

Directorate Risk Register Summary @ September 2022

Law & Governance

Appendix A



1. Best start in life for children and young people



2. People live well and age well



3. Strong resilient communities




4. Quality homes in thriving neighbourhoods






5. A strong and inclusive economy




6. A connected and accessible Sandwell


Risk Ref	Risk Title and Description	Previous risk score (May 2022)	Movement in risk score	Current risk score (August 2022)	Target risk score and date	Progress to Date (incl. current risk mitigating controls and further actions to be taken to manage risk)	Key Sources of Assurance
LGDR01(S)	<p>Restructure and recruitment</p> <p>The service is currently undergoing a restructure. There may be impacts on service delivery and/or business continuity. As a specialist area, nationally, recruitment to some roles can prove difficult.</p> <p>Risk owner: Director and Assistant Directors and Service Managers.</p>	6 (Green)		6 (Green)	4 (Green) 31 st March 2023	<p>A restructure within Law and Governance is underway.</p> <p>Current and ongoing controls</p> <p>The restructure is designed to meet committed efficiency savings, realignment of resources to meet the identified business need and mitigate so as far possible the risks facing the directorate.</p> <p>Proposals are out for consultation and may be subject to change. Consultation has concluded and the restructure will be finalised and implemented 1 November 2022.</p> <p>Further Actions</p> <ul style="list-style-type: none"> • Finalise and implement the final restructure. • Embed a performance management framework which will include revised SLAs with client departments, new/revised KPIs, and further improvements to budget monitoring arrangements. • L&G Management will monitor improvements, demands and outcomes delivered. • Making interim arrangements pending permanent recruitment. 	<p>L&G Re-structure proposals</p> <p>Directorate Business case</p>



LGDR02(S)	<p>Business Continuity</p> <p>There is an imperative given the nature of services provided to ensure the continuation in the delivery of key enabling and frontline services at re-defined acceptable levels following a disruptive incident are maintained and mitigating systems of prevention and recovery to deal with potential threats are in place.</p> <p>Risk owner: Director and Assistant Directors and Service Managers</p>	6 (Green)		6 (Green)	4 (Green) 31 st December 2022	<p>Current and ongoing controls</p> <ul style="list-style-type: none"> Business Continuity Plans are in place for all services within the directorate. The Directorate is currently going through a restructure. <p>Further actions</p> <ul style="list-style-type: none"> Business continuity plans will be reviewed and updated following the restructure and updated where necessary to ensure they align with any changes to the structure of the service areas. Business Continuity, local emergency mortuary arrangements and excess death plans will be reviewed periodically. Regular consultation and communications with staff. 	<p>Business Continuity Plan</p> <p>Standard Operating Procedures</p> <p>Test exercises</p>
LGDR03(S)	<p>Corporate improvement plan and governance review.</p> <p>The pace of delivery and resources required for the delivery programmes are intensive. There is a risk that the directorate may be unable to deliver the programme which could also impact on business as usual activities.</p> <p>Risk owner: Director and Assistant Directors and Service Managers</p> <p>Service area: across directorate</p>	8 (Amber)		8 (Amber)	6 Green 31 st March 2023	<p>Current and ongoing controls</p> <ul style="list-style-type: none"> Regular monitoring of progress against actions/deliverables; An officer project working group and a cross-party member working group have been established to co-ordinate the strands of the governance review. A number of work strands and Improvement Plan actions have been completed and many others are in progress and on target for completion within confirmed timescales. Additional support brought in to assist. Leadership Team monitoring progress. <p>Further actions</p> <p>Linked to LGDR01(S) above)</p> <ul style="list-style-type: none"> Regular monitoring against actions. 	<p>Improvement Plan Monitoring Reports</p> <p>Cabinet and Council oversight Scrutiny Board oversight</p> <p>Audit & Risk Assurance Committee oversight</p>


						<ul style="list-style-type: none"> • Further resources are being sought to help manage demands on service and ensure timescales are met, whilst maintaining routine business need/requirements. • Implementation of learning and development plans in relation to both officers and members. • Maintain current approach, incorporating flexibility to meet any new/additional business need. 	
LGDR04(S)	<p>Budget and resources within L&G</p> <p>The directorate delivers a number of statutory functions and supports many services provided by other directorates. Insufficient budget allocation will impact on the ability of the directorate to meet the expected business need.</p> <p>Risk owner: Director and Assistant Directors and Service Managers</p> <p>Service area: whole directorate</p>	8 (Amber)		8 (Amber)	4 (Green) 28 th February 2023	<p>Current and ongoing controls</p> <ul style="list-style-type: none"> • A zero-based budgeting exercise has been partly undertaken in order to identify required resources. However, the exercise requires completion to address underlying budget issues. This is subject to further discussion as part of corporate budget planning processes. Some financial mitigation has been secured; however further mitigations are required. • Income generation is subject to a number of variables in the Directorate. <p>Further actions:</p> <ul style="list-style-type: none"> • Zero based budget exercise to be completed to address underlying budget issues and to meet corporate demands. • Restructure will assist realignment of resources to meet the business need. • Star Chamber budget sessions to provide challenge and review budget and explore other potential efficiencies/opportunities. 	L&G Re-structure Directorate Business case Periodic budget monitoring


