



**REPORT TO:** East Lothian IJB - Audit and Risk Committee

**MEETING DATE:** 7 December 2021

**BY:** Interim Chief Finance Officer

**SUBJECT:** Risk Register - update

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## **1 PURPOSE**

1.1 This paper lays out the IJB's risk register (attached as an appendix).

## **2 RECOMMENDATIONS**

2.1 The Committee is asked to:

- i. Note the current risk register
- ii. Consider if any further risks should be added to the register

## **3 BACKGROUND**

3.1 As a key part of its governance process the IJB maintains a risk register. This risk register examines the risks that impact on the business of the IJB itself and not the operational risks that the IJB's partners manage unless those risks are considered so significant that they could impact on the business of the IJB – that is impact on the ability of the IJB to deliver its strategic plan.

3.2 The current version of the risk register is attached. Members are asked to consider if there are additional risks that require to be added to the register and consider if the management actions identified against these current risks provide assurance that these risks are being appropriately managed.

3.3 Following on from discussions at the committee's last meeting a new risk has been added to the register – 5279, 'Impact of National Care Service Proposals'. Of course, the IJB has no control over this risk nor are there any mitigation actions within its gift. That said, the risk here is not that this event will happen nor its impact on the IJB, the risk is that

these proposals will distract the IJB for continuing to deliver its objectives. The action is therefore, to ensure that this event does not distract the IJB in so far as this is practicable.

- 3.4 Risk – 3925 ‘Operational Resources may be insufficient to deliver the Strategic Plan’ has been moved from medium to high. Operational management’s ability to deliver some services is currently severely constrained, especially social care services within the Care at Home and Care Home areas. This is caused by staff shortages being experienced by the external social care providers and management are currently working with them to manage this challenge. Within health services demand for beds is currently challenging the ability of the HSCP to provide staff for these beds and this adds to the overall operational pressures. It’s important to note that this issue is driven by the lack of human resources and not by any shortage of financial resources.

#### **4 ENGAGEMENT**

- 4.1 The Committee meets in public and makes its papers available on the Council’s website.

#### **5 POLICY IMPLICATIONS**

- 5.1 This paper is covered within the policies already agreed by the IJB.

#### **6 INTEGRATED IMPACT ASSESSMENT**

- 6.1 There are no implications for health inequalities or general equality and diversity issues arising directly from the issues and recommendations in this paper.

#### **7 RESOURCE IMPLICATIONS**

- 7.1 Financial – there are none.  
7.2 Personnel – there are none.

