# Meeting of the Audit and Standards Committee

**Wednesday, 6th December, 2023 at 6.00pm**
**in Committee Room 3**
**at the Council House, Priory Road, Dudley**

## Agenda - Public Session

**(Meeting open to the public and press)**

1. Apologies for absence.

2. To report the appointment of any substitute members serving for this meeting of the Committee.

3. To receive any declarations of interest under the Members' Code of Conduct.

4. To confirm and sign the minutes of the meeting held on 25th September, 2023 as a correct record (Pages 5 – 17)

5. Annual Report of the Committee on Standards in Public Life (Pages 18 – 42)

6. Risk Management Report (Pages 43 – 70)

7. To consider any questions from Members to the Chair where two clear days notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).

8. Resolution to exclude the public and press

   Chair to move:

   "That the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information under Part I of Schedule 12A to the Local Government Act 1972, as amended, for the reasons stated on the agenda."

Under the provisions of Part I of Schedule 12A to the Local Government Act 1972, the Monitoring Officer has decided that there will be no advance disclosure of the following report because the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption from disclosure.

**Agenda - Private Session**
**(Meeting not open to the public and press)**

9. Suspensions under the provisions of the Employee Improvement and Disciplinary Procedure or relevant Schools Disciplinary Procedure (Pages 71 – 77)

   (The report contains exempt information relating to any individual(s))

10. Annual Audit Report for the Chief Executive (Pages 78 – 167)

    (The report contains exempt information relating to any individual(s) and to the financial or business affairs of any particular person (including the authority holding that information)

11. Audit and Risk Management Services Interim Performance Report (Pages 168 – 181)

    (The report contains exempt information relating to any individual(s) and to the financial or business affairs of any particular person (including the authority holding that information)

**Chief Executive**
**Dated: 28th November, 2023**

**Distribution:**

**Members of the Audit and Standards Committee**:
Councillor A Lees (Chair)
Councillor D Borley (Vice-Chair)
Councillors S Ali, T Creed, J Cowell, M Evans, J Foster, S Henley and W Little

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Dudley
Metropolitan Borough Council

# Minutes of the Audit and Standards Committee
# Monday 25th September, 2023 at 6.00pm
# In Committee Room 3, The Council House, Dudley

**Present**:
Councillor A Lees (Chair)
Councillor D Borley (Vice-Chair)
Councillors S Ali, T Creed, J Cowell, M Evans, J Foster, S Henley and W Little.

**Dudley MBC Officers:**
I Newman (Director of Finance and Legal Services), G Harrison (Head of Audit and Risk Management Services), M Farooq (Monitoring Officer and Lead for Law and Governance), T Robbins (Head of Procurement) and K Taylor (Senior Democratic Services Officer).

**Officers in Attendance via Microsoft Teams:**
M Granger (Corporate Fraud Manager), E Newman (Principal Auditor), M Landy (Principal Auditor) and A Taylor (Senior Principal Auditor)

**Also in Attendance:**
K O'Keefe (Chief Executive) and A Paul (Head of Chief Executive's Office) – for Agenda Item No. 5 – Review of Programme, Project and Contract Management.
T Holder (Solicitor) – for Agenda Item No. 6 – Whistleblowing Policy.
R Cooper (Head of Financial Services), L Jones-Moore (Finance Manager) and J McGregor (Senior Principal Accountant) – for Agenda Item No. 7 – Treasury Management.

## 11. Comments of the Chair

The Chair welcomed Councillor S Henley to his first meeting of the Audit and Standards Committee having recently been appointed to the Committee replacing Councillor S Keasey.

12. **Apology for Absence**

There were no apologies submitted for this meeting of the Committee.

13. **Appointment of Substitute Member**

There were no substitute Members appointed for this meeting of the Committee.

14. **Declarations of Interest**

No Member made a declaration of interest in accordance with the Member's Code of Conduct.

15. **Minutes**

In referring to Minute No. 6 Resolution 2 – External Audit Grant Thornton Annual Audit Plan 2022-23 and Annual Risk Assessment 2022-23, the Chair advised that an e-mail outlining concerns and comments raised by the Committee at the previous meeting had been circulated as requested and acknowledged by the Cabinet Member for Finance, Legal and Human Resources.

Councillor S Ali confirmed that an update had not been received following the Committee's recommendation to the Chief Executive to give further detailed consideration to the External Auditor's recommendation concerning the position of the Monitoring Officer.

(At this juncture, the Monitoring Officer and Director of Finance and Legal Services withdrew from the meeting)

The Chief Executive advised that a number of Authorities operated similar models to Dudley where the Monitoring Officer position was attached to other roles. It was noted, however, that the Strategic Executive Board had discussed a proposed restructure with further discussions expected over the next week, following which a consultation exercise would be required before being presented to this Committee.

In responding, Councillor S Ali emphasised the importance of Members being notified of processes undertaken and outcomes following recommendations made by the Committee.

**Resolved**

That the minutes of the meeting held on 17th July, 2023, be approved as a correct record and signed.

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16. **Review of Programme, Project and Contract Management**

A report of the Chief Executive was submitted on progress with the improvement of programme, project and contract management.

In presenting a summary of the report submitted, the Chief Executive referred to the budget approved within the Medium-Term Financial Strategy in 2021 to support the implementation of the Corporate Portfolio Management Office (CPMO). The team currently operated with 3.5 full time equivalent employees with experience in project management, working within the local authority and project support. The CPMO was seen as a centre of excellence, specialising in providing programme and project management expertise to enable the Council to deliver the best outcomes for the residents of Dudley. It was acknowledged, however, that the Team was not expected to manage all projects throughout the Directorates.

Members were advised of an event during August, 2023 which took place at Himley Hall and was attended by over 60 officers from across the council who either managed or were involved in delivering projects. The event provided the opportunity for project managers to share resources, experiences and provide peer support across the Council. It was anticipated that a further event would be arranged in due course.

It was noted that a Project Management Framework had been developed, supported by a Project Management Toolkit on the CPMO SharePoint pages , which contained tools and guidance and allowed project leads to go through various gateways for managing projects accordingly. A Project Portal (Verto 365) had also been developed to help project leads to manage project activity. It was reported that Dudley had received a number of requests from other authorities for officer support in this regard, however, this would be charged.

The Chief Executive referred to the changes to the Annual Governance Statement, as approved by the Audit and Standards Committee, to reflect issues arising from an audit investigation which highlighted failings in programme, project and contract management. In response to the issues raised, an Action Plan had been developed outlining the objective, actions, timescales, outputs and Lead Officer details, and was attached as Appendix 1 of the report submitted.

Arising from the presentation of the report, Members asked questions, made comments and responses were provided where necessary as follows:-

a) In referring to the Action Plan, Councillor J Cowell suggested that the title “Objective” should be amended to either “Issue” or “Concern”. She also sought clarification to the proposed implementation of the Project Management Framework and Toolkit, which had been referenced within the Action Plan.

   In responding, the Head of Chief Executive’s Office confirmed that consultation had been undertaken with a variety of stakeholders to ensure a council-wide approach to project management with the basic processes and procedures to be followed throughout the project lifestyle. The roll-out of the Framework would be undertaken in a phased approach with training being made available for project leads. It was anticipated that the Framework would be fully implemented within a year.

   The Chief Executive emphasised the importance of officers recognising projects against every-day activity that was part of core services. Overview sessions on the Framework and Portal had been initially delivered to the Regeneration and Enterprise Directorate due to the number of major projects within the Borough relating to regeneration. It was noted that the Project Portal (Verto 365) would generate reports outlining the number of projects that were taking place across the Council and their delivery status.

b) Councillor J Cowell referred to the Procurement training delivered during 2022/23, in particular that the outputs suggested that the training was not mandatory and would not be required to be completed on a regular basis, which she suggested should be applied to ensure compliancy.

c) In responding to comments raised by Members in relation to the Lead for Law and Governance identified as Lead Officer for providing legal advice where appropriate as part of the procurement process, it was agreed that this would be amended to the Director of Digital, Customer and Commercial Services as lead on Procurement.

d) The Chair considered that the Project Management Framework was underpinned by technology and queried whether an alert could be generated to highlight any potential risk to the project lead when completing a Project Business Case.

In responding the Head of Chief Executive's Office confirmed that a Project Initiation Document (PID) allowed Project Leads to add key information which would signpost Leads to contact service areas such as finance, once a certain threshold had been reached. The template would act as a detailed project plan and ensure that projects were properly scoped and planned. The Project Portal (Verto 365) also allowed project leaders to monitor progress and funding.

e) In responding to a question raised by Councillor M Evans regarding implementation of the e-tendering and contract management system, the Head of Procurement anticipated that this would be implemented within the next two months with a view to going live in December. Training, guidance and templates would be made available during October, and a new Framework would be developed accordingly. It was hoped that in-built automated alerts would also be incorporated to assist contract management.

f) Councillor S Ali referred to the methodology used and queried whether this had been adopted across the Council as a whole and emphasised the importance in Project Leads adopting all elements within the business case to ensure robust management.

In responding, the Head of Chief Executive's Office confirmed that the Framework incorporated both Managing Successful Programmes (MSP) and Prince 2 methodologies and encompassed a number of areas including Audit and Governance. It was agreed that the Framework would be shared with Members for information.

g) Councillor S Ali further stated that the development of the Action Plan had been undertaken following issues raised from the Council's attendance at the MIPIM Conference. He raised concerns that despite a number of requests made, further information had not been received of the Committee's recommendation that findings in relation to any individual or individuals be investigated under appropriate procedures including interviews with Members. Councillor Ali further reiterated that Members should be updated on matters following recommendations made. It was also considered that the Action Plan did not address issues raised or provide any progress to date.

   In responding, the Chair acknowledged that the outcome of the MIPIM Conference had highlighted issues in relation to project management, however these were now being addressed with progress being made. He also referred to the findings of the Independent Monitoring Officer in respect of the review of arrangements for the Dudley MBC MIPIM Delegation 2019-23, which had been considered and approved by the Appointments Committee.

h) Further to comments made, Councillor S Ali proposed a recommendation to again refer the findings of an internal audit report, together with the Action Plan, to External Auditors in order to give assurance that appropriate measures were being undertaken.

   In responding, the Chair declined the request to put forward the motion explaining that the same recommendation had been voted on and refused by the Committee in November, 2022 and was not reflective of the agenda item put forward.

i) In responding to a question raised by Councillor D Borley, the Head of Chief Executive's Office confirmed that the Project Portal (Verto 365) generated e-mail alerts to Project Leads, however focus would be given to dashboard content alerts in order to monitor progress against the project plan. It was suggested that a demonstration be provided at a future meeting of the Committee.

j) In responding to a question raised by Councillor W Little, the Head of Chief Executive's Office confirmed that there was not a 'pool' of Project Managers within Dudley therefore it was the intention to upskill Project Leads through the Project Framework and Project toolkit which would enable project processes to be easily followed and maintained in a consistent way across the council

**Resolved**

(1) That the information contained in the report submitted, in relation to the progress with the improvement of programme, project and contract management, and as reported at the meeting, be noted.

(2) That the Head of Chief Executive's Office be requested to circulate the Project Management Framework to Members for information.

(3) That the Head of Chief Executive's Office arrange a demonstration of the Corporate Portfolio Management Office Verto system at a future meeting of the Committee.

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17. **Whistleblowing Policy**

A report of the Monitoring Officer was submitted on the recent revision and operation of the Council's Whistleblowing Policy.

In presenting a summary of the report submitted, the Monitoring Officer confirmed that the Policy had been fully reviewed and refreshed and was attached as Appendix A to the report submitted.

Reference was made to the survey that had been undertaken by the Monitoring Officer with Directorates during August 2023, and it was noted that there had been two anonymous whistleblowing referrals in relation to the same issue received since the policy was reviewed in 2022. Details and outcomes of the two referrals were presented as set out in the report.

It was noted that the Whistleblowing Policy poster, which was displayed in prominent work areas, had been updated to include examples of serious concerns to be reported and contact details for the Monitoring Officer. A dedicated whistleblowing hotline number and email address had been arranged for employees to raise their concerns in the first instance together with details of an external charity, namely, Protect, for those that felt uncomfortable raising concerns internally.

The Monitoring Officer advised that there had been wide consultation undertaken with a variety of stakeholders including Human Resources and Audit colleagues, Union Representatives and Directorates and all comments received had been taken into consideration.

An overview of the revised Policy was presented at the meeting with reference made to a flowchart outlining options available in raising concerns, and available support during the process. It was noted that the number of contact officers had been reduced to enable employees to have a more direct communication should they choose not to raise their concerns through the dedicated Whistleblowing hotline. The Policy also confirmed that employees could invite their trade union, professional association representative or a friend to be present for support during any meetings or interviews.

Arising from the presentation of the report, Members asked questions, made comments and responses were provided where necessary as follows:-

a) Councillor J Foster welcomed the presentation given and referred to Section 7 within the Policy in relation to taking matters outside the Council, where an employee was not satisfied with the action taken by the Council, and suggested that employees should be encouraged to contact the Police in the first instance should their concerns relate to a criminal matter.