LGDR05	<p>Burial capacity</p> <p>The Council through its Registration Services has identified that burial space in some towns in Sandwell is running out.</p> <p>Risk owner: Director and Assistant Director</p> <p>Service area: Registration Services</p>	8 (Amber)		8 (Amber)	4 (Green) Dec 2024	<p>Current and ongoing controls</p> <ul style="list-style-type: none"> Options appraisals of potential development sites concluded a new cemetery for Rowley Regis on part of Powke Lane open space and a new cemetery for West Bromwich on part of Forge Mill Farm are the preferred options for development. The development of a new cemetery for Rowley Regis (RR) on part of Powke Lane open space is now in main construction phase with an anticipated completion date of Summer 2022. Project team established and main contractor now on site. Work is progressing well with risks accounted for and reviewed at project team. The development of a new cemetery for West Bromwich (WB) on part of Forge Mill Farm and alterations to Sandwell Valley crematorium have planning consent in place with capital allocation partly identified and secured Project team and plan established. Subject to the necessary authorities on revenue implications and the construction it is anticipated that work will be completed by the end of 2024. <p>Further Actions:</p> <ul style="list-style-type: none"> RR -Established project team to continue to have oversight on key milestones in accordance with project plan and liaison with main construction contractor. Periodic review of project risks to be undertaken accounting for budget allocation and associated constraints. WB - Impact of capital and revenue implications need to be accounted for. SIU to review and appraise business case with a view of proposals to be completed and approved by Council to account for the 	<p>Highlight progress reports to project board.</p> <p>Risk Register</p> <p>Project plans</p> <p>Budget monitoring</p> <p>Cabinet decision to be taken related to cemetery construction</p> <p>Risk registers</p> <p>Project plans</p> <p>Assessment by Strategic Investment Unit</p>
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						construction and operation of the new cemetery.	
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LGDR06	<p>Midland Metropolitan Hospital</p> <p>The Midland Metropolitan Hospital is planned to open in Spring 2024 which will see many health care services move from City Hospital in Birmingham to the new Midland Metropolitan Hospital in Smethwick. This will increase both the number of birth and death registration events in Sandwell. In addition, an increase in Public Health act funerals will very likely occur as will the complexity and volume of cases referred to the Black Country Coroner</p> <p>Risk owner: Director and Assistant Director Service area: Registration Services</p>	12 (Red)		8 (Amber)	4 (green) Spring 2024	<p>Current and ongoing controls</p> <p>It is anticipated that near 5,000 registration events and other registration related services will be impacted by the transfer of services to the MMH.</p> <ul style="list-style-type: none"> Accommodation at the Register Office has been updated to account for the additional appointments that will need to be facilitated by Sandwell as a Local Registration Service. Service reviews to account for regulatory amendments in response to COVID 19 to redefine our operating model related to deaths has been completed and is now embedded. Staff development is ongoing. Coroners facilities reviewed with design proposals completed. Area coroner appointed. New case management system implemented. Staff resources accounted for as part of budget setting 22/23 <p>Further actions:</p> <ul style="list-style-type: none"> Impact of revenue and capital implications are to be reviewed to ensure they meet the business need. Service reviews to be completed for Birth and ceremonies to help establish consistency and redefined operating model in response to regulatory changes. Staff recruitment and development to be completed by end of 2023 as part of the directorate restructure. 	<p>Impact included in scrutiny work program 2022/2023.</p> <p>Resource implications accounted for in directorate restructure.</p> <p>Annual reporting to Registrar General related appointment availability performance for births and deaths.</p>
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LGDR07	<p>Children's Social Care</p> <p>National issues in relation to resources and demand in retaining social workers. Specific service level agreements are in place with Sandwell's Children's trust, which the Law and Governance directorate are obliged to meet. The Council remains responsible for the statutory duty to safeguard children.</p> <p>Risk owner: Director and Assistant Director</p>	6 (Green)		6 (Green)	4 September 2023	<p>Current and ongoing controls</p> <ul style="list-style-type: none"> Competition for experienced childcare lawyers remains high with an inherent risk to resource the demands of the service. The service provision is currently being delivered very well with significant improvements in the service which is recognised as a leader in the region by the judiciary. Permanent Career Grade posts and Advocates have significantly reduced the reliance on external agents and counsel and provided a consistency in the legal advice and support provided to children's services. The team is fully staffed and provides high level effective support to the Trust. A strong relationship has been established with the courts along with early warning for any issues to mitigate the impact on the legal team. <p>Further actions:</p> <ul style="list-style-type: none"> Continue monitoring resources and demands. 	Report to OPB, SPB Board L&G Re-structure Court KPI's
LGDR08	<p>Effective delivery of elections</p> <p>Elections take place on an annual cycle, subject to any agreed change to the elections cycle by Full Council in Oct 2022. Management of elections, including external elections (WMCA/PCC/UKPGE)</p>	8 (Amber)		4 (Green)	4 (Green) Achieved	<p>Current and ongoing controls</p> <ul style="list-style-type: none"> Corporate project team established to deliver the elections. There are effective regional and national networking arrangements in place. The Council has a positive working relationship with associated national bodies and works to best practice. Individual risk registers are established and maintained for each election, as there 	Individual risk registers per each election are held in service Statutory KPIs Electoral Commission oversight AEA membership