#### **8 BACKGROUND PAPERS**

- 8.1 None

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ID	Title	Description	Controls in place	Risk level (current)	Risk level (Target)	Risk Owner	Handler	Date Opened	Date Risk Reviewed	Description	Progress	Start date	Due date	Done date
5045	COVID-19	There is a risk that the IJB will not be able to deliver against its objectives, its strategic plan and deliver financial balance against its budget due to COVID-19 and the response to this.	1. IJB Board/Committee meetings now operating in a virtual manner. 2. Controls in place within HSCP to evidence the response. 3. Part of Partners response to pandemic, NHS Lothian Tactical Response and East Lothian Council CMT. 4. IJB Members Briefings in place.	Very High (20)	Medium (9)	Macdonald, Alison X	Gorman, Iain	11/05/2020	01/06/2021	COVID-19 Response	IJB Chief Officer and Head of Operations actively part of East Lothian Council COVID-19 CMT Meeting and NHS Lothian Gold Command Meetings. 01/06/21: These meetings vary depending on the COVID response required.	11/05/2020	31/03/2022	
5220	Demographic Pressures	There is a risk that because the population of East Lothian has increased over the past few years, the projections predict a further increase. Because of this the pressure is further compounded by the percentage of that population over the age of 65 will also increase from the current position. This will lead to increased demand for the health and social care services in East Lothian that have been delegated to the IJB.	This will be managed through the IJB's Strategic Planning processes	High (16)	Medium (9)	Macdonald, Alison X	Macdonald, Alison X	20/08/2021			Included in first IJB Strategic plan and will be part of currently being developed second plan. Consideration will be given as to how this can be addressed as part of the budget setting dialogue with the partners for 22/23. This will be part of the discussions at the January 2022 IJB workshop which will be devoted to financial matters.			
5127	EU Exit	There is a risk that the IJB will not be able to deliver against its objectives, its strategic plan and deliver financial balance against its budget due to the impact the EU Exit may have on Partners.	East Lothian HSCP established a local EU Exit Group to assess service-related risks across all functions arising from departure from the EU. This is chaired by Iain Gorman, Head of Operations. In addition, the HSCP provided regular Impact Assessment Report Updates and was represented at the NHS Lothian EU Exit Strategic Group, the remit for which is to manage EU Exit communication strategy and reporting requirements; assess and monitor current, potential and future risks and impact to NHS service. The NHS Lothian Group has paused meetings at times when updates showed no major issues.	Medium (9)	Medium (9)	Macdonald, Alison X	Gorman, Iain	04/03/2021		Mitigate risks associated with Brexit	26/02/21: Following a number of meetings and assessment of risks relating to Brexit as low for East Lothian HSCP services and in light of COVID, the HSCP Group was paused during much of 2020. Following no change in updates the scheduled January 13th was cancelled, with services areas asked to highlight if any Brexit-related issues arise, so these can be acted on. Future meetings will be arranged as required.	04/03/2021	31/12/2021	
										Creation of appropriate financial planning processes	Meetings have taken place regularly. IJB financial plan policy agreed by IJB and drafts presented to IJB	17/06/2016	30/09/2016	30/03/2017
										Financial Reporting	Ongoing throughout current financial year. 7/1/20: Regular financial reporting takes place. Agreement to close risk and add to controls.	01/04/2017	31/03/2020	07/01/2020
										IJB and Policy Decisions	This action has now become a control	01/04/2017		16/05/2019
		There is a risk that the financial challenges faced by the NHS and East Lothian Council will result in	1. Financial assurance process carried out by IJB 2. Engagement of IJB Officers and members in NHS and Council budget setting processes 3. Regular financial monitoring reports to IJB 4. Scheme of integration risk sharing and dispute resolution processes 5. IJB Chief Finance Officer in post 6. Strategic Planning Group in place 7. Efficiency and recovery plans are developed in year by operational teams							Development of a longer term rolling financial plan for the IJB	This went to IJB in June 2019 and was accepted. 23/11/20: A further update of the IJB rolling financial plan was presented to the IJB in October 2020. This iteration of the plan will require to be refined once clarity on the impact COVID-19 has on the IJB delegated functions moving forward.	16/05/2019	31/03/2022	

