higher Needs Block of the Dedicated Schools Grant continues to be overspent. The forecast year end overspend (2022/23) is £2.716m with a cumulative deficit of £11.715m. The Higher Needs Block provides funding to education provisions through the provision of additional support either through identification at SEN K or through the provision set out in an Education Health and Care Plan. The identification of need and the demands on the budget are currently not aligned to the budget received on annual basis. The deficit position of the budget is currently supported by a National Statutory Override, this mechanism is in place for the next three years and provides a way of the Council accounting for the deficit, however this does not address the deficit budget position. In February 2022 Torbay were invited to take part in the Safety Valve programme. The aim of the programme is to agree a package of reform with the DfE and approved by the Secretary of State to implement a DSG Management Plan of the high needs system that will bring the dedicated schools grant (DSG) deficit under control by reducing the spend on the high needs budget by 26/27. Torbay were notified on 14.3.2023 that the Secretary of State had approved the proposals and as a result will support Torbay financially with the HNB deficit on the basis we can implement robustly the proposals within the DSG Management Plan. Torbay will be subject to 3 times a year monitoring visits as part of the scrutiny.	<b>Risk Completion Officer : Lisa Chittenden</b>
<b>Mitigated Current Score:</b> High (20)		<b>Last Review Date : 29/01/2025</b>
<b>Direction of Travel:</b> —		<b>Identification Date: 30/03/2023</b>
<b>Mitigation status:</b>	<b>Mitigation:</b>	
Action ongoing	Ceasing and reviewing Education Health and Care Plans	
Action ongoing	Control – Contributions from agencies	
Action ongoing	Control – Higher Needs Review Group	
Action ongoing	Control – IPOP panel	
Action ongoing	Control – SEND Board and Continuous Improvement Board	
Action ongoing	Early intervention and Prevention	
Action ongoing	Implement the DSG Management Plan	
Action ongoing	Learn from Best Practice	
Action ongoing	Performance data	
Action ongoing	Safety Valve	
Action ongoing	Workforce Development Programme	
<b>Latest Note:</b> The Safety Valve (SV) agreement came into place on 17th March 2023 providing the deficit budget position to be funded, subject to the ongoing delivery of the SV terms and conditions of the agreement. Four submissions of the progress made towards the Safety Valve have been provided to the Education and Skills Funding Agency. The financial position of the Dedicated Schools Grant reported to School Forum in November 2023, demonstrates that the budget is aligned to the outturn position of the Safety Valve, however there are significant pressures and risks as the demand for Education Health and Care Plans is not reducing and the number of plans that are able to be ceased is slowing. We have inputted some mitigations to try to reduce the number of Requests for Statutory Assessment (RSA) such as early Next Steps Meetings prior to RSAs and a robust and rigorous No to Issue standing at approximately 43% of RSAs submitted. However, the rate of which the RSAs are being submitted is currently 50% higher than our target of 15 per month. We have received payment for our August and November 2024 submissions. There is a continued and high risk to not meeting our May 2025 target given the pressures explained above as well as a new risk which has been presented to us recently by the DfE when we have tried to change our special school commissioned numbers to meet our Safety Valve agreement. It seems that DfE policy is that with no agreement on changing commissioned numbers these revert back to the previous year; we are unable to revert back as the school in question is refusing to admit children outside of their designation. Therefore in effect this amounts to a potential additional £250k spend being forced upon us by DfE policy. This has been escalated both to the DfE and through our legal teams.		