   In responding, the Monitoring Officer confirmed that the Policy highlighted that matters raised may be referred to the Police, or through established child protection or abuse procedures, where appropriate, and also included a list of the Council's prescribed contacts.

   In responding, Councillor J Foster considered that the paragraph was slightly confusing and should emphasise that employees should contact the Police immediately to ascertain whether the nature of the concern could be criminal.

b) In responding to a further question raised by Councillor J Foster with regard to the inclusion of an informative list highlighting relevant groups for issues to be reported to, the Monitoring Officer stated that due to the wide-ranging list, employees were suggested to contact the dedicated hotline, officers and prescribed contacts to determine appropriate avenues for issues to be reported.

c) Councillor J Foster referred to suggestions made during the recent Local Government Association Peer Review in relation to an Independent Person being appointed to the Audit and Standards Committee and queried whether there would be a role for that person within the Policy.

In responding, the Monitoring Officer confirmed that comments and suggestions made by the Committee would be considered during the next review of the Whistleblowing Policy.

d) In responding to a suggestion made by Councillor J Cowell, the Monitoring Officer agreed to insert a 'yes' box under matters raised internally on the Whistleblowing Flowchart.

e) Councillor J Cowell referred to the officer contact details within the Policy and sought clarification as to whether Personal Assistants had been made aware of the process accordingly.

   In responding, the Monitoring Officer confirmed that all Personal Assistants had been informed of the process involved and that all Directorates had been requested to remind all employees of the Whistleblowing Policy through a standard item on Directorate Team Meetings.

f) Councillor M Evans welcomed the inclusion of a section in relation to untrue allegations, which had been previously requested.

g) In responding to a question raised by Councillor M Evans, the Monitoring Officer confirmed that there had been no further enquiries received arising from the two anonymous whistleblowing referrals presented at the meeting.

**Resolved**

(1) That, the information contained in the report submitted, in relation to the outcome of the recent monitoring of the Whistleblowing Policy, and comments made by Members as stated above, be noted.

(2) That the recent revision of the Council's Whistleblowing Policy, as attached as Appendix 1 of the report submitted, be approved.

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18. **Treasury Management**

A report of the Director of Finance and Legal Services was submitted on the treasury management activity during the financial year 2022/23 and in the current financial year up to the end of July 2023.

In presenting a summary of the report submitted, the Director of Finance and Legal Services advised that whilst the Authority undertook treasury management activity on its own behalf, it was also responsible for administering the treasury management for the West Midlands Debt Administration Fund (WMDAF). A summary of the treasury activity for Dudley and the WMDAF, as set out in the report submitted, was outlined.

Arising from the presentation of the report, Members made comments, asked questions and responses were provided where necessary as follows:-

(a) In acknowledging the good investment return rate of 3.70% compared to the client average of 3.17%, Councillor M Evans sought officers views on the increase of interest rates, some of which were now in excess of 5%. In responding, the Director of Finance and Legal Services reported that the Investment return rate was significantly lower during 2021/22 and that due to the increase this year, the Local Authority had seen an increase in its return on investments, however, this was expected to decrease next year.

(b) Councillor J Cowell referred to the Investment Activity 2023/24 to July as outlined in Appendix 3 of the report submitted, and sought clarification on the 0% average rate of the Barclays Call Account. In responding, the Senior Principal Accountant confirmed that the figure was correct and that discussions were being held with Barclays to increase the rate going forward.

(c) In responding to a question raised by Councillor S Ali, the Director of Finance and Legal Services undertook to provide a written response outlining further details in relation to the short-term borrowing during 2022/23 on one occasion of a value of a loan for £8million at a rate of 1.00% for the duration of one day.

(d) In responding to a further question raised by Councillor S Ali, it was confirmed that long-term borrowing was anticipated to be required in the next twelve months to address cash flow requirements.

(e) Reference was made to the levels of actual external borrowing undertaken during 2022/23 compared to previous years, the Director of Finance and Legal Services reported that the ratio outlined in Appendix 2 of the report submitted, was similar in comparison to previous years.

(f) It was confirmed that the investment activity undertaken during 2023/24 to July to one other Local Authority was in relation to the West Midlands Combined Authority.

**Resolved**

(1) That the information contained in the report submitted on the Treasury Management Activity during the financial year 2022/23 and up to end of July 2023, be noted and referred to full Council on 16th October 2023, for consideration.

(2) The Director of Finance and Legal Services be requested to provide a written response outlining further details in relation to the short-term borrowing during 2022/23 on one occasion of a value of a loan for £8million at a rate of 1.00% for the duration of one day.

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19 **Update to the Contract Standing Orders in the Council's Constitution**

A joint report of the Director of Digital, Customer and Commercial Services and the Monitoring Officer was submitted seeking the Committee's approval on the updates and changes proposed by the Head of Procurement to the Council's Contract Standing Orders (CSO's).

In presenting a summary of the report through presentation slides, the Head of Procurement confirmed that the values in the CSO's had been updated in line with legislative and statutory changes and the text simplified to ensure compliance.

An overview of the fundamental changes to simplifying and expanding exemptions together with exemptions for Residential Social Care Contracts was presented at the meeting.

It was noted that within the next 12-18 months, a wider review would be undertaken of the CSO's by Procurement once the Procurement Bill was enacted to ensure continued compliance with legislation. Further advice was expected to be provided by Central Government on Adult Social Care contracts in order to provide clarity around the current conflict between patient choice and competitive tendering.

Arising from the presentation of the report, Members asked questions, made comments and responses were provided where necessary as follows:-

a) In responding to a question raised by Councillor J Foster, the Head of Procurement confirmed that the Housing Revenue Account had to adhere to the Contract Standing Orders.

b) Arising from a suggestion by Councillor J Cowell, the Head of Procurement agreed to amend paragraph 15.3 within the proposed Contract Standing Orders to 'international standard body'.

c) Councillor J Cowell referred to paragraph 21.5 in that for contracts with a value of more than £1m of where the contract exposes the Council to significant risk, a contract manager would be nominated to monitor the contract performance, and queried whether this threshold should be reduced.

   In responding, the Head of Procurement advised that each contract was allocated a contract manager through a tiering system, and that all contracts over £5,000 were required to be added to the Contracts register.

**Resolved**

(1) That the information contained in the report and Appendix 1 to the report submitted, on the revised Contract Standing Orders, be noted.

(2) That the Lead for Law and Governance be authorised to adopt the revised Contract Standing Orders into the Constitution with effect from 26th September, 2023.

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20. **Questions Under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

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21. **Exclusion of the Public and Press**

**Resolved**

That the public and press be excluded from the meeting for the following item of business, on the grounds of the likely disclosure of exempt information relating to any individual(s) and to the financial or business affairs of any particular person (including the authority holding that information) as defined under Part I of Schedule 12A to the Local Government Act 1972, as amended.

22. **Exemptions from the Requirement for a Competitive Procurement Process**

A report of the Director of Digital, Customer and Commercial Services on exemptions and waivers that had been made to the Council's requirements for a competitive procurement process to be undertaken.

In presenting a summary of the report submitted, the Head of Procurement confirmed that there had been 9 Exemptions and 18 Waivers received between June 2022 and 31st March, 2023, which were detailed in Appendix 1 and 2 of the report submitted.

Arising from the presentation of the report, Members made comments and raised questions which were responded to at the meeting.

**Resolved**

That the information contained in the report and appendices submitted on the exemptions and waivers that had been made to the Council's requirements for a competitive procurement process to be undertaken, be noted.

The meeting ended at 7.45pm

CHAIR

Dudley
Metropolitan Borough Council

**Agenda Item No. 5**

**Meeting of the Audit and Standards Committee – 6th December, 2023**

**Report of the Monitoring Officer**

**Annual Report of the Committee on Standards in Public Life**

## Purpose of report

1. To receive the annual report of the Committee on Standards in Public Life.

## Recommendation

2. That the Committee note and comment on the annual report.

## Background

3. The annual report of the Committee on Standards in Public Life for the period July 2022 to June 2023 is attached as an Appendix. The remit of the Committee is wide-ranging but it broadly covers the standards of conduct of all holders of public office whether elected or appointed.

4. The annual report refers to the seven principles of public life. The principles are selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

5. The annual report includes an overview of the work undertaken in 2022/23 and ongoing activity. The issues identified in the report are of general interest to the public sector and the Committee is invited to note the contents of the document.

6. Dudley Council adopted the current Members' Code of Conduct and Standards Arrangements with effect from 6th May, 2022. These documents fully reflect the seven principles of public life and are incorporated in the Council's Constitution.

7. At the time of writing this report, there have been no changes in primary or secondary legislation that necessitate changes to the Members' Code of Conduct or Standards Arrangements.

8. Mandatory training on the Members' Code of Conduct and Standards Arrangements is provided for all Members of the Council. Further mandatory training will be provided for all Members following the municipal elections in May, 2024.

**Finance**

9. There are no direct financial implications arising from this report.

**Law**

10. The legislative framework relating to local government standards, including the duty to promote and maintain high standards of conduct, is set out in the Localism Act 2011.

**Risk Management**

11. The requirements of the Council's Constitution and governance arrangements ensure that the Council considers any ongoing material risks as part of the Council's Risk Management Framework.

**Equality Impact**

12. The Council is committed to equality and diversity and this is reflected in the Constitution, including the Member and Employee Codes of Conduct.

**Human Resources/Organisational Development**

13. The Council's standards arrangements are administered by the Monitoring Officer within the resources available to him.

**Commercial/Procurement**

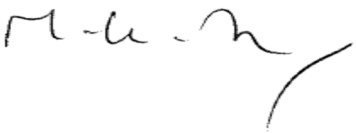
14. The Constitution includes governance documents that set a framework in which the Council's commercial/procurement activity is properly undertaken. This includes the Council's Standing Orders relating to Contracts.

## Environment/Climate Change

15. There are no direct environmental implications impacting on the Council's work to address Climate Change and achieve our Net Zero target by 2030.

## Council Priorities and Projects

16. The Council's Constitution, including the Member and Employee Codes of Conduct, are key governance documents which underpin the delivery of key Council priorities including the Borough Vision, Council Plan and Future Council Programme.



**Mohammed Farooq**
**Monitoring Officer**

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**List of Background Documents**

Appendix – Annual Report of the Committee on Standards in Public Life 2022/23

Dudley Council's Constitution

Committee on Standards in Public Life

# Annual Report
# July 2022 – June 2023

Honesty | Objectivity | Openness | Selflessness | Integrity | Accountability | Leadership

# THE SEVEN PRINCIPLES OF PUBLIC LIFE

*The Seven Principles of Public Life apply to anyone who works as a public office holder. This includes all those who are elected or appointed to public office, nationally or locally, and all people appointed to work in the public sector. The Principles also apply to all those in the private sector delivering public services.*

## HONESTY

*Holders of public office should be truthful.*

## OBJECTIVITY

*Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.*

## OPENNESS

*Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.*

## SELFLESSNESS

*Holders of public office should act solely in terms of the public interest.*

## INTEGRITY

*Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.*

## ACCOUNTABILITY

*Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.*

## LEADERSHIP

*Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.*

*The Seven Principles were established in the Committee's First Report in 1995; the accompanying descriptors were revised following a review in the 14th Report, Standards Matter, published January 2013 and in the 23rd Report, Upholding Standards in Public Life, published November 2021.*

## FOREWORD BY THE CHAIR

I am pleased to present the Committee on Standards in Public Life's Annual Report for 2022/2023, my final as Chair as my five-year term comes to an end this October.

It has been a turbulent few years for our country. The global pandemic, domestic political upheaval and the war in Ukraine have created huge challenges for government, businesses and citizens. Those in public office have had to take unprecedented decisions that continue to affect our lives. Despite these new challenges, the Principles underpinning the Committee's work are as relevant today as they were when first articulated by Lord Nolan nearly thirty years ago.

For twenty nine years, the Committee's evidence-based, cross party approach has contributed greatly to the wider debate about public service ethics and to improvements in the standards system. I am proud of the wide-ranging reports we have produced over the last five years: *Ethical Standards in Local Government* (2019), *Artificial Intelligence and Public Standards* (2020), *Regulating Election Finance* (2021), *Upholding Public Standards* (2021) and our 2023 review, *Leading in Practice*.

*Leading in Practice* highlights how different organisations have sought to build ethical values into their policies, practices and ways of working. In some cases, this came about following a crisis and in others, a realisation that new systems and processes were needed to support employees. We heard that fostering an environment that encouraged staff to act in ethical and appropriate ways was vital to the wider success of their organisation and I am pleased that the report has provoked wide interest across the public sector.

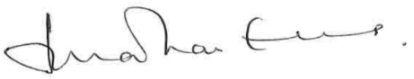
If there is one common thread in the Committee's reviews, it is the need for everyone in public service and in public life to give proactive attention to maintaining ethical standards. The public standards failures we have seen in recent years have damaged public trust and the UK's reputation overseas. These failures were avoidable and while, for the most part, the structures that support standards have responded appropriately when issues have arisen, we continue to believe that they need to be strengthened and modernised.