3924	Financial resources may be insufficient to sustain the Strategic Plan	allocations to the IJB that do not allow the Strategic Plan to be delivered leading to the failure to achieve outcomes and targets.	developed in year by operational teams to "break even". 8. There is a programme of meetings and discussion between IJB, Council and Health Board leading to an IJB financial planning process being approved by the IJB and supported by Council and Health Board 9. The IJB take a lead role in policy decisions to support the Financial Plan. 10. Developed a longer term rolling financial plan for the IJB. 11. IJB now holds a general reserve.	High (12)	Medium (9)	Macdonald, Alison X	Flanagan, Claire	26/02/2016	01/06/2021	Annual National and Scottish Budget Allocation	7/1/20: Annual budget settlement is currently unclear. Awaiting further information. 23/11/20: Scottish Government Annual Budget for 2021/22 to be set February 2021 will require to work with Partners to assess the impact this will have on the IJB. 26/02/2021: Scottish Government Budget announced and correspondence from Scottish Government has been received by the IJB and Partners. Awaiting formal budget offers from Partners. Paper on budget offers will be updated at the next IJB meeting. 08/05/21: IJB agreed budget offer from both Partners at April 2021 meeting. This business was followed by an IJB budget challenge 2021/22 development session.	07/01/2020	31/12/2021	
5279	Impact of National Care Service Proposals	There is a risk that the NCS consultation could have a significant impact on the IJB, indeed the IJB could be replaced by a new body.		High (16)	High (12)	Macdonald, Alison X	Macdonald, Alison X	29/11/2021						
4018	Impact of Partners' Decisions	There is a risk that Partners reach decisions on priorities and services (including service reviews) that impact negatively on the IJB leading to an inability to deliver the Strategic Plan	1. Involvement of IJB membership in the Partners' decision making process including voting members and Officers 2. Involvement in Partners' service reviews 3. Good working relationships and regular formal /informal meetings 4. Participation in MSG self-evaluation to inform improvement actions for better partnership working.	High (12)	Medium (9)	Macdonald, Alison X	Macdonald, Alison X	17/06/2016	26/02/2021	Clarity and monitoring of directions	Action extended to cover the period April 2017 to March 2018. 16/05/19 directions for 2019-2020 currently in review. 23/12/19: Directions agreed at IJB on 31/10/19 - ongoing action. 7/1/20: Directions being finalised for publication. 25/02/20: Directions (including links) will be taken to the Core and Extended CMT on 18th March. 26/02/2021: Development Session ran on the 27th Aug 2020 on Directions, the fitness of purpose of the current directions, the potential impact of Covid on directions, how direction will support remobilisation plans locally and nationally. A paper on Directions following this session was presented to the IJB at the September business meeting of the IJB.	03/04/2017	30/06/2021	
4947	NHSL Recovery Plan	There is a risk that the EL IJB will not provide satisfactory services due to acute waiting times, delayed discharges and mental health. There is a risk that we will fail to meet the 4 hour performance target for unscheduled care which could mean that patients fail to receive appropriate care due to volume and complexity of patients, staffing, lack and availability of beds, lack of flow leading to a delay to first assessment, a delay in diagnosis and therefore in treatment for patients and a reputational risk for the organisation. Scottish Government has escalated these risks to Level 3 & 4.	1. Extra capacity available in ELCH. 2. Winter Plan 3. Chief Officer on Recovery Board for Unscheduled Care and MH/LD. 4. NHSL Project Management support has been recruited. 5. Proactive teams are managing the situation on a daily basis. 6. Contribute to tele-conferencing.	High (16)	High (12)	Macdonald, Alison X	Macdonald, Alison X	19/12/2019	26/02/2021	Involvement in a Collaborative Approach with all 4 IJB's	25/02/20: (1) Remits of groups and sub-groups in place (2) Operational delivery groups established and attended appropriately. 26/02/2021: Paper on the NHSL recovery programme was presented to the A&R Committee in March 2021. Committee has asked to receive regular updates.	07/01/2020	31/12/2020	
										Develop Joint Workforce Plan	This will be taken to IJB in May 2019 for approval. Joint Workforce Plan approved at IJB on 23/5/19.	01/04/2017	03/06/2019	28/05/2019

3925	Operational resources may be insufficient to deliver the Strategic Plan	There is a risk that the IJB fails to achieve its targets due to insufficient access to key services and resources e.g. General Practice, Care at Home, Care Homes, Health Visiting, Housing, acute services etc leading to failure to deliver the Strategic Plan resulting in risk to patients' and clients' safety, external review and reputational damage	<ol style="list-style-type: none"> <li>1. The Strategic Plan sets out clear priorities</li> <li>2. IJB directions are clear about actions required by NHS and Council</li> <li>3. The Partnership Management Team is focussed on ensuring adequate resources are in place for delegated functions to deliver the Strategic Plan</li> <li>4. NHS Lothian is focussed on ensuring adequate resources are in place for set-aside and hosted functions to deliver the Strategic Plan</li> <li>5. NHS Lothian and East Lothian Council are focussed on ensuring adequate resources are in place for non-delegated but related functions (e.g. housing), to deliver the Strategic Plan</li> <li>6. Quarterly Performance Report to IJB and scrutiny by the Audit and Risk Committee.</li> <li>7. Care at Home contracts in place.</li> <li>8. Use of Integrated Care Fund to increase capacity and improve terms and conditions.</li> <li>9. Use Primary Care Transformation Fund to improve access in west of county.</li> <li>10. Joint Workforce Plan approved at IJB on 23/5/19.</li> </ol>	High	High	Macdonald, Alison X	Macdonald, Alison X	26/02/2016	07/01/2020	Financial investments in additional capacity	Care at Home contracts	Contracts in place	17/06/2016	31/01/2018	16/05/2019
3926	Potential Instability e.g elections / IJB changes	There is a risk that the IJB will be destabilised as a consequence of membership