<b>Risk Code: CP17</b>	<b>Placement sufficiency</b>	<b>Accountable Officer : Nancy Meehan</b>
<b>Unmitigated Score:</b> Very High (25)	<b>Description:</b> The Children's Social Care Market Study, undertaken by the Competition and Markets Authority and published in March 2022 found that there were a lack of available placements of the right kind and in the right places, which inevitably leads to some children not consistently accessing the care and accommodation that meet their needs. In addition, the largest private providers of placements are making materially higher profits, and charging materially higher prices, than would be expected if this market were functioning effectively. Taken together with a regional challenge in the South West which highlights that there was only 85 more local authority approved placement in July 2022 than in 2018 providing less than half of the required places for cared for children and fifteen fewer approved fostering households available through Independent Fostering Agencies. (Source The South West Market Position Statement, 13 July 2022), it constructs a care system landscape under significant stress in trying to respond to the needs of children and young people. Consequently, symptoms of the aforementioned stress are starting to become evident. For example, providers have reported an increase in the use of residential provision for younger children. Further description The South West Sufficiency Project data collection, shows a marked increase in the number of children aged under 11 placed in residential provision (across the South West, 493 children aged 5-10 years of age were placed in residential provision in 2018/19, 635 in 2019/20 and 647 in 2020/21). Whilst Torbay has not mirrored this trend, the increased use of this provision for younger children, likely driven by the aforementioned fostering sufficiency challenges, has led to insufficient availability of matched residential provision, especially for those children subject to criminal exploitation and contextual safeguarding risks and associated trauma-related needs. This trend and Torbay's use of residential solutions and the reasons for doing so will continue to be closely monitored.	<b>Risk Completion Officer : Lisa Chittenden</b>
<b>Mitigated Current Score:</b> Very High (25)		<b>Last Review Date : 29/01/2025</b>
<b>Direction of Travel:</b> —		<b>Identification Date: 30/03/2023</b>
<b>Mitigation status:</b>	<b>Mitigation:</b>	
Action ongoing	DFE funded Regional Fostering Recruitment Hub	
Action ongoing	Enhanced placement planning	
Action ongoing	Former Foster Carer SGO scoping	
Action ongoing	Mockingbird	
Action ongoing	Parent and Child Placement	
Action completed	Resilience carers	
Action ongoing	Training	
<b>Latest Note:</b>	This has been reviewed in light of the continued issue in relation to national placement sufficiency. Both the Fostering in England 2024 data and recent media attention and the ambition set out in 'keeping children safe and helping families thrive' in relation to the cost of care, evidence the significant challenges which are impacting on placements at this time, hence likelihood set at 'almost certain'. There continues to be a risk to the placement budget by virtue of some of these pressures. There is a huge pressure due to the independent market requesting huge increases in the cost for children already in their care which we are limited in influencing. There is a real concern about cost and there are challenges with receiving any health budget - as such this remains as a score of 25.	


<b>Risk Code: CP46</b>	<b>Effective Housing delivery</b>	<b>Accountable Officer : Anthony Payne</b>
<b>Unmitigated Score:</b> High (20)	<b>Description:</b> That the Council fails to ensure delivery of an appropriate breadth and scale of housing to meet Torbay's needs.	<b>Risk Completion Officer : David Edmondson</b>
<b>Mitigated Current Score:</b> High (20)	This means that there will be insufficient housing to meet the requirements of Torbay's communities for the overall number of properties, their size and affordability. There will also be impacts on the Community & Corporate plan should the risk be borne out.	<b>Last Review Date : 05/02/2025</b>
<b>Direction of Travel:</b> —		<b>Identification Date: 21/06/2023</b>
<b>Mitigation status:</b>	<b>Mitigation:</b>	
Action ongoing	Confirmation of the Council's role in housing delivery.	
Action needed	Creation of a Housing Delivery Plan	
Action needed	Deliver Housing Delivery Plan	
Action ongoing	Delivery of the Housing strategy action plan	
Action ongoing	Delivery of the Town Centre regeneration programme	
Action needed	Development of relationship with Homes England	
Action completed	Development of the Strategic Housing Board	
Action completed	Prepare Housing Delivery Plan	
Action ongoing	Releasing Council land assets including greenfield allocated sites	
Action ongoing	Staff resources	
<b>Latest Note:</b>	Some progress has been made on regeneration sites. We still need further action on the implementation of the Housing Delivery Plan. An Affordable Housing Manager was appointed and has started.	


<b>Risk Code: CP47</b>	<b>Effective delivery of Economic Growth Strategy</b>	<b>Accountable Officer : Anthony Payne</b>
<b>Unmitigated Score:</b> High (20)	<b>Description:</b> The council has a responsibility to promote economic wellbeing within Torbay, this includes the facilitation and enabling of business survival and growth, employment opportunities for local people and an increase in the level of productivity. The Economic Growth Strategy outlines the councils' strategic plans to achieve these objectives and defines how delivery will help to tackle climate change and protect and enhance the natural environment of Torbay.	<b>Risk Completion Officer : Lisa Tuck</b>
<b>Mitigated Current Score:</b> High (16)		<b>Last Review Date : 10/02/2025</b>
<b>Direction of Travel:</b> —		<b>Identification Date: 22/06/2023</b>
<b>Mitigation status:</b>	<b>Mitigation:</b>	
Action ongoing	Budget & Prioritisation	
Action completed	Delivery plan monitoring/project and programme structure	
Action ongoing	Improve innovation and growth ecosystem in Torbay, with partners	
Action ongoing	Improve the business strategic voice	
Action ongoing	Relationship with DLUHC and Government	
Action ongoing	Secure medium term supply of employment land	
<b>Latest Note:</b>	A raft of government schemes, policy changes, new guidance and funding streams, expected in early January (UK Shared Prosperity Fund, Connecting to Work, Adult Education Budget etc) is increasing the risk to effective implementation.	