We are yet to receive a full government response to a number of recent reports that recommend important improvements; this is very disappointing. It is clear that standards matter a great deal to the public and there is little point having a Committee such as ours making evidence based recommendations, if they are not properly considered by those with the power to make the changes necessary.

I am very grateful to the members of the Committee who contribute their time and expertise to our work. We have had two vacant posts now for some time and it is troubling that the appointment process for new members fails to plan for and fill vacancies in a timely manner. This problem is not unique to our own Committee but occurs across the public appointments system. Delays in appointments impede the work of public bodies, and put off talented candidates from applying. Government could address this widespread problem if it chose to do so. It is also important that appointments reflect the diversity within our country. Including people from a range of different backgrounds helps ensure that Committees like ours have a breadth of views and experiences to draw from.

I would like to thank Dame Shirley Pearce, Rt Hon Lord Stunell and Sir Jeremy Wright MP KC whose terms ended during the period of this annual report. They have each, in different ways, made major contributions to the Committee's work. I would also like to thank all those who have so willingly given their time to share their expertise with the Committee during the course of our reviews. I wish to acknowledge the work of the Committee's small secretariat, whose objectivity, good judgement, diligence and courtesy show the very best of the Civil Service. Finally, I'm also extremely grateful to Professor Mark Philp, Chair of our Research Advisory Board, for his wise guidance over the years, and to Maggie O'Boyle, Press Officer, for her always excellent media advice to the Committee.

I wish the Committee well in its future endeavours - it has been a pleasure and an honour to work alongside Committee members who exemplify the Nolan Principles every day.



**Lord (Jonathan) Evans of Weardale KCB DL**
**Chair**

## THE COMMITTEE'S REMIT

The Committee is an advisory non-departmental public body sponsored by the Cabinet Office, which advises the Prime Minister on arrangements for upholding ethical standards across the whole of public life in England. The Committee does that by undertaking independent reviews and producing evidence-based reports.

The Committee was established as a standing committee in October 1994, by the then Prime Minister, with the following terms of reference:

> **"To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life."**

The remit of the Committee excludes investigation of individual allegations of misconduct. We are not a regulator and cannot investigate individual complaints.

On 12 November 1997, the terms of reference were extended by the then Prime Minister:

> **"To review issues in relation to the funding of political parties, and to make recommendations as to any changes in present arrangements."**

The terms of reference were clarified following the Triennial Review of the Committee in 2013.

The then Minister for the Cabinet Office confirmed that the Committee "should not inquire into matters relating to the devolved legislatures and governments except with the agreement of those bodies", and that "the Government understands the Committee's remit to examine 'standards of conduct of all holders of public office' as encompassing all those involved in the delivery of public services, not solely those appointed or elected to public office."

## THE COMMITTEE'S ROLE AND HOW IT GOES ABOUT ITS WORK

The Committee identifies areas of concern and undertakes impartial, evidence-based, reviews, making recommendations to uphold and drive improvement in standards in public life based on evidence received. Our independence of both government and Parliament is key.

We conduct inquiries into areas of current concern about standards in public life; revisit areas to see if and how our recommendations have been put into effect; and we can also look ahead to emerging issues relating to public standards.

We make informed contributions to public debates about ethical standards, including through submissions to public consultations and participating in seminars and discussion events. We proactively identify and respond to emerging ethical risks and engage with a wide range of partners on the ethical standards agenda.

We are committed to building a strong evidence-base for our reviews and to working with others to ensure that high ethical standards are met and that the Principles of Public Life are understood and embedded across public life.

Our recent reports have been welcomed by the relevant sectors. Our reports on *Local Government Ethical Standards (2019), Regulating Election Finance* (2021) and *Upholding Standards in Public Life* (2021) were commended for understanding the issues under review and offering balanced, considered recommendations in often complex areas. Our most recent report, *Leading in Practice* (January 2023) which focused on how organisations in the public, private and charitable sectors build ethical values into their ways of working, has been welcomed by both government departments and the wider public sector as a constructive and practical resource.

The Committee is not a regulator and we have no statutory powers and no remit to investigate individual cases. Our effectiveness depends on our independence, impartiality, and our ability to make powerful arguments for change - which in turn is based on our ability to conduct in-depth reviews, with a strong evidence base after wide-ranging consultation. We aim to follow-up our reviews with the relevant stakeholders to ensure that our recommendations stand the strongest possible chance of being implemented.

We are part of a complex landscape. There is a wide range of different regulatory bodies involved in investigating, promoting and maintaining standards, based on the Nolan Principles - some of which came about as a result of the Committee's recommendations over the past 27 years.

You can hear more about how we carry out our work in our videos here.

# CORE WORK PROGRAMME 2022-2023

## Leading in Practice

The *Leading in Practice* review was launched in March 2022 and reported in January 2023. It looked at how a range of organisations approached the challenge of building a working environment that supports and encourages people to live up to the ethical values reflected in the Principles of Public Life.

The Committee approached a range of organisations in the public, private and charity sectors and asked how they approach this challenge. Our report draws together these insights and case studies and shares them as a source of inspiration and to stimulate discussion. Rather than making specific recommendations for government and other stakeholders to respond to, Leading in Practice poses a set of questions for leaders in the public sector. The questions are a resource to support public sector leaders to reflect on their own ethical leadership and consider how they can ensure that the Principles of Public Life are understood and embedded into all aspects of how their organisations operate.

The core message of our report is that creating a culture that facilitates, promotes, and creates space for people to think about ethical standards does not happen by accident. It requires the active attention and commitment of leaders - at all levels of an organisation.

The Chancellor of the Duchy of Lancaster wrote to the Chair following publication of the report. Rt Hon Oliver Dowden MP described the report as a “valuable addition to the conversation concerning leadership in public sector organisation.”

Following publication of the report in January 2023, the Committee was invited to speak at a variety of events, conferences and meetings. We have been struck by how different parts of the public sector have welcomed the opportunity to discuss ethical leadership and the place of ethical values in guiding public servants in their work.

We remain open to further opportunities to discuss the report within the public sector.

# PREVIOUS REPORTS: UPDATES AND GOVERNMENT RESPONSES

## Upholding Standards In Public Life - Standards Matter 2, 2021

The Committee published *Upholding Standards in Public Life* on 1 November 2021. This was the final report of the *Standards Matter 2* review (interim findings were published in June 2021).

The review's final report followed a year of evidence gathering, which included engagement with ministers, senior civil servants, standards regulators, academics, trade unions, representative bodies, NGOs and think tanks. The Committee also ran a public consultation and public sector survey, commissioned public polling, and held focus groups. We are grateful to all who contributed. The Committee found Nolan's original Seven Principles to be enduring and long standing, but decided to amend the descriptor to the Leadership principle to include a focus on treating others with respect.

The report included recommendations for reforming four areas of standards regulation in central government: the Ministerial Code and the Independent Adviser; ACOBA and the Business Appointment Rules; transparency around lobbying; and the regulation of public appointments. This was the first time CSPL published extensive recommendations in these areas for nearly ten years.

The Committee also called for new primary legislation to establish in statute the independence of standards regulators, and for a new compliance function to be established across government.

Lord Evans launched the report with a speech at the Institute for Government on 4 November 2021.

At the time of writing, we are still awaiting the government response to this report. A policy statement in response to *Upholding Standards in Public Life*, was promised in 2022.[1] No response was forthcoming in 2022; the government said they would respond by summer 2023.[2]

The government published a policy statement on the Ministerial Code on 27 May 2022, which, whilst making some improvement, did not go far enough in our view. Whilst the Code now sets out graduated sanctions for breaches of the Code as we recommended, our recommendation was linked to greater independence for the Adviser as part of a mutually dependent package of reforms. Under the process introduced in May 2022, the Prime Minister's consent is still required before the Independent Adviser may start an investigation, although if this is not given the Independent Adviser may require that the reasons for an investigation not proceeding be made public unless this would undermine the grounds that have led to the investigation not proceeding.

[1] UK Anti-Corruption Strategy – Year 3 Update
[2] Standards: Code of Conduct and Guide to the Rules - Hansard

The Committee welcomes the appointment of Sir Laurie Magnus as the Independent Adviser on Ministers' Interests and acknowledges the progress made since taking up the role, including the recent publication of the list of ministers' interests in April 2023.

### Regulating Election Finance, 2021

In September 2021, the government set out their initial view on our recommendations regarding the regulation of election finance. They said in that response that they 'look forward to considering each of the recommendations in more detail in due course'.

We wrote to the Secretary of State for Levelling Up, Housing and Communities, to request an update on the government's consideration of the report, in May 2023.

### Artificial Intelligence and Public Standards, 2020

The Committee published its report on AI and public standards in February 2020, which made a number of recommendations about the need for effective and informed governance of AI in the public sector. The review found that the Nolan Principles remain strong and do not need reformulating for AI, but three are particularly relevant – openness, accountability, and objectivity. We found that far from needing a single regulator, successful AI governance is about clear regulation and controls for managing and mitigating risk. We said that all regulators should consider and respond to the challenges of AI in the fields for which they have responsibility.

In November 2020, we wrote to regulators asking them for an update on how they are adapting to the challenges posed by AI. We received a range of responses, with some regulators being quite prepared and others noting that the regulation of AI is beyond their scope.

The government published their response to our 2020 report on AI and public standards in May 2021, which was broadly positive with an encouraging letter from the then Minister for Digital Infrastructure, Matt Warman MP. The government accepted most of the report's recommendations, commenting that several initiatives undertaken by the government in recent years are closely aligned with the Committee's recommendations. We will continue to maintain a watching brief on the implementation of our recommendations to government, national bodies and regulators.

In May 2023, Lord Evans, in light of recent media coverage over the risks associated with AI, published a blog, AI brings potentially huge benefits to the public sector but we need clear standards and greater transparency, emphasising the key messages from the report.

Three years on, it is clear that AI developments have moved on at some pace. As such, we are currently following up the recommendations made in our report, writing to government departments, public bodies and regulators, with the intention of holding a seminar and publishing a formal update on progress later in the year.

## Local Government Ethical Standards, 2019

Our evidence-based report, published in January 2019, exploring ethical standards in local government was welcomed by the sector, backing our call to strengthen the arrangements in place to support high ethical standards, whilst respecting the benefits of a localised approach.

The government responded three years later in March 2022. We are disappointed that the government in its response rejected most of our recommendations, stating that it thought that the best route for change was best practice by local authorities. We believe this is a missed opportunity to update and improve the locally-based standards regime in local government. We continue to make the case for our recommendations and influence where we can.

We have written a number of times to the Department for Levelling Up, Housing and Communities. The most recent reply from the Minister for Local Government in March this year confirmed that the government will not be taking up our recommendations. The letter can be seen on our website.

We published in January 2021, the progress made by local authorities against best practice recommendations made in our report.

We would encourage those in local government to take up the government's stated commitment to work with local authorities and representative organisations to ensure the hard work done by many working at a local level is not put at risk by a small minority of individuals who do not live up to the high standards expected.

We hope that the government will work with the sector and take up our recommendations in the future.

# WATCHING BRIEFS

## Lobbying

The Committee is still waiting for a government response to *Upholding Standards in Public Life*, which contains several recommendations on lobbying.

The Committee plans to host a seminar, in September 2023, exploring issues around lobbying, particularly transparency and governance arrangements, and including the role of APPGs. The seminar will examine how we can build ethical standards into lobbying and improve public trust in government decision making.

## House of Lords Appointments Commission (HOLAC)

Given wider developments, such as Lord Norton's Private Members' Bill aimed at strengthening HOLAC in Committee stage in the House of Lords, and recent reports about House of Lords reform in the press, the Committee decided to monitor developments in this area. We will maintain a close watching brief on issues surrounding HOLAC.

## BLOGS PUBLISHED DURING THE PERIOD OF THIS REPORT

Standards Commission for Scotland: Importance of Objectivity, Standards Commission for Scotland, August 2022

Leading in Practice - our next report, Lord (Jonathan) Evans, November 2022

Proactive attention to standards is necessary, Lord (Jonathan) Evans, December 2022

Improving the local government standards framework, Guest blog by Paul Hoey (director of strategy at the Standards Board for England from 2001 until its closure in 2012), January 2023

Public sector leaders need to keep talking about standards, Lord (Jonathan) Evans, February 2023

Leading in Practice - reflecting on conversations about our report, Ewen Fergusson, March 2023

An opportunity to reform standards in central government, Lord (Jonathan) Evans, April 2023

AI brings potentially huge benefits to the public sector but we need clear standards and greater transparency, Lord (Jonathan) Evans, May 2023

# ANNEXES

## ANNEX A: ABOUT THE COMMITTEE

## ANNEX B: MEMBERSHIP OF THE COMMITTEE

The Committee comprises the independent Chair, four independent members and three political members. Our political members are represented by the Conservative and Labour parties and the Scottish National Party. (The Liberal Democrat party was represented until December 2022.) This mix of independent and political membership has served the Committee well, allowing the Committee to maintain a considered and impartial view whilst also understanding political perspectives.