	<p>There is a risk that if the elections are not sufficiently or appropriately resourced this would result in risk to the statutory requirement for the delivery of elections and associated significant reputational harm to the Council.</p> <p>Risk owner: Returning Officer (supported by Director and Assistant Director) Service area: Democracy</p>					<p>are unique risks and mitigations applied dependent upon the election to be administered.</p> <ul style="list-style-type: none"> Restructure underway to strengthen resources in the electoral team. <p>Further actions:</p> <ul style="list-style-type: none"> Maintain current approach and build in lessons learned from each election. Continuous improvement drive to be maintained. Subject to any change in the electoral cycle, assess the impact and implications and take all necessary steps to ensure the effective delivery of elections. 	
LGDR09	<p>Annual delivery of the canvass</p> <p>Electoral registration activity is undertaken on a rolling monthly basis with a householder and individual electoral registration "canvass" carried out annually. This is a statutory function and the risks of non-compliance would result in reputational harm to the Council.</p> <p>Risk owner: Electoral Registration Officer (supported by Director and Assistant Director)</p>	<p>8 (Amber)</p>		<p>4 (Green)</p>	<p>4 (Green)</p> <p>Achieved 30th November 2022</p>	<p>Current and ongoing controls</p> <ul style="list-style-type: none"> An action plan and schedule of activity to deliver both the monthly and annual registration activity is in place <p>Further actions:</p> <ul style="list-style-type: none"> Maintain current approach. The restructure will address identified capacity issues 	<p>Action Plan</p> <p>Statutory KPIs</p> <p>Electoral Commission oversight</p> <p>AEA membership</p>

LGDR10	<p>Implementation of the Election Act 2022</p> <p>The Election Act 2022 is a new piece of legislation that will introduce a number of new statutory obligations and requirements on local authorities, including the introduction of voter identification. Secondary legislation has not yet been placed on the parliamentary timetable, however, there is a known government intention for the provisions to be enacted in advance of the 2023 elections. The late introduction of legislation or national guidance would require the Council to respond to any implemented changes on a shortened timescale with an impact on capacity and resilience. The absence of national guidance exposes the Returning Officer to potential inconsistent working practices and therefore greater public challenge</p> <p>Risk owner: Returning Officer & (supported by Director and Assistant Director)</p>	12 (Red)		12 (Red)	8 (Amber) May 2023	<p>Current and ongoing controls</p> <ul style="list-style-type: none"> Sandwell's electoral services manager is a member of the national board, co-ordinated by Cabinet office, on the development of an approach to the new legislation. Updates will be provided to the Elections Returning Officer as the legislation and subsequent procedural processes develop towards implementation. Work is underway to identify the potential electorate that may require the provision of voter identification. <p>Further actions:</p> <ul style="list-style-type: none"> Maintain current approach until additional confirmation is received. Action Plan to be developed. 	Electoral Commission oversight AEA membership
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LGDR11	<p>Ensuring effective decision making</p> <p>Failure to comply with good practice and/or statutory deadlines can undermine the Council's decision-making processes.</p> <p>Risk owner: Director and Assistant Director</p>	8 (Amber)		8 (Amber)	4 Ongoing	<p>Current and ongoing controls</p> <ul style="list-style-type: none"> The service has introduced a new committee management system (Mod.Gov) and is developing the system further to help improve decision-making in the council. Learning and development interventions for officers are being designed in tandem to provide for a broader corporate understanding of decision-making requirements. The decision-making arrangements will also form part of the wider Governance Review. <p>Further actions:</p> <ul style="list-style-type: none"> Delivery of functionality within the platform and roll-out of corporate training programme. Complete Constitution Review. Monitoring outcome of the Governance Review to inform continuous improvement. 	Action Plan Statutory KPIs
LGDR12	<p>School admissions and appeals</p> <p>School admission appeals are a core function of the service. The number of appeals varies on an annual basis and is influenced by factors outside the service, including the number of first and second preference school placements. This can impact on the services</p>	6 (Green)		6 (Green)	6 Achieved	<p>Current and ongoing controls</p> <ul style="list-style-type: none"> Working with colleagues in the Education, the service is exploring alternative delivery models in line with the government academisation proposals. Resources are being reviewed as part of the restructure in Law & Governance. <p>Further actions:</p> <ul style="list-style-type: none"> The Law and Governance restructure will aim to mitigate risks related to resilience and resource capacity issues. 	L&G Re-structure Action Plan Statutory KPIs

	ability to plan and resource						
	Risk owner: Director and Assistant Director						