

**Governance & Legal Directorate Risk Register Template**

Ref	Risk Description	Potential Consequence	Inherent Risk		Current Controls	Residual Risk		Proposed Management Actions	Target Risk Rating			Risk Reduction Target Date	Owner	Team / Function	Key Indicators / Measures  (list the key metrics / indicators used to monitor the risk)
			Likelihood Impact	Priority		Likelihood Impact	Priority		Likelihood Impact	Priority					
1	LEGAL SERVICES. Significant overspend in relation to an increase in complex childcare cases	Financial  Overspend of Directorate Budget and increase in external legal spend budget.  Failure to meet identified savings	B	2  <b>High - Red</b>	Recruitment of lawyers to vacant posts as they arise  Following centralisation of Children's services Legal budget, there was an understanding that 'complex' cases would continue to be funded by the client department. However, this is not always the case	C	2  <b>Medium - Red / Amber</b>	Monthly monitoring of external spend and cases  Notification given to Group Accountant of forth coming and then actual spend on large/expensive cases  Review the need with Children's Services for an SLA	C	2  <b>Medium - Red / Amber</b>		12 months +	Davina Fiore	Legal Services	Monitor budget and complex cases
2	LEGAL SERVICES - CITY DEAL Inadequate notice to the accountable body	Reputational  Inability / failure to provide timely, effective legal advice	B	2  <b>Medium - Red / Amber</b>	OM attends Regional Cabinet and City Deal team meetings  OM inducted Regional Cabinet and members.  Director liaising with the other Councils Monitoring Officers.  New SLA stressing importance of adequate notice  Grade 10 lawyer recruited to assist with workload.	C	2  <b>Medium - Red / Amber</b>	Continued discussions with City Deal management team about the importance of providing adequate notice for work.	C	2  <b>Medium - Red / Amber</b>		12 months +	Davina Fiore	Legal Services	Complaints from City Deal Director/partners.  Contract lost
10	LEGAL SERVICES. Lack of capacity in client departments, Social Services in particular.	Service Delivery – Increased workload meaning other deadlines are not being met, unable to prioritise effectively due to requests for urgent advice and legal advice not always being sought early enough.  Reputation – the Courts do not recognise different Services Areas, so failure to meet Court deadlines will impact on the Council as a whole's reputation in Court.  Financial – Cost orders can be made against the legal department.  Legal – Failure to provide statutory duties and failure to comply with Court imposed deadlines and directions.	A	3  <b>Medium - Red / Amber</b>	OM's in Children's Services are copied into e-mails as appropriate by way of escalation as per the Protocol between legal and Children's Services. When necessary, they will be asked to meet with legal.  If a matter is sufficiently serious or pressing, it will be escalated to Director in Children's Services.  Concerns re practice and problems highlighted in pre-proceedings work and at Court are also raised at regular Court Improvement meetings that take place between Children's Services and legal	B	3  <b>Medium - Red / Amber</b>	Continue with the current controls and monitor via the Court Improvement Group.	B	3  <b>Medium - Red / Amber</b>					Monitor via the Court Improvement Group.
15	LEGAL SERVICES Potential for Local Land charges transferring to the Land Registry. The full effect of this is unknown but current proposal is the LLC1 Part of the search is to be registered with Land Registry and a fee will be payable to Land Registry, which will mean we will no longer receive that income. However, the CON29 part of the search remains with the authority and is chargeable so there is a need for staff to process those. The effect on staff work may be negligible since land registry will not be responsible for the date registered and someone needs to coordinate sending the registration to Land Registry.	Financial- loss of third party income	B	3  <b>Medium - Red / Amber</b>	No current actions but will keep under close review and monitor income. We will not know the effect of the transfer until it is completed, which is targeted for 1st April 2022. we are in the very early stages of that process.	B	3  <b>Medium - Red / Amber</b>		C	4  <b>Low - Green</b>		6-12 months	Richard Crane	Legal Services Land Charges	Monthly Income
4	MEMBER SERVICES. Councillors not conducting themselves in an appropriate manner	Reputational  Complaints from the public and/or officers and potential coverage in local media	B	3  <b>Medium - Red / Amber</b>	Training programme in place and Code of Conduct. • Member training programme has been reviewed. There are a number of essential training modules that are required to be undertaken. • Members are required to receive annual updates in relation to the Code of Conduct. • Members sitting on 'regulatory' committees are required to undertake essential training	B	3  <b>Medium - Red / Amber</b>	• The results of the members Survey 2019/20 were considered by the Standards and Ethics Committee on the 30th September  • Actions were implemented and will be followed up in the Exit survey in 2021.	C	3  <b>Medium - Amber / Green</b>		0-3 months	Davina Fiore	Monitoring Officer	Outcome of Members Survey Number of complaints received regarding members behaviour
6	MEMBER SERVICES. Failure of the Conference System will prevent Council and other meetings from being simultaneous translated and webcast.	Reputational / Financial/ Service Delivery / Equality Impact accessibility to decision making processes / Governance - transparency of decisions  Failure of Council, Planning and Scrutiny meetings being webcast.  Finance required to replace/renew equipment.	A	3  <b>Medium - Red / Amber</b>	A new wireless conferencing system is in the process of being procured.	B	3  <b>Medium - Red / Amber</b>	Implementation of the new system expected by 30th September	D	4  <b>Low - Green</b>		0-3 months	Gary Jones	Democratic Services	•Funding Secured to support new system •Number of meetings unable to support simultaneous translation when requested. •Number of webcasts unable to be broadcast due to equipment failure