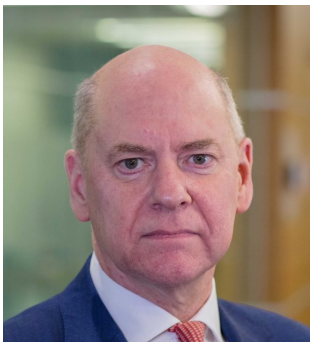
Independent members are appointed for a five-year, non-renewable term through open competition run by the Cabinet Office (there is currently one vacancy for an independent member on the Committee; the position has been vacant since 12 March 2023).

Political members are appointed for a three-year term which can be renewed. Party members are nominated by their party leader.

The Chair and all members, independent and political, are appointed by the Prime Minister.

The workload of Committee members is high. Independent members are asked to co-lead reviews, attend evidence gathering meetings and hearings, and to consider drafts of consultations and reports.

## CURRENT MEMBERSHIP:



**Lord (Jonathan) Evans of Weardale KCB DL, Chair**
1 November 2018 -
31 October 2023

**Rt Hon Lady (Mary) Arden of Heswall DBE**
***Independent***
13 February 2023 -
12 February 2028

**Ewen Fergusson**

***Independent***
1 August 2021 -
31 July 2026

**Professor Gillian Peele**

***Independent***
1 August 2021 -
31 July 2026

**Rt Hon Dame Margaret Beckett DBE MP**
***Labour***
1 November 2022 -
31 October 2025

**Rt Hon Ian Blackford MP**

***Scottish National Party***
26 June 2023 -
25 June 2026

**Baroness (Simone) Finn**

***Conservative***
21 November 2022 -
20 November 2025

***Committee members for part of the period of this annual report***

**Dame Shirley Pearce DBE**

***Independent***
13 March 2018 -
12 March 2023

**Rt Hon Lord (Andrew) Stunell OBE**
***Liberal Democrat***
1 December 2019 -
30 November 2022

**Rt Hon Sir Jeremy Wright KC MP**
***Conservative***
21 November 2019 -
20 November 2022

## ANNEX C: REPORTS PUBLISHED BY THE COMMITTEE

2023, Leading in Practice

2021, Upholding Standards in Public Life

2021, Regulating Election Finance

2020, Artificial Intelligence and Public Standards

2019, Local Government Ethical Standards

2018, MPs' Outside Interests

2018, The Continuing Importance of Ethical Standards for Public Service Providers

2017, Intimidation in Public Life

2016, Striking the Balance: Upholding the 7 Principles in Regulation

2015, Tone from the Top: Leadership, Ethics and Accountability in Policing

2014. Ethics in Practice: Promoting Ethical Standards in Public Life

2014, Ethical Standards for Providers of Public Services

2013, Strengthening Transparency around Lobbying

2013, Standards Matter: a Review of Best Practice in Promoting Good Behaviour in Public Life

2011, Political Party Finance: Ending the Big Donor Culture

2009, MPs' Expenses and Allowances: Supporting Parliament, Safeguarding the Taxpayer

2007, Review of the Electoral Commission

2005, Getting the Balance Right: Implementing Standards of Conduct in Public Life

2003, Defining the Boundaries within the Executive: Ministers, Special Advisers and the Permanent Civil Service

2002, Standards of Conduct in the House of Commons

2000, Standards of Conduct in the House of Lords

2000, Reinforcing Standards: A summary

**1998 The Funding of Political Parties in the United Kingdom**

**1997, Review of Standards of Conduct in Executive NDPBs, NHS Trusts and Local Public Spending Bodies**

**1997, Standards of Conduct of local government in England, Scotland and Wales**

**1996, Local Public Spending Bodies**

**1995, MPs, Ministers and Civil Servants, Executive Quangos**

ANNEX D: DATA PROTECTION

ANNEX E: REPORTS PUBLISHED

ANNEX F: RESEARCH ADVISORY BOARD

ANNEX G: COMMITTEE BLOGS

## ANNEX H: EXTERNAL EVENTS

### July 2022

11 July: Lord Evans was interviewed on Week in Westminster.

19 July: Lord Evans spoke at a pan-sector meeting held by the National Guardian's Office on how leaders can foster a speak up culture.

### October 2022

25 October: Lord Evans interviewed on Radio 4's The World Tonight.

### November 2022

2 November: Lord Evans spoke at the Institute for Government discussion on 'How should Public Appointments be reformed'.

9 November: Lord Evans gave evidence to the Infected Blood Inquiry.

29 November: Ewen Fegusson spoke at an induction event for non-executive directors of public bodies on the Principles of Public Life and the *Leading in Practice* review.

### December 2022

12 December: Lord Evans spoke at a meeting of the Institute Of Chartered Accountants Of Scotland (ICAS) Ethics Board on the *Leading in Practice* review.

19 December: Lord Evans spoke at the “House of Lords Seminar: Restoring Trust in Parliament”.

### January 2023

23 January: Lord Evans was interviewed by The Times about the *Leading in Practice* report.

24 January: Lord Evans was interviewed by the Evening Standard about the *Leading in Practice* report.

25 January: Lord Evans spoke at the The Society of Local Council Clerks event, launch of the Future of Local Councils report.

**February 2023**

1 February: Lord Evans gave the closing keynote speech at the Association of Chief Executives (ACE) and Public Chairs Forum (PCF) annual conference.

13 February: Lord Evans attended a meeting of the Civil Service Commissioners to talk about the *Leading in Practice* report.

13 February: Lord Evans spoke at the Wellcome Trust Ethics staff forum, in conversation with the Chair of Wellcome, Julia Gillard.

20 February: Ewen Fergusson attended a meeting of the Home Office Ethics Steering Group to talk about the *Leading in Practice* report.

23 February: Lord Evans attended a meeting of Permanent Secretaries to talk about the *Leading in Practice* report.

**March 2023**

6 March: Lord Evans responded to the Westminster Abbey Institute Director's Lecture: 'The seven principles of public life: Words, words, words?', which took place in Westminster Abbey.

7 March: Lord Evans and Ewen Fergusson spoke at a Defra all-staff event in conversation with Permanent Secretary Tamara Finkelstein, one of a series of speaker events on 'Leading with Integrity'.

8 March: Lord Evans attended a conference of Government Lead Non-Executive Directors to talk about the *Leading in Practice* report.

9 March: Lord Evans spoke at the National Guardian's Office Freedom to Speak Up Conference on the *Leading in Practice* report.

23 March: Lord Evans spoke (remotely) about the role and work of CSPL at a conference on Code of Ethics of the Public Service of Catalonia, held in Barcelona. The conference was organised by the General Directorate of Good Governance, Democratic Innovation and Quality, a unit of the Ministry of the Presidency of the Government of Catalonia (Generalitat de Catalunya).

30 March: Ewen Fegusson spoke at an induction event for non-executive directors of public bodies on the Principles of Public Life and the *Leading in Practice* review.

## April 2023

17 April: Lord Evans and Professor Gillian Peele attended a seminar on Ethical Regulation in Government hosted by University College London's Constitution Unit.

## May 2023

18 May: Lord Evans met with the Chair of the Lords Standards Committee, Dame Eliza Manningham-Buller, to discuss the Standards Committee's review of the guidance on the Lords Code of Conduct's provisions on paid parliamentary advice and services.

## June 2023

2 June: Lord Evans participated in a half day seminar for Boardroom Apprentice. (Boardroom Apprentice is an initiative intended to enable those who would like to serve on a public or third sector board to learn and gain experience in a safe way before they take that step. It seeks to enable a wider diversity of individuals to play their part within boardrooms.)

6 June: The Committee met the Commons Committee on Standards to discuss matters of standards.

26 June: Lord Evans met with the EU Special Committee on Foreign Interference & Disinformation to discuss the work and role of the Committee on Standards in Public Life.

30 June: Professor Mark Philp spoke to the Welsh Local Government Association's National Standards Committee Forum about our 2019 *Local Government Ethical Standards* report.

## ANNEX I: COMMITTEE SUBMISSIONS TO PUBLIC CONSULTATIONS

July 2022: Public Administration and Constitutional Affairs Committee (PACAC) inquiry on the role of non-executive directors in government

October 2022: Procedure Committee inquiry on correcting the record in Parliament

December 2022: Science and Technology Committee inquiry on AI governance

April 2023: College of Policing consultation on draft new police Code of Ethics

## ANNEX J: FINANCIAL INFORMATION

The Chair is paid a remuneration of £36k pa with the expectation that he commits an average of 5-6 days a month, although this time increases significantly during periods of Committee reviews.

Independent members of the Committee on Standards in Public Life may claim £240 for each day they work on Committee business and claim for expenses incurred.

There has been a vacancy for an independent member since 13 March 2023

The political members of the Committee do not receive any fees or expenses.

As an advisory non-departmental public body, the Committee on Standards in Public Life receives a delegated budget from the Cabinet Office. Day-to-day responsibility for financial controls and budgetary mechanisms are delegated to the Secretary of the Committee. Creation of new posts are subject to the Cabinet Office Approvals process.

Members of the Secretariat are permanent civil servants employed by the Cabinet Office. There are 4 full-time members and one part-time member of the Secretariat.

The Committee's media and communications activity is managed by a contracted part-time Press Officer.

The Committee's spend for 1 April 2022 - 31 March 2023 was £383,287.44 against a budget of 424,479.00

**Published by the Committee on Standards in Public Life**

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**July 2023**

Dudley
Metropolitan Borough Council

Agenda Item No. 6

**Audit and Standards Committee – 6th December 2023**

**Report of the Director of Finance and Legal Services**

**Risk Management Report**

## Purpose

1. To discuss the risks reported to Strategic Executive Board (SEB) and the status allocated by the Risk Owner.

2. To discuss other risks for possible inclusion on the SEB risk report.

## Recommendations

3. It is recommended that Audit and Standards Committee:

- Notes and comments on the risks detailed in paragraphs 4 and 8.
- Identifies any additional risks that it considers should form part of the SEB risk report.
- Identifies a risk for detailed scrutiny at the April 2024 meeting of this Committee.

## Background

Current SEB Risks – as reported at 31st October 2023

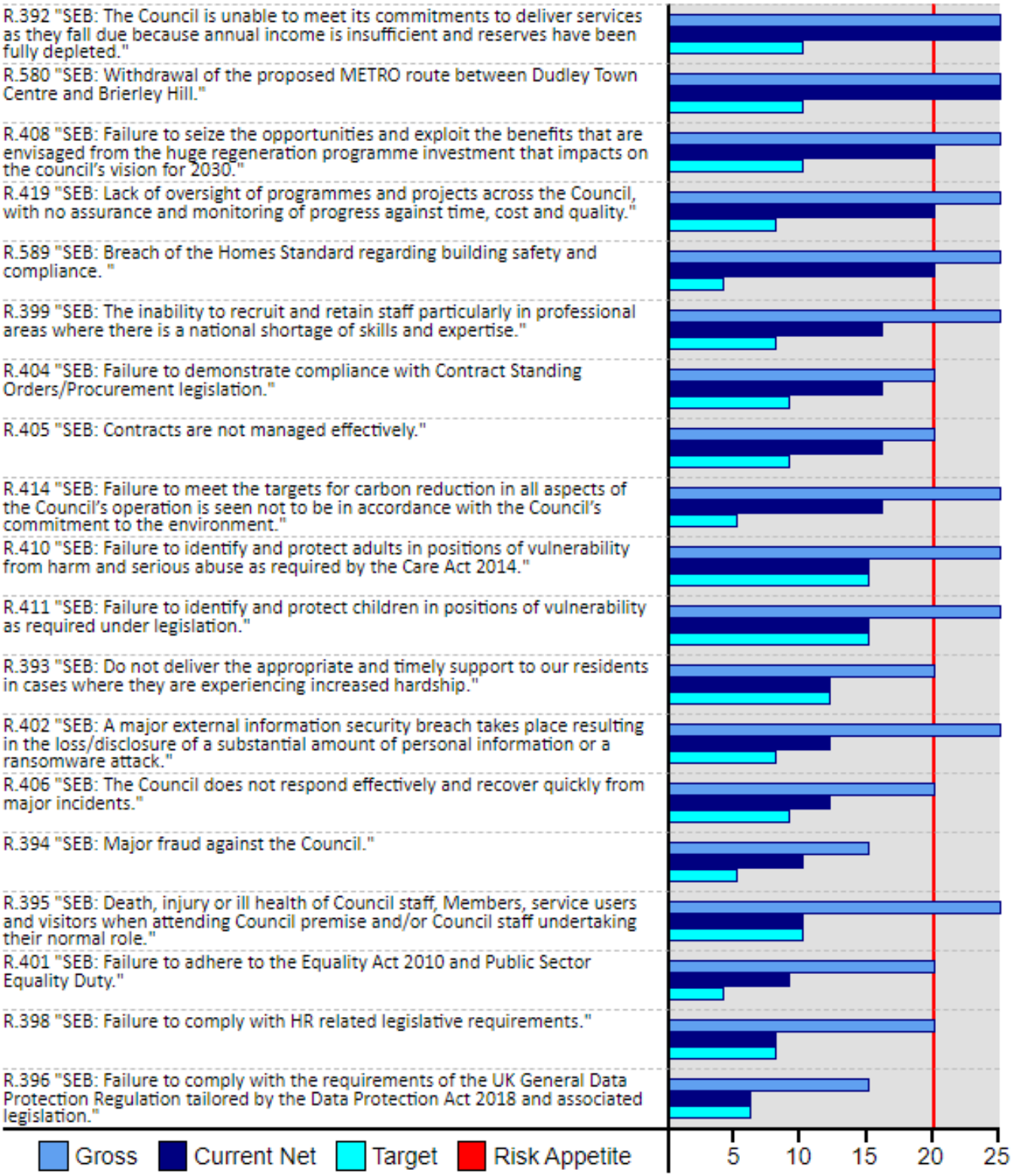
4. The risk ratings listed below have been scored by the Risk Owner in accordance with the Likelihood and Impact definitions in the Risk Management Framework. Full details of the Very High Net risks included in the SEB risk report are included at **Appendix B**.