<b>Risk Code:</b> CP53	<b>Failure to deliver the Statutory Harbour Authority (SHA) functions</b>	<b>Accountable Officer :</b> Anthony Payne
<b>Unmitigated Score:</b> High (20)	<b>Description:</b> Tor Bay Harbour Authority is the SHA for Torbay Council and is duty bound to comply with the statutory provisions governing it and for which its powers were granted. Lack of Compliance with the Port Marine Safety Code and Port Good Governance guidance (PGGG) is a red flag that the Harbour is not complying with both national and enabling legislation. Compliance with the code is measured by the Maritime and Coastguard Agency for and on behalf of the Department for Transport (DfT). The management of the harbour finances must be allowed as indicated in the PGGG for the purposes of safe manning levels and maintenance of the Safety Management System. Compliance with the Port Good Governance Guidance is centred around ring fenced accounts as detailed in the PGGG for the purpose of reinvesting the surplus in maintaining port infrastructure, safe practices, and safe manning levels.	<b>Risk Completion Officer :</b> Matt Reeks
<b>Mitigated Current Score:</b> High (16)		<b>Last Review Date :</b> 07/02/2025
<b>Direction of Travel:</b> —		<b>Identification Date:</b> 24/08/2023
<b>Mitigation status:</b>	<b>Mitigation:</b>	
Action completed	Appointment of Designated Person (DP)	
Action ongoing	Audit Assurance	
Action ongoing	Duty Holder Appointment	
Action ongoing	Ring Fenced Accounts	
Action ongoing	Safety Management System	
Action ongoing	Standard Operating Procedures	
<b>Latest Note:</b>	As per the recommendation of Harbour Committee, a full review of infrastructure and operational costs will be undertaken in early 2025.	

<b>Risk Code:</b> CP72	<b>Inadequate resources to satisfy the obligations of the Flood and Water Management Act</b>	<b>Accountable Officer :</b> Anthony Payne
<b>Unmitigated Score:</b> High (20)	<b>Description:</b> The Flood and Water Management Act Schedule 3 initially came into force in 2010 but has not yet been enacted by central government in England due to the significant implications on local authorities. In January 2023, DEFRA and the environment minister announced government's decision to implement Schedule 3 of the Flood and Water Management Act in England to better control flooding. This will have significant implications for Torbay Council as a unitary authority. The schedule provides a framework for the approval and adoption of sustainable drainage systems (SuDS) to regulate rainfall, decrease the volume of water flowing into sewers and storm overflow discharges. It is expected that upon implementation of Schedule 3 the Lead Local Flood Authority will also become the SuDS Approval Body (SAB). For these developments, the SuDS Approval Body will be responsible for • Providing a pre-application service. • Evaluation and approval of SuDS (likely to be funded via an application fee). • Supervision of onsite construction of SuDS (likely to be funded via an application fee). • Record, adopt and maintain the SuDS for the lifetime of the development. The adoption process is expected to require a legal agreement, like S104 sewer adoptions - it is currently unclear how lifetime maintenance will be funded. Under the current resources, the service will be unable to deliver the requirements. There are a lot of elements of unknowns in terms of impact as we don't know what enforcement or penalties Government will be putting in place.	<b>Risk Completion Officer :</b> Tim Jones
<b>Mitigated Current Score:</b> High (16)		<b>Last Review Date :</b> 03/02/2025
<b>Direction of Travel:</b> ▼		<b>Identification Date:</b> 11/12/2024
<b>Mitigation status:</b>	<b>Mitigation:</b>	
Action ongoing	Identify needed team structure	
Action ongoing	Officer Networking	
Action needed	Outsourcing consultancy services	
Action ongoing	Recruitment of technical staff	
Action ongoing	Review of corporate revenue funding strategy for FWMA statutory obligations	
Action ongoing	Staff Training	
<b>Latest Note:</b>	Finance meetings are currently ongoing to discuss budget requirements and priorities. A meeting is due to be held with the Council's SLT shortly to review matters. Proactive steps are now being taken to reduce the risk on the Council, and the probability score has therefore been reduced accordingly.	