Directorate Risk Register Template

Ref	Risk Description +B3:T4	Potential Consequence	Inherent Risk			Residual Risk			Target Risk Rating			Risk Reduction Target Date	Owner	Team / Function	Date of Escalation	Key Indicators / Measures  (list the key metrics / indicators used to monitor the risk)	
			Likelihood Impact	Priority	Current Controls	Likelihood Impact	Priority	Proposed Management Actions	Likelihood Impact	Priority							
2	Care Proceedings and applications in the Court of Protection.  The issuing of care proceedings and applications in the Court of Protection and subsequent compliance with Court orders is challenging because existing capacity in both Children's Services and Adult Social Care is insufficient to meet demand and to undertake required work in a timely manner.	<ul style="list-style-type: none"><li>• Reputational damage to the Council as a whole</li><li>• Being held in contempt of Court for non-compliance with Court orders</li><li>• Costs orders being made against the Local Authority for non-compliance with Court orders.</li><li>• Damages claims against the Local Authority as a result of delay in issuing proceedings.</li><li>• Drift in securing permanence plans for children</li><li>• Children and adults remaining at risk</li><li>• Drift in Deprivation of Liberty Safeguards (DoLS) applications for those in supported living / domestic environments which may result in unlawful deprivation of liberty</li><li>• Professional reputation of staff and subsequent recruitment problems</li></ul>	B	1	High - Red	<ul style="list-style-type: none"><li>• Ongoing recruitment to vacant lawyer and social worker posts.</li><li>• Additional Social Worker posts created in Children's Services and senior manager capacity released to focus on recruitment.</li><li>• Implementation of Signs of Safety approach is anticipated to reduce the number of care proceedings issued in the long term.</li><li>• Signs of Safety Care Planning meetings held to strengthen decision making process and ensure that care proceedings are only issued when there are no signs of safety.</li><li>• CareFirst client record system provides a notification to managers when a child remains on the Child Protection Register at the second review; this triggers a review of the case by senior managers to identify potential drift in issuing pre-proceedings.</li><li>• Dedicated post overseeing care proceedings in Children's Services.</li><li>• DoLS authoriser recruited in Adult Services for residential and nursing care applications.</li><li>• Implementation of Strengths Based Approaches in Adult Services to manage risk more effectively and improve outcomes for individuals.</li><li>• Court Improvement Plan in place.</li><li>• PLO scorecard developed.</li></ul>	D	1	Medium - Red / Amber	<ul style="list-style-type: none"><li>• Urgent cases that can't be dealt with internally outsourced to prevent unnecessary delays.</li><li>• There is a national problem with recruitment to childcare lawyer posts. Posts will be advertised with a longer closing date and will be promoted via social media channels.</li><li>• It is also hoped that the new recruitment system will enable the Directorates to manage / review the vacancies / applications quicker than previously</li><li>• Recruitment to vacant social worker posts (also a national issue).</li><li>• Potential backlog of private law cases noted.</li></ul>	D	1	Medium - Red / Amber	12 months +	Deborah Driffield  Louise Barry  OM Legal Services (Communities)		No of cases 'outsourced' by Legal services, due to capacity issues  Percentage of Children's Services Social work post filled by agency workers.