Very High (20-25) High (12-19) Medium (5-11) Low (1-4)

| # | Risk Event / Responsible Org Unit | Gross | Net | Target |
|---|---|---|---|---|
| 1 | R.398 "SEB: Failure to comply with HR related legislative requirements."<br>Chief Executive's | 20 | 8 | 8 |
| **Reviewed: 09/02/2017** | | | | |
| 2 | R.399 "SEB: The inability to recruit and retain staff particularly in professional areas where there is a national shortage of skills and expertise."<br>Chief Executive's | 25 | 16 | 8 |
| **Reviewed: 05/12/2022** | | | | |
| 3 | R.401 "SEB: Failure to adhere to the Equality Act 2010 and Public Sector Equality Duty."<br>Chief Executive's | 20 | 9 | 4 |
| **Reviewed:** | | | | |
| 4 | R.419 "SEB: Lack of oversight of programmes and projects across the Council, with no assurance and monitoring of progress against time, cost and quality."<br>Chief Executive's | 25 | 20 | 8 |
| **Reviewed:** | | | | |
| 5 | R.410 "SEB: Failure to identify and protect adults in positions of vulnerability from harm and serious abuse as required by the Care Act 2014."<br>Directorate of Adult Social Care | 25 | 15 | 15 |
| **Reviewed: 07/12/2020** | | | | |
| 6 | R.411 "SEB: Failure to identify and protect children in positions of vulnerability as required under legislation."<br>Directorate of Children's Services | 25 | 15 | 15 |
| **Reviewed: 23/05/2021** | | | | |
| 7 | R.402 "SEB: A major external information security breach takes place resulting in the loss/disclosure of a substantial amount of personal information or a ransomware attack."<br>Directorate of Digital, Customer & Commercial Services | 25 | 12 | 8 |
| **Reviewed: 15/04/2022** | | | | |
| 8 | R.404 "SEB: Failure to demonstrate compliance with Contract Standing Orders/Procurement legislation."<br>Directorate of Digital, Customer & Commercial Services | 20 | 16 | 9 |
| **Reviewed: 20/04/2023** | | | | |
| 9 | R.405 "SEB: Contracts are not managed effectively."<br>Directorate of Digital, Customer & Commercial Services | 20 | 16 | 9 |

| # | Risk Event / Responsible Org Unit | Gross | Net | Target |
|---|---|---|---|---|
| **Reviewed:** | | | | |
| 10 | R.414 "SEB: Failure to meet the targets for carbon reduction in all aspects of the Council's operation is seen not to be in accordance with the Council's commitment to the environment."<br>Directorate of Environment | 25 | 16 | 5 |
| **Reviewed:** | | | | |
| 11 | R.392 "SEB: The Council is unable to meet its commitments to deliver services (including services funded from the HRA and other ring fenced funds) as they fall due because annual income is insufficient and reserves have been fully depleted."<br>Directorate of Finance & Legal Services | 25 | 25 | 10 |
| **Reviewed: 26/07/2017** | | | | |
| 12 | R.393 "SEB: Do not deliver the appropriate and timely support to our residents in cases where they are experiencing increased hardship."<br>Directorate of Finance & Legal Services | 20 | 12 | 12 |
| **Reviewed: 21/04/2021** | | | | |
| 13 | R.394 "SEB: Major fraud against the Council."<br>Directorate of Finance & Legal Services | 15 | 10 | 5 |
| **Reviewed: 15/04/2015** | | | | |
| 14 | R.395 "SEB: Death, injury or ill health of Council staff, Members, service users and visitors when attending Council premise and/or Council staff undertaking their normal role."<br>Directorate of Finance & Legal Services | 25 | 10 | 10 |
| **Reviewed: 20/09/2021** | | | | |
| 15 | R.396 "SEB: Failure to comply with the requirements of the UK General Data Protection Regulation tailored by the Data Protection Act 2018 and associated legislation."<br>Directorate of Finance & Legal Services | 15 | 6 | 6 |
| **Reviewed: 09/12/2014** | | | | |
| 16 | R.589 "SEB: Breach of the Homes Standard regarding building safety and compliance. "<br>Directorate of Housing & Communities | 25 | 20 | 4 |
| **Reviewed:** | | | | |
| 17 | R.406 "SEB: The Council does not respond effectively and recover quickly from major incidents."<br>Directorate of Public Health & Wellbeing | 20 | 12 | 9 |
| **Reviewed: 21/12/2017** | | | | |
| 18 | R.408 "SEB: Failure to seize the opportunities and exploit the benefits that are envisaged from the huge regeneration programme investment that impacts on the council's vision for 2030."<br>Directorate of Regeneration & Enterprise | 25 | 20 | 10 |
| **Reviewed: 6/12/2023** | | | | |
| 19 | R.580 "SEB: Withdrawal of the funding for the METRO route between Dudley Town Centre and Brierley Hill."<br>Directorate of Regeneration & Enterprise | 25 | 25 | 10 |
| **Reviewed:** | | | | |

5. The graph below shows a comparison of the Gross, Net and Target risk ratings against the Council's acknowledged risk appetite:



6. The table at paragraph 4 above shows the following:

- There are 17 risks rated Very High at the Gross level.
- There are 5 risks rated Very High at the Net level. The 5 risks are:
  - R.392 (budget)
  - R.408 (regeneration benefits)
  - R.419 (programme management)
  - R.580 (funding for the proposed METRO route)
  - R.589 (Breach of the Homes Standard regarding building safety and compliance). This risk was previously R.413.

7. Following a review of the SEB Risks by Strategic Executive Board on 15th November 2023, it was agreed that an additional SEB Risk was to be identified. The risk was defined, and the ratings were agreed by SEB, and are detailed below. However full details of Mitigating Actions to be progressed and assigning these actions is still being determined and agreed.

| Risk Event / Responsible Org Unit | Gross | Net | Target |
|---|---|---|---|
| Risk – The Council fails to deliver the actions raised within the Corporate Peer Review Action Plan, failing to address actions raised to improve the budget position, governance arrangements and management controls across the organisation.<br>Directorate of Chief Executive's | 20 | 20 | 12 |

Directorate Risks

8. The Risk Management Framework also requires that all directorate Net risks rated Very High are also notified to Strategic Executive Board and Audit and Standards Committee. Full details of the Very High Net risks included on Directorate reports are included at **Appendix C.**

Very High (20-25) High (12-19) Medium (5-11) Low (1-4)

| # | Risk Event / Responsible Org Unit | Gross | Net | Target |
|---|---|---|---|---|
| 1 | R.559 "Children's Social Care: We cannot manage the cost of placements within the current budget."<br>Directorate of Children's Services | 20 | 20 | 8 |
| 2 | R.452 "Revenues & Benefits: Failure to secure ICT resources to deliver efficient and effective Revenue and Benefit Services."<br>Directorate of Finance & Legal Services | 20 | 20 | 4 |
| 3 | R.590 "Housing: Failure to maintain the quality of existing housing stock, in line with Decent Homes and housing health and safety rating system (HHSRS) regulatory requirements."<br>Directorate of Housing & Communities | 25 | 20 | 6 |

| # | Risk Event / Responsible Org Unit | Gross | Net | Target |
|---|---|---|---|---|
| 4 | R.595 "Housing: Failure to meet the Council's regulatory and statutory duties, including but not limited to those relating to safeguarding, building compliance, homelessness, community safety and private sector housing."<br>Directorate of Housing & Communities | 25 | 20 | 4 |
| 5 | R.553 "Planning: The Building Control service is unable to comply with the requirements of the new Building Safety Bill."<br>Directorate of Regeneration & Enterprise | 20 | 20 | 9 |

Risk Reporting

9. All risks that are rated Very High (Net) are above the Council's risk appetite, are generally unacceptable and where it is possible to manage the risk down to acceptable levels, immediate action should be taken. **Appendix A** shows for the risks that are currently rated Very High at the residual level, the ratings for the previous quarters. This shows there are a number of risks where the rating has not changed in 3 or more quarters.

10. Audit and Standards Committee at its meeting of the 20th April 2023 selected risk R.408 "Failure to seize the opportunities and exploit the benefits that are envisaged from the huge regeneration programme investment that impacts on the council's vision for 2030" for detailed scrutiny at its December meeting.

## Finance

11. The Director of Finance and Legal Services is currently undertaking a review of the resources allocated to Audit and Risk Management Services.

## Law

12. The Accounts and Audit Regulations 2015 require each relevant authority to have a sound system of internal control which includes effective arrangements for the management of risk.

## Risk Management

13. This report does not create any new risks. Although, new risks are put forward for consideration for inclusion on the SEB risk report.

## Equality Impact

14. This report does not raise any equality issues.

15. An effective risk management framework will help protect the interests of children and young people, albeit they were not consulted on, or involved, with the development of this report.

## Human Resources/Organisational Development

16. The lack of appropriate resources within Audit and Risk Management Services is affecting its ability to support the embedding of the Risk Management Framework.

## Commercial/Procurement

17. There are no commercial/procurement considerations relating to this report.

## Environment/Climate Change

18. There are no direct environmental implications within this report impacting on the Council's work to address Climate Change and achieve our Net Zero target by 2030. However, a risk has been identified in relation to climate change.

## Council Priorities and Projects

19. An effective risk management framework will help to ensure that Council priorities are met.

**Iain Newman**
**Director of Finance and Legal Services**
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## Background Documents

Appendix A – Very High Net Risks - Movement in Rating
Appendix B – Risks included on the SEB risk report that are rated Very High (Net)
Appendix C – Directorate risks rated Very High (Net)

# APPENDIX A

## Very High Net Risks- Movement in Rating

| Risk Event | Inherent Score (Gross) | Target Score | Oct-Dec Score (Net) | Jan-Mar Score (Net) | Apr-Jun Score (Net) | Jul-Sep Score (Net) |
|---|---|---|---|---|---|---|
| **[1] R.392 "SEB: The Council is unable to meet its commitments to deliver services (including services funded from the HRA and other ringfenced funds) as they fall due because annual income is insufficient and reserves have been fully depleted."** Risk Owner: Director of Finance & Legal Services | **25** Very High | **10** Medium | **20** Very High | **20** Very High | **25** Very High | **25** Very High |
| **[2] R.408 "SEB: Failure to seize the opportunities and exploit the benefits that are envisaged from the huge regeneration programme investment that impacts on the council's vision for 2030."** Risk Owner: Director of Regeneration & Enterprise | **25** Very High | **10** Medium | **20** Very High | **20** Very High | **20** Very High | **20** Very High |
| **[3] R.419 "SEB: Lack of oversight of programmes and projects across the Council, with no assurance and monitoring of progress against time, cost and quality."** Risk Owner: Head of Chief Executives Office | **25** Very High | **8** Medium | **20** Very High | **20** Very High | **20** Very High | **20** Very High |

| | | | | | | |
|---|---|---|---|---|---|---|
| **[4] R.452 "Revenues & Benefits: Failure to secure ICT resources to deliver efficient and effective Revenue and Benefit Services."**<br>Risk Owner: Head of Revenue & Benefit Services | **20**<br>Very High | **4**<br>Low | **20**<br>Very High | **16**<br>High | **20**<br>Very High | **20**<br>Very High |
| **[5] R.553 "Planning: The Building Control service is unable to comply with the requirements of the new Building Safety Bill."**<br>Risk Owner: Head of Planning | **20**<br>Very High | **9**<br>Medium | **20**<br>Very High | **20**<br>Very High | **20**<br>Very High | **20**<br>Very High |
| **[6] R.559 "Children's Social Care: We cannot manage the cost of placements within the current budget."**<br>Risk Owner: Service Director of Children's Social Care | **20**<br>Very High | **8**<br>Medium | **16**<br>High | **16**<br>High | **16**<br>High | **20**<br>Very High |
| **[7] R.580 "SEB: Withdrawal of the funding for the METRO route between Dudley Town Centre and Brierley Hill."**<br>Risk Owner: Director of Regeneration & Enterprise | **25**<br>Very High | **10**<br>Medium | **16**<br>High | **25**<br>Very High | **25**<br>Very High | **25**<br>Very High |
| **[8] R.589 "SEB: Breach of the Homes Standard regarding building safety and compliance."**<br>Risk Owner: Lead - Compliance & Building Safety | **25**<br>Very High | **4**<br>Low | **NB1** | **NB1** | **25**<br>Very High | **20**<br>Very High |
| **[9] R.590 "Housing: Failure to maintain the quality of existing housing stock, in line with Decent Homes and housing health and safety rating system (HHSRS) regulatory requirements."**<br>Risk Owner: Lead - Compliance & Building Safety | **25**<br>Very High | **6**<br>Medium | **NB1** | **NB1** | **25**<br>Very High | **20**<br>Very High |

| | | | | | | |
|---|---|---|---|---|---|---|
| **[10] R.595 "Housing: Failure to meet the Council's regulatory and statutory duties, including but not limited to those relating to safeguarding, building compliance, homelessness, community safety and private sector housing."** Risk Owner: Director for Housing & Communities | **25** Very High | **4** Low | **NB1** | **NB1** | **20** Very High | **20** Very High |