<b>Risk Code:</b> CP73	<b>Failure to adequately undertake proactive improvement works to cliffs and coastal defences</b>	<b>Accountable Officer :</b> Anthony Payne
<b>Unmitigated Score:</b> High (16)	<b>Description:</b> Engineered sea defences and natural coastal assets (cliffs) are subject to wind and wave energy, saline environment, freeze/thaw and vegetation growth all which cause deterioration by erosion, undercutting, overloading, washout of fill material, and corrosion of steel elements. The Council struggles to maintain these assets in line with national policy such e.g. Shoreline Management Plan, corporate priorities and relevant legislation due to budget constraints. There is currently no management plan in place and budget is spent on reactive works. Due to climate change, we are seeing significant damage to the South West coastline. Currently the Council is good at identifying potential issues, however, the current processes and provision do not allow for a planned approach to prevent and limit the need for emergency reactive works.	<b>Risk Completion Officer :</b> Tim Jones
<b>Mitigated Current Score:</b> High (16)		<b>Last Review Date :</b> 03/02/2025
<b>Direction of Travel:</b> —		<b>Identification Date:</b> 11/12/2024
<b>Mitigation status:</b>	<b>Mitigation:</b>	
Action needed	Active management of the Council estate	
Action needed	Corporate Asset Management Group	
Action completed	Ensure effective data systems and management information is in place	
Action needed	Governance Arrangements	
Action ongoing	Regular Visual Inspections	
Action needed	Review Asset Management Strategy	
Action needed	Review of allocated corporate budget	
Action ongoing	Surveys Completed On Time	
Action ongoing	Tech Forge	
<b>Latest Note:</b>	Finance meetings are currently ongoing to discuss budget requirements and priorities. A meeting is due to be held with the Council's SLT shortly to review matters.	

<b>Risk Code: CP74</b>	<b>Failure to effectively maintain Council Heritage Assets</b>	<b>Accountable Officer : Malcolm Coe</b>
<b>Unmitigated Score:</b> High (20)	<b>Description:</b> The Council owns a range of Heritage Assets, many of which are Listed by Historic England most notably; Oldway Mansion, Torre Abbey and Torquay Pavilion. There are approximately 43 in total ranging in size, value and condition of repair. The major assets mentioned above, pose the biggest risk to the Council due to the value and current condition. There would not be sufficient council funds to adequately maintain these assets whilst making demonstrable progress in addressing the identified backlog of maintenance following little investment in the fabric of these buildings over a number of years. The risk is therefore two-fold, both financially as significant investment is required and reputationally as the condition of these assets reflects badly on the Council and could lead to enforcement action being taken by Historic England. These building also pose an ongoing health and safety risk to the Council in their current condition.	<b>Risk Completion Officer : Paul Palmer</b>
<b>Mitigated Current Score:</b> High (16)		<b>Last Review Date : 15/01/2025</b>
<b>Direction of Travel:</b> 		<b>Identification Date: 11/12/2024</b>
<b>Mitigation status:</b>	<b>Mitigation:</b>	
Action needed	Capital Repair Fund	
Action ongoing	Condition Surveys - Inspection Regime	
Action ongoing	Condition Surveys - Priority	
Action not due to start	Conservation Management Plans	
Action needed	Enhanced Budget for Repairs & Maintenance	
Action ongoing	Heritage Places Project Group	
Action ongoing	Identification of Heritage Assets Portfolio	
Action completed	Insurance	
<b>Latest Note:</b> Work is on-going regarding the condition surveys and the prioritisation of back log maintenance. We have considered the list of heritage assets and looking at those which should be inspected more frequently. An identified programme of works will be in place by the new financial year. Capital Receipts will be ringfenced into the Capital Repair Fund.		

<b>Risk Code: CP75</b>	<b>Failure to effectively maintain and invest in our Operational Estate</b>	<b>Accountable Officer : Malcolm Coe</b>
<b>Unmitigated Score:</b> High (20)	<b>Description:</b> The Council's property portfolio is wide ranging given the diverse range of services it provides. The operation estate comprises of assets used to deliver front line Council services and the daily operation of the business by Torbay Council. The repair and maintenance of c.268 assets rests with the Council. Condition surveys completed on a rolling programme have identified significant levels of back log maintenance on these assets to the region of £50m. Council's Asset Management Policy seeks to maintain and manage assets in line with corporate priorities and relevant property and health and safety legislation. The identified risk is a continued lack of investment resulting in these assets becoming further dilapidated and requiring even more investment to bring them back up to a required standard.The risk is therefore two-fold, both financially as significant investment is required and reputationally as the condition of these assets reflects badly on the Council. Failure to maintain these buildings also pose an ongoing health and safety risk to the Council in their current condition.	<b>Risk Completion Officer : Paul Palmer</b>
<b>Mitigated Current Score:</b> High (16)		<b>Last Review Date : 15/01/2025</b>
<b>Direction of Travel:</b> 		<b>Identification Date: 11/12/2024</b>
<b>Mitigation status:</b>	<b>Mitigation:</b>	
Action ongoing	Asset Management Plan	
Action needed	Capital Repair Fund	
Action ongoing	Condition Surveys	
Action needed	Enhanced Budget for Repairs & Maintenance	
Action completed	Insurance	
<b>Latest Note:</b> Work is on-going regarding the condition surveys and the prioritisation of back log maintenance. An identified programme of works will be in place by the new financial year. Capital Receipts will be ringfenced into the Capital Repair Fund.		