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			Likelihood	Impact	Priority		Likelihood	Impact	Priority		Likelihood	Impact	Priority			
1	<p>21. Legal Compliance</p> <p>gaps in Council wide knowledge of the local authority framework of responsibilities and duties within which we have to operate;</p> <ul style="list-style-type: none"> <li>inability to deliver the services in accordance with all duties and responsibilities due to lack of resource;</li> </ul> <p>In each case leading to increased risk of challenges.</p> <p>Reduction and changes in front-line services, discretionary and statutory, will lead to increased risks of challenge from users and other stakeholders affected.</p>	<p>Reputational / Legal / Financial / Service delivery</p> <ul style="list-style-type: none"> <li>Increase in number of challenges and complaints with consequences in terms of already stretched resources and impact of adverse decisions</li> <li>Implementation of decisions delayed due to challenges and potentially fatally disrupted.</li> <li>Impact on projects if reputation for sound management and implementation of projects is damaged</li> <li>Major incident.</li> <li>Adverse press/media reaction</li> <li>Involvement from Welsh Government in terms of performance standards or measures.</li> <li>Increased costs</li> <li>Impact on capacity to deal with proactive legal work</li> </ul>	B	2	High - Red	<ul style="list-style-type: none"> <li>Professional internal legal and financial advice provided to a high standard.</li> <li>Maintaining robust decision making process with legal implications on all Council, Cabinet and Committee reports and Officer Decision Reports at Director level.</li> <li>Appropriate use of NPS Legal Services by Solicitors Framework to increase resilience.</li> <li>Dedicated teams in specialist areas e.g. equalities, FOI / DPA.</li> <li>Sharing training/publications received.</li> </ul>	C	2	Medium - Red / Amber	<ul style="list-style-type: none"> <li>Further development of standard precedents with guidance for use in cases of low value/low risk/repetitive matters</li> <li>Provide legal training to Directorates to develop knowledge within Directorates of specific statutory functions.</li> <li>Encourage Directorates to ensure reports are discussed at preliminary stage in development to ensure all legal issues are addressed early</li> </ul>	C	2	Medium - Red / Amber	12 months +	<p>Davina Fiore</p> <p>Councillor Huw Thomas Leader</p>	

		IMPACT			
		1	2	3	4
LIKELIHOOD	A				
	B				
	C				
	D				
	E				

Results	Priority
A1	High - Red
A2	High - Red
A3	Medium - Red / Amber
A4	Low - Green
B1	High - Red
B2	High - Red
B3	Medium - Red / Amber
B4	Low - Green
C1	High - Red
C2	Medium - Red / Amber
C3	Medium - Amber / Green
C4	Low - Green
D1	Medium - Red / Amber
D2	Medium - Red / Amber
D3	Medium - Amber / Green
D4	Low - Green
E1	Medium - Amber / Green
E2	Medium - Amber / Green
E3	Low - Green
E4	Low - Green

A	1
B	2
C	3
D	4
E	

## Types of Impact

Implications for Service and/or achievements of key targets/objectives

Reputation

Health & Safety

Failure to provide statutory duties/meet Legal Obligations

Financial

Implications for Partnership 9e.g. objectives/deadlines

Implications for the Community or the Environment

Stakeholders

**Likelihood:**

- A. Very Likely
- B. Likely
- C. Possible
- D. Unlikely
- E. Very Unlikely

**Impact:**

- 1. Major
- 2. Significant
- 3. Moderate
- 4. Minor