**NB1 –** The Director of Housing and Community Services has set up a completely new risk register.

# APPENDIX B

## SEB Very High Net Risks as of 31 October 2023

**[1] R.392 "SEB: The Council is unable to meet its commitments to deliver services (including services funded from the HRA and other ringfenced funds) as they fall due because annual income is insufficient and reserves have been fully depleted."**

**Risk Owner: Director of Finance & Legal Services**

**Cause(s) of Risk**

Demand for certain statutory services continues to increase e.g. Adult Social Care and Looked after Children which is not met by increased government funding and/or the inability to raise council tax above a certain level.

**Consequence(s) of Risk**

Services are not delivered as required and possible government intervention.

| Inherent Score (Gross) | Target Score | Previous Score (Net) | Current Score (Net) | Direction |
|---|---|---|---|---|
| **25: Very High**<br>Likelihood: (5) Extremely Likely × Impact: (5) Severe | **10: Medium**<br>Likelihood: (2) Unlikely × Impact: (5) Severe | **25: Very High**<br>Likelihood: (5) Extremely Likely × Impact: (5) Severe | **25: Very High**<br>Likelihood: (5) Extremely Likely × Impact: (5) Severe | SAME<br>➔ |

- Impact Category: Implications for Service and/or Achievement of Key Targets and Objectives.
- Corporate Priority: A sustainable, well-governed and forward-looking organisation.
- Very High: Not normally acceptable as this is above the risk appetite of the Council. Immediate action must be taken to manage the risk or specific approval gained to allow the risk to remain at this level. If the risk cannot be reduced further e.g. by the identification of additional controls or other treatment, then robust contingency plans must be prepared. Close monitoring must be undertaken.

**Latest Risk Status Update (01/07/2023 to 30/09/2023)**

- Status: The draft Annual Auditor's Report identifies a significant weakness in financial sustainability. This is supported by the findings of the LGA Corporate Peer Review.
- Entered by: Iain Newman, 03/11/2023

**Mitigating Actions to Progress**

Intended to help achieve the Target Score. They should be SMART (Specific, Measurable, Achievable, Relevant, and Time-Bound).

**A.5608 Restore proper budgetary decision making in line with the annual timetable and consideration of the Council's financial position.**

Responsible Officer: Director of Finance & Legal Services. Start Date: 03/08/2023. End Date: 31/03/2024.

- Status: ONTARGET (01/07/2023 to 30/09/2023)
- Progress: A draft budget is on track to be presented to Cabinet on 13th December.
- Entered by: Iain Newman, 03/11/2023

**A.5663 Spending controls with defined exceptions to be approved by the Internal Delivery Group. To be maintained until unringfenced reserves rise back to 20% of spend.**

Responsible Officer: Director of Finance & Legal Services. Start Date: 26/10/2023. End Date: 30/06/2025.

- Status: ONTARGET (01/07/2023 to 30/09/2023)
- Progress: New action.
- Entered by: Stuart Denyer, 03/11/2023

| Mitigating Actions in Place |
| --- |
| 1) Regular reviews are undertaken to ensure statutory services/all services are delivered as efficiently and effectively as possible.<br>2) The Council has made representations to the government on how funding is allocated.<br>3) Council Tax is raised by the maximum percentage possible.<br>4) Regular reports to Council, Cabinet, Scrutiny Committee, Audit & Standards on budget management.<br>5) All directorates are required to identify savings. |

**[2] R.408 "SEB: Failure to seize the opportunities and exploit the benefits that are envisaged from the huge regeneration programme investment that impacts on the council's vision for 2030."**
**Risk Owner: Director of Regeneration & Enterprise**

**Cause(s) of Risk**

Due to a lack of a strategic approach, ineffective governance and insufficient resources.

**Consequence(s) of Risk**

Unfulfilled economic prosperity and social benefits.

| Inherent Score (Gross) | Target Score | Previous Score (Net) | Current Score (Net) | Direction |
|---|---|---|---|---|
| **25: Very High** Likelihood: (5) Extremely Likely × Impact: (5) Severe | **10: Medium** Likelihood: (2) Unlikely × Impact: (5) Severe | **20: Very High** Likelihood: (4) Very Likely × Impact: (5) Severe | **20: Very High** Likelihood: (4) Very Likely × Impact: (5) Severe | SAME ➔ |

- Impact Category: Implications for Service and/or Achievement of Key Targets and Objectives.
- Corporate Priority: Dudley the borough of ambition and enterprise.
- Very High: Not normally acceptable as this is above the risk appetite of the Council. Immediate action must be taken to manage the risk or specific approval gained to allow the risk to remain at this level. If the risk cannot be reduced further e.g. by the identification of additional controls or other treatment, then robust contingency plans must be prepared. Close monitoring must be undertaken.

**Latest Risk Status Update (01/07/2023 to 30/09/2023)**

- Status: The number of affecting factors previous reported continue to have an effect. Economic Regeneration Strategy is being drafted (due end of 2023) and aligned action plan will assist in mitigating. Review of governance arrangements underway and will also be complete Autumn 2023. SQW have presented initial findings on issues and themes. These were agreed at a meeting on 9th October and they will now undertake stakeholder interviews and draft final report and action plan.
- Entered by: Helen Martin, 12/10/2023

**Mitigating Actions to Progress**
Intended to help achieve the Target Score. They should be SMART (Specific, Measurable, Achievable, Relevant, and Time-Bound).

**A.3838 A bid has been made for additional resources to support the regeneration programme.**
Responsible Officer: Director of Regeneration & Enterprise. Start Date: 01/01/2022. End Date: 01/01/2099.

- Status: BEHIND (01/07/2023 to 30/09/2023)
- Progress: Work is underway via Regeneration Strategy work to map the level of resource required to match the programme and a bid will be made into the MTFS process for growth. Given budget constraints it is possible this will not be approved. Where possible additional posts will be capitalised as part of project deliver funded by grant awards.
- Entered by: Helen Martin, 12/10/2023

**A.3840 A review of resources is to be undertaken to align where possible to the needs of the regeneration programme.**
Responsible Officer: Director of Regeneration & Enterprise. Start Date: 01/01/2022. End Date: 01/01/2099.

- Status: ONTARGET (01/07/2023 to 30/09/2023)
- Progress: SQW have presented initial findings and issues/themes. These were

agreed at officer meeting on 9th Oct. Stakeholder interviews will now take place.

- Entered by: Helen Martin, 12/10/2023

**A.3837 Creation of a clear regeneration statement/plan on a page on the vision for the borough, linked to the Council Plan and local plan to show that activity is aligned. The statement will clearly show the benefits expected from the regeneration programme**

Responsible Officer: Director of Regeneration & Enterprise. Start Date: 01/01/2022. End Date: 01/01/2099.

- Status: ONTARGET (01/07/2023 to 30/09/2023)
- Progress: Aligned to portfolio review, production of economic and regeneration strategy and Regeneration lead commenced in role and supporting SQW on strategy - due before Christmas 2023.
- Entered by: Helen Martin, 12/10/2023

**A.3839 Town Fund Boards that include key external stakeholders are to be set up in each of the major towns (already set up in Dudley and Brierley Hill). These will act as a consultation and communication forum.**

Responsible Officer: Director of Regeneration & Enterprise. Start Date: 01/01/2022. End Date: 01/01/2099.

- Status: ONTARGET (01/07/2023 to 30/09/2023)
- Progress: Boards are established in Dudley, Brierley Hill and Halesowen. Halesowen paused due to unsuccessful LUF BID but MP has expressed a wish for this to be reinstated and meetings are being arranged. As and when required a board will be established for Lye/Stourbridge. Draft Project Plan now drafted. Longer Term Town Deal for Dudley announced on 8th October (£20m over 10 years). Working through the guidance and developing a plan. This will require amendments to the existing Towns Board and Town Investment Plan.
- Entered by: Helen Martin, 12/10/2023

**Mitigating Actions in Place**

1) Robust governance process has been established with regular reporting on regeneration opportunities and progress on projects to SEB and Major Capital Investment Board.
2) Member and key stakeholder involvement in decisions to bid and bid submission. Use of scrutiny process to ensure Member oversight.
3) Where capacity is insufficient interims and consultants will be used.
4) All projects have individual Risk registers and steering groups that report into SEB/MCIB.

## [3] R.419 "SEB: Lack of oversight of programmes and projects across the Council, with no assurance and monitoring of progress against time, cost and quality."

**Risk Owner: Head of Chief Executives Office**

**Cause(s) of Risk**

• No centralised corporate PMO function for effective Programme/ Project Governance which is tailored to the Council and its specific needs when driving change. • Absence of a standardised corporate approach to Programme/Project governance and assurance. • Independent / SILO resource allocation and monitoring of programmes and projects without holistic prioritisation against the Corporate strategic needs. • Learning from change activity is not consistently undertaken and/or not shared. • Shortage of PM skillset and/or experience across the Council.

**Consequence(s) of Risk**

• Absence of a holistic corporate view of change activity across the Council with no transparency of major programmes/ projects / change activity. • Programmes and projects are not aligned to the Corporate Strategy and associated business plans. •

Lack of objective and transparent prioritisation of programmes/ projects leading to potential duplication of effort, inability to prioritise resource and/or poor investment justification. • Objectives of programmes/projects are not delivered or monitored effectively. • Success criteria is not defined therefore, programmes/projects are not delivered to time/ budget and/ or quality. • Without shared learning, mistakes are repeated and/or best practise not shared corporately or consistently.

| Inherent Score (Gross) | Target Score | Previous Score (Net) | Current Score (Net) | Direction |
|---|---|---|---|---|
| **25: Very High** Likelihood: (5) Extremely Likely × Impact: (5) Severe | **8: Medium** Likelihood: (2) Unlikely × Impact: (4) Significant | **20: Very High** Likelihood: (4) Very Likely × Impact: (5) Severe | **20: Very High** Likelihood: (4) Very Likely × Impact: (5) Severe | SAME ➔ |

- Impact Category: Major Programmes and Projects.
- Corporate Priority: A sustainable, well-governed and forward-looking organisation.
- Very High: Not normally acceptable as this is above the risk appetite of the Council. Immediate action must be taken to manage the risk or specific approval gained to allow the risk to remain at this level. If the risk cannot be reduced further e.g. by the identification of additional controls or other treatment, then robust contingency plans must be prepared. Close monitoring must be undertaken.

**Latest Risk Status Update (01/07/2023 to 30/09/2023)**

- Status: The rollout of the Corporate Management framework and portal is continuing across the Council through promotion at DMT's and direct support and training to projects leads / managers. The Major Projects status report has been paused pending a review of the projects baseline to support the needs and outcomes of the new Independent Improvement and Assurance Board and Internal Delivery group.
- Entered by: Andrea Petkevicius, 03/11/2023

| **Mitigating Actions to Progress**<br>Intended to help achieve the Target Score. They should be SMART (Specific, Measurable, Achievable, Relevant, and Time-Bound). |
|---|
| **A.3857 Develop, embed and promote the PMO as of a 'centre of excellence'**<br>Responsible Officer: Head of Chief Executives Office. Start Date: 01/01/2022. End Date: 01/01/2099. |
| ▪ Status: ONTARGET (01/07/2023 to 30/09/2023)<br>▪ Progress: Work on rollout of and embedding the new ways of working continue as detailed in the other mitigating actions for this risk.<br>▪ Entered by: Andrea Petkevicius, 03/11/2023 |
| **A.3853 Development of a centralised PMO function – stakeholder engagement.**<br>Responsible Officer: Head of Chief Executives Office. Start Date: 01/01/2022. End Date: 01/01/2099. |
| ▪ Status: ONTARGET (01/07/2023 to 30/09/2023)<br>▪ Progress: The CPMO continue to work with key stakeholders across the to embed the new "one council" approach to project management as detailed in the actions below. (See A.3854, A.3855 and A.3856)<br>▪ Entered by: Andrea Petkevicius, 03/11/2023 |
| **A.3854 Development, approval and launch of the use of a tailored Programme/ project Management Framework**<br>Responsible Officer: Head of Chief Executives Office. Start Date: 01/01/2022. End Date: 01/01/2099. |
| ▪ Status: ONTARGET (01/07/2023 to 30/09/2023)<br>▪ Progress: Project Management Framework – following the launch in quarter one work is now underway to embed and review as detailed in A3855. Programme Management Framework - The CPMO will start to develop the Programme Management Framework towards the end of the year. The Housing Compliance Recovery Programme has been identified as a programme pilot for the portal, work has commenced and will continue next quarter.<br>▪ Entered by: Andrea Petkevicius, 03/11/2023 |
| **A.3858 PMO function sharing best practice**<br>Responsible Officer: Head of Chief Executives Office. Start Date: 01/01/2022. End Date: 01/01/2099. |
| ▪ Status: ONTARGET (01/07/2023 to 30/09/2023)<br>▪ Progress: The "Agents for Change" network continues to grow across the council to share based practice and the next event will be held in October. The latest best practice, including lesson learnt, is available across the Council via the CPMO sharepoint and is being prompted by the Team throughout the rollout.<br>▪ Entered by: Andrea Petkevicius, 03/11/2023 |
| **A.3855 Review that the Programme/ project Management Framework is in place and embedded across the Council.**<br>Responsible Officer: Head of Chief Executives Office. Start Date: 01/01/2022. End Date: 01/01/2099. |
| ▪ Status: ONTARGET (01/07/2023 to 30/09/2023)<br>▪ Progress: Following the official launch of the framework and toolkit at the "Agents for Change" network meeting on 30/06/2023 the team have been working to rollout and embed the new processes through: • Presentation to DMT's across the council • Working with project leads/ managers to guide and support alignment to Project Management framework • Promotion through connect articles and CMPO sharepoint • Inclusion on Corporate Induction from September Next Quarter: • Continue to work with and support Directorates with Framework rollout • Host project management event in October with including sessions on framework/portal updates, commercial, risk management and quality updates. • Back2Basics Project and Change Management training in development and will be launched in October. • The Framework and the "one Council" project management approach to be part of the new "Dudley Manager" induction pathway.<br>▪ Entered by: Andrea Petkevicius, 03/11/2023 |

| **A.3856 Review the market for a PM tool to support the new approach and framework. Develop, launch and roll-out.**<br>Responsible Officer: Head of Chief Executives Office. Start Date: 01/01/2022. End Date: 01/01/2099. |
|---|
| ▪ Status: ONTARGET (01/07/2023 to 30/09/2023)<br>▪ Progress: • The Portal went live as planned at the end of June. • Pilot rolled out to the Regeneration and Enterprise directorate is underway. • The CPMO team have commenced rollout in several other areas across the council with training and support in progress. Next quarter: • Continue working with Directorates on the rollout • Identified and launch portal improvements from pilot feedback • Launch portal “how to” videos<br>▪ Entered by: Andrea Petkevicius, 03/11/2023 |
| **Mitigating Actions in Place** |
| 1) Early engagement with Programme and Project Managers to understand current governance and assurance measures in place<br>2) Renewed licence with TMI for the VERTO project management tool.<br>3) Commenced the recruitment process for a Corporate Programme Manager |

**[7] R.580 "SEB: Withdrawal of the funding for the METRO route between Dudley Town Centre and Brierley Hill."**
**Risk Owner: Director of Regeneration & Enterprise**

**Cause(s) of Risk**

Significant increase in material and operational costs and difficulties in obtaining additional funding.

**Consequence(s) of Risk**

There will be significant implications for a number of Plans (Black Country Plan, Brierley Hill Plan) and investment strategies and huge consequences for the regeneration of the Borough.

| Inherent Score (Gross) | Target Score | Previous Score (Net) | Current Score (Net) | Direction |
|---|---|---|---|---|
| **25: Very High**<br>Likelihood: (5) Extremely Likely × Impact: (5) Severe | **10: Medium**<br>Likelihood: (2) Unlikely × Impact: (5) Severe | **25: Very High**<br>Likelihood: (5) Extremely Likely × Impact: (5) Severe | **25: Very High**<br>Likelihood: (5) Extremely Likely × Impact: (5) Severe | SAME<br>➔ |

- Impact Category: Major Programmes and Projects.
- Corporate Priority: Dudley the borough of ambition and enterprise.
- Very High: Not normally acceptable as this is above the risk appetite of the Council. Immediate action must be taken to manage the risk or specific approval gained to allow the risk to remain at this level. If the risk cannot be reduced further e.g. by the identification of additional controls or other treatment, then robust contingency plans must be prepared. Close monitoring must be undertaken.

**Latest Risk Status Update (01/07/2023 to 30/09/2023)**

- Status: Official position still paused. £60m in budget announcement still subject to DfT business case approval. HS2 announcement by PM means this money will be realigned to transport projects and suggested this includes WBHE. Still requires clarity and would be subject to business case approval.
- Entered by: Helen Martin, 12/10/2023

**Mitigating Actions to Progress**

Intended to help achieve the Target Score. They should be SMART (Specific, Measurable, Achievable, Relevant, and Time-Bound).

**A.4303 A report is to be prepared for a July WMCA Board meeting to agree how the financial issues will be resolved. The report is to be prepared jointly by TfWM, DMBC, Sandwell MBC and MMA.**

Responsible Officer: Director of Regeneration & Enterprise. Start Date: 18/07/2022. End Date: 01/01/2099.

- Status: BEHIND (01/07/2023 to 30/09/2023)
- Progress: Budget announcement allocated (subject to business case) £60m and WMCA can find another £40m but this still leaves a shortfall. Recent board approved £75m from CRSTs and work in hand to look at CRST programme as a 10 year package to unlock further funding to complete but assumes get round 2 allocation. Currently looks like to get to the Waterfront will cost £175m. Waterfront to Merry Hill is a further £30m and from there to the High Street a further £35m. Investigating if recent HS2 budget realignment announcement will fully fund the remainder of the route. A risk there will be an ask of the council for some funding remains.
- Entered by: Helen Martin, 12/10/2023

**Mitigating Actions in Place**

N/A

**[8] R.589 "SEB: Breach of the Homes Standard regarding building safety and compliance."**
**Risk Owner: Lead - Compliance & Building Safety**

**Cause(s) of Risk**

Failure to meet and evidence statutory building safety and compliance responsibilities, caused by inadequate building safety framework, associated policies and procedures, data quality and reconciliation, performance management processes, technology solutions, staffing resources and competency, governance and higher level controls.

**Consequence(s) of Risk**

Insufficient assurance of compliance with legal and regulatory standards. Ongoing scrutiny from the Regulator of Social Housing. Costs of compliance recovery place pressure on the HRA, and limits ability to leverage fundings from Homes England. Publication of Regulatory Notice places non-compliance in public domain, leading to tenant dissatisfaction and increased intervention/scrutiny from external stakeholders and funders.

| Inherent Score (Gross) | Target Score | Previous Score (Net) | Current Score (Net) | Direction |
|---|---|---|---|---|
| **25: Very High**<br>Likelihood: (5) Extremely Likely × Impact: (5) Severe | **4: Low**<br>Likelihood: (1) Extremely Unlikely × Impact: (4) Significant | **25: Very High**<br>Likelihood: (5) Extremely Likely × Impact: (5) Severe | **20: Very High**<br>Likelihood: (4) Very Likely × Impact: (5) Severe | BETTER<br>↗ |

- Impact Category: Major Programmes and Projects.
- Corporate Priority: A sustainable, well-governed and forward-looking organisation.
- Very High: Not normally acceptable as this is above the risk appetite of the Council. Immediate action must be taken to manage the risk or specific approval gained to allow the risk to remain at this level. If the risk cannot be reduced further e.g. by the identification of additional controls or other treatment, then robust contingency plans must be prepared. Close monitoring must be undertaken.

**Latest Risk Status Update (01/07/2023 to 30/09/2023)**

- Status: Ongoing compliance recovery programme in place with robust governance arrangements in place and monthly progress updates with RoSH. Significant progress made compliance performance, new BS&C frameworks drafted, and action plan in place to develop new target operating model.
- Entered by: Kathryn Jones, 07/11/2023

**Mitigating Actions to Progress**

Intended to help achieve the Target Score. They should be SMART (Specific, Measurable, Achievable, Relevant, and Time-Bound).

**A.5609 Compliance recovery programme and projects to design and implement end-to-end management of data and certifications underway and will deliver within 12 months. [R]**

Responsible Officer: Lead - Compliance & Building Safety. Start Date: 26/09/2023. End Date: 01/01/2099.

- Status: ONTARGET (01/07/2023 to 30/09/2023)
- Progress: Recovery programme ongoing with clearly identified actions and robust governance in place to monitor progress and provide monthly updates to RoSH.
- Entered by: Kathryn Jones, 07/11/2023

**A.5610 Financial management of recovery achieved within HRA by creating efficiencies and additional income. [R]**

Responsible Officer: Lead - Compliance & Building Safety. Start Date: 26/09/2023. End Date: 01/01/2099.

- Status: ONTARGET (01/07/2023 to 30/09/2023)
- Progress: Recovery costs for 2023/24 included and managed through the Housing Revenue Account. 2024/25 budget setting process currently underway with draft

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|---|
| recommendations to be made in relation to rents and other charges to maximise income to the Housing Revenue Account to contribute towards recovery costs and other pressures such as inflation and pay awards.<br>▪ Entered by: Kathryn Jones, 07/11/2023 |
| **Mitigating Actions in Place** |
| 1) Active management of relationship with Regulator for Social Housing<br>2) Proactive comms and engagement following publication of Regulatory Notice<br>3) Recovery and Stock Condition Surveys underway |

# APPENDIX C

## Directorate Very High Net Risk

**[4] R.452 "Revenues & Benefits: Failure to secure ICT resources to deliver efficient and effective Revenue and Benefit Services."**
**Risk Owner: Head of Revenue & Benefit Services**

**Cause(s) of Risk**

Digital and ICT Services have not allocated adequate resources to support Revenue and Benefit Services.

**Consequence(s) of Risk**

Adverse performance, negative impact on cashflow and reputational damage.

| Inherent Score (Gross) | Target Score | Previous Score (Net) | Current Score (Net) | Direction |
|---|---|---|---|---|
| **20: Very High**<br>Likelihood: (5) Extremely Likely × Impact: (4) Significant | **4: Low**<br>Likelihood: (2) Unlikely × Impact: (2) Minor | **20: Very High**<br>Likelihood: (5) Extremely Likely × Impact: (4) Significant | **20: Very High**<br>Likelihood: (5) Extremely Likely × Impact: (4) Significant | SAME<br>➔ |

- Impact Category: Implications for Service and/or Achievement of Key Targets and Objectives.
- Corporate Priority: A sustainable, well-governed and forward-looking organisation.
- Very High: Not normally acceptable as this is above the risk appetite of the Council. Immediate action must be taken to manage the risk or specific approval gained to allow the risk to remain at this level. If the risk cannot be reduced further e.g. by the identification of additional controls or other treatment, then robust contingency plans must be prepared. Close monitoring must be undertaken.

**Latest Risk Status Update (01/07/2023 to 30/09/2023)**

- Status: Concerns regarding ICT restructure and resourcing for contingency. NEC cloud migration project behind.
- Entered by: Rachael Dobson, 04/10/2023

**Mitigating Actions to Progress**

Intended to help achieve the Target Score. They should be SMART (Specific, Measurable, Achievable, Relevant, and Time-Bound).

**A.3881 The Head of Service and Director of Finance and Legal will emphasise to the Director of Digital, Customer and Commercial Services the importance of providing resources to develop Revenue and Benefit Systems.**
Responsible Officer: Head of Revenue & Benefit Services. Start Date: 01/01/2022. End Date: 01/01/2099.

- Status: BEHIND (01/07/2023 to 30/09/2023)
- Progress: No real progress here, no ICT knowledge for change to structure
- Entered by: Rachael Dobson, 04/10/2023

**Mitigating Actions in Place**

1) The support and development of Revenue and Benefit ICT Systems has been entered onto the ICT Roadmap.

**[5] R.553 "Planning: The Building Control service is unable to comply with the requirements of the new Building Safety Bill."**
**Risk Owner: Head of Planning**

**Cause(s) of Risk**

Training requirements cannot be satisfied and work not undertaken. Staff do not, for whatever reason, become Registered Building Inspectors and so cannot practice. Also, staff may be seconded to the BSR, thus leaving the Local Authority short staffed and, by definition, the officers seconded will be the most qualified and experienced.

**Consequence(s) of Risk**

The Building Safety Regulator will have powers to issue monetary fines, restriction of activities, suspension of registration or cancellation of registration against individual Registered Building Inspectors.

| Inherent Score (Gross) | Target Score | Previous Score (Net) | Current Score (Net) | Direction |
|---|---|---|---|---|
| **20: Very High**<br>Likelihood: (5) Extremely Likely × Impact: (4) Significant | **9: Medium**<br>Likelihood: (3) Possible × Impact: (3) Moderate | **20: Very High**<br>Likelihood: (5) Extremely Likely × Impact: (4) Significant | **20: Very High**<br>Likelihood: (5) Extremely Likely × Impact: (4) Significant | SAME<br>➔ |

- Impact Category: Failure to provide statutory duties / meet Legal Obligations.
- Corporate Priority: Dudley the borough of ambition and enterprise.
- Very High: Not normally acceptable as this is above the risk appetite of the Council. Immediate action must be taken to manage the risk or specific approval gained to allow the risk to remain at this level. If the risk cannot be reduced further e.g. by the identification of additional controls or other treatment, then robust contingency plans must be prepared. Close monitoring must be undertaken.

**Latest Risk Status Update (01/07/2023 to 30/09/2023)**

- Status: Ongoing resourcing issues mean that the service is struggling to deliver. Proposed to report to Informal Cabinet with options paper. Using outside resource to deliver part of the service at present. LABC review taken place which will inform options and draft report issued.
- Entered by: Helen Martin, 12/10/2023

**Mitigating Actions to Progress**

Intended to help achieve the Target Score. They should be SMART (Specific, Measurable, Achievable, Relevant, and Time-Bound).

No mitigating actions to progress linked.

**Mitigating Actions in Place**

1) An awareness of the legislation requirements and a timeframe for resolution.

**[6] R.559 "Children's Social Care: We cannot manage the cost of placements within the current budget."**
**Risk Owner: Service Director of Children's Social Care**

**Cause(s) of Risk**

There are low numbers of internal foster placements who can meet the varied needs of our children. There is too much movement of children across LA boundaries.

**Consequence(s) of Risk**

A further negative impact on council budget that is already under extreme pressure. Negative impact om the emotional wellbeing of children.

| Inherent Score (Gross) | Target Score | Previous Score (Net) | Current Score (Net) | Direction |
|---|---|---|---|---|
| **20: Very High** Likelihood: (5) Extremely Likely × Impact: (4) Significant | **8: Medium** Likelihood: (2) Unlikely × Impact: (4) Significant | **16: High** Likelihood: (4) Very Likely × Impact: (4) Significant | **20: Very High** Likelihood: (5) Extremely Likely × Impact: (4) Significant | WORSE ↘ |

- Impact Category: Finance.
- Corporate Priority: Dudley the safe and healthy borough.
- Very High: Not normally acceptable as this is above the risk appetite of the Council. Immediate action must be taken to manage the risk or specific approval gained to allow the risk to remain at this level. If the risk cannot be reduced further e.g. by the identification of additional controls or other treatment, then robust contingency plans must be prepared. Close monitoring must be undertaken.

**Latest Risk Status Update (01/07/2023 to 30/09/2023)**

- Status: The inflationary pressure on placement costs continues to rise steeply (eg residential average weekly cost increased 11% to July; National increase in fostering allowances at 12%). Recommend increase in likelihood to extremely likely
- Entered by: Matthew Smith, 11/10/2023

**Mitigating Actions to Progress**

Intended to help achieve the Target Score. They should be SMART (Specific, Measurable, Achievable, Relevant, and Time-Bound).

**A.4333 Commission new arrangements to cover identified gaps in residential provision in the short-term**

Responsible Officer: Interim Service Manager. Start Date: 12/01/2023. End Date: 01/01/2099.

- Status: ONTARGET (01/07/2023 to 30/09/2023)
- Progress: DLT agreed to commission the use of two residential homes to external providers. Soft market testing being developed.
- Entered by: Matthew Smith, 11/10/2023

**A.4334 Exploration of regional commissioning for residential placement to meet current needs**

Responsible Officer: Service Director of Children's Social Care. Start Date: 12/01/2023. End Date: 01/01/2099.

- Status: ONTARGET (01/07/2023 to 30/09/2023)
- Progress: We continue to participate in regional commissioning, as well as considering use of our own buildings
- Entered by: Matthew Smith, 01/11/2023

**A.4085 Review all residential provision to identify where there are gaps and where we are spot commissioning rather than having formal arrangements in place.**

Responsible Officer: Interim Service Manager. Start Date: 01/01/2022. End Date: 01/01/2099.

- Status: ONTARGET (01/07/2023 to 30/09/2023)
- Progress: Providers continue to offer residential placements on a spot purchase even where regional frameworks exist. There continues to be a national shortage of

| registered and matched placements.<br>▪ Entered by: Matthew Smith, 11/10/2023 |
|---|
| **Mitigating Actions in Place** |
| 1) The Recruitment and Retention of Foster Carers Strategy has been developed and implementation has started.<br>2) Continue and increase oversight of spend through weekly high cost meetings and regular budget reviews with finance, as well regular meetings with commissioning colleagues to consider best value procurement and commissioning arrangements. |

**[9] R.590 "Housing: Failure to maintain the quality of existing housing stock, in line with Decent Homes and housing health and safety rating system (HHSRS) regulatory requirements."**

**Risk Owner: Lead - Compliance & Building Safety**

**Cause(s) of Risk**

Historically inadequate investment in existing housing stock and inadequate maintenance programmes. Poor management, governance and controls to ensure investments are in line with need.

**Consequence(s) of Risk**

Potential financial consequences to recover compliant position with Decent Homes. Potential for customers to experience poor quality homes, whilst planned investment returns homes to a Decent Standard, potentially living in homes that affect health. Possibility of additional evidenced breaches of Regulatory standards increases scrutiny from Regulator and external partners/funders. impacts on the viability of the Housing Revenue Account, places customers at risk, and creates regulatory risk.

| Inherent Score (Gross) | Target Score | Previous Score (Net) | Current Score (Net) | Direction |
|---|---|---|---|---|
| **25: Very High** Likelihood: (5) Extremely Likely × Impact: (5) Severe | **6: Medium** Likelihood: (2) Unlikely × Impact: (3) Moderate | **25: Very High** Likelihood: (5) Extremely Likely × Impact: (5) Severe | **20: Very High** Likelihood: (4) Very Likely × Impact: (5) Severe | BETTER ↗ |

- Impact Category: Failure to provide statutory duties / meet Legal Obligations.
- Corporate Priority: A sustainable, well-governed and forward-looking organisation.
- Very High: Not normally acceptable as this is above the risk appetite of the Council. Immediate action must be taken to manage the risk or specific approval gained to allow the risk to remain at this level. If the risk cannot be reduced further e.g. by the identification of additional controls or other treatment, then robust contingency plans must be prepared. Close monitoring must be undertaken.

**Latest Risk Status Update (01/07/2023 to 30/09/2023)**

- Status: 100% of homes being surveyed to identify current stock condition and to inform future investment needs to achieve the current Decent Homes Standard.
- Entered by: Kathryn Jones, 07/11/2023

**Mitigating Actions to Progress**

Intended to help achieve the Target Score. They should be SMART (Specific, Measurable, Achievable, Relevant, and Time-Bound).

**A.5611 Complete 100% Stock Condition Survey of all existing housing stock. [R]**

Responsible Officer: Lead - Compliance & Building Safety. Start Date: 26/09/2023. End Date: 01/01/2099.

- Status: ONTARGET (01/07/2023 to 30/09/2023)
- Progress: Programme of stock condition surveys underway to be completed by 31st March 2024 as planned. Data gathered from the surveys will identify current condition of all DMBC homes and will inform future investment needs to maintain Decent Homes Standard.
- Entered by: Kathryn Jones, 07/11/2023

**A.5613 Complete review of 5-30 year investment strategy and Housing Asset Management Strategy based upon data gained through the Stock Condition Survey programme [R]**

Responsible Officer: Lead - Compliance & Building Safety. Start Date: 26/09/2023. End Date: 01/01/2099.

- Status: ONTARGET (01/07/2023 to 30/09/2023)
- Progress: Stock condition survey programme currently underway and on target. Data gathered will inform the investment strategy and development of the new

| |
|---|
| Housing Strategy<br>▪ Entered by: Kathryn Jones, 07/11/2023 |
| **A.5612 Real-time referrals and prioritisation of identified issues that could affect health. [R]**<br>Responsible Officer: Lead - Compliance & Building Safety. Start Date: 26/09/2023. End Date: 01/01/2099. |
| ▪ Status: ONTARGET (01/07/2023 to 30/09/2023)<br>▪ Progress: Any immediate HHSRS and Damp and Mould issues identified through the stock condition surveys are reported back for an appropriate response in line with DMBC's repairs timescales. Numbers are monitored through the governance framework and shared in monthly updates with RoSH.<br>▪ Entered by: Kathryn Jones, 07/11/2023 |
| **Mitigating Actions in Place** |
| 1) 100% Stock Condition Survey underway to validate modelled assumptions about historic under investment. |

**[10] R.595 "Housing: Failure to meet the Council's regulatory and statutory duties, including but not limited to those relating to safeguarding, building compliance, homelessness, community safety and private sector housing."**
**Risk Owner: Director for Housing & Communities**

**Cause(s) of Risk**

Insufficient assurance into DMT about service level activity to monitor and manage risks relating to statutory duties.

**Consequence(s) of Risk**

Potential detriment to customers if statutory duties are not met.

| Inherent Score (Gross) | Target Score | Previous Score (Net) | Current Score (Net) | Direction |
|---|---|---|---|---|
| **25: Very High** Likelihood: (5) Extremely Likely × Impact: (5) Severe | **4: Low** Likelihood: (1) Extremely Unlikely × Impact: (4) Significant | **20: Very High** Likelihood: (4) Very Likely × Impact: (5) Severe | **20: Very High** Likelihood: (4) Very Likely × Impact: (5) Severe | SAME ➔ |

- Impact Category: Failure to provide statutory duties / meet Legal Obligations.
- Corporate Priority: A sustainable, well-governed and forward-looking organisation.
- Very High: Not normally acceptable as this is above the risk appetite of the Council. Immediate action must be taken to manage the risk or specific approval gained to allow the risk to remain at this level. If the risk cannot be reduced further e.g. by the identification of additional controls or other treatment, then robust contingency plans must be prepared. Close monitoring must be undertaken.

**Latest Risk Status Update (01/07/2023 to 30/09/2023)**

- Status: Compliance recovery programme ongoing to ensure ongoing compliance with building safety regulations and duties. Community Safety duties reported in to and monitored by the Safe and Sound Community Safety Partnership, OPCC and Home Office as appropriate. Review of private sector housing underway.
- Entered by: Kathryn Jones, 07/11/2023

**Mitigating Actions to Progress**
Intended to help achieve the Target Score. They should be SMART (Specific, Measurable, Achievable, Relevant, and Time-Bound).

**A.5626 Complete full review of all policies and procedures to ensure all are up to date and robust [R]**
Responsible Officer: Head of Housing Strategy. Start Date: 26/09/2023. End Date: 01/01/2099.

- Status: ONTARGET (01/07/2023 to 30/09/2023)
- Progress: New policy framework agreed by Directorate Management Team, and policy reviews underway
- Entered by: Kathryn Jones, 07/11/2023

**A.5625 Deliver all Community Safety services and actions identified through the Safe and Sound Strategic Boar [R]**
Responsible Officer: Head of Housing Strategy. Start Date: 26/09/2023. End Date: 01/01/2099.

- Status: ONTARGET (01/07/2023 to 30/09/2023)
- Progress: Actions reported into and monitored by the Safe and Sound Board
- Entered by: Kathryn Jones, 07/11/2023

**A.5624 Implement Building Safety and Compliance recovery action plan [R]**
Responsible Officer: Head of Safer Communities. Start Date: 26/09/2023. End Date: 01/01/2099.

- Status: ONTARGET (01/07/2023 to 30/09/2023)
- Progress: Compliance recovery plan ongoing with robust governance and monitoring arrangements in place and monthly updates to RoSH
- Entered by: Kathryn Jones, 07/11/2023

| **A.5623 Refine to-be assurance process for reporting into DMT on service risk registers [R]**<br>Responsible Officer: Lead - Compliance & Building Safety. Start Date: 26/09/2023. End Date: 01/01/2099. |
|---|
| ▪ Status: ONTARGET (01/07/2023 to 30/09/2023)<br>▪ Progress: Standing agenda item on risk included on DMT agenda, with quarterly review of risk register at DMT away days<br>▪ Entered by: Kathryn Jones, 07/11/2023 |
| **Mitigating Actions in Place** |
| 1) Individual service area risk register to manage respective statutory duties and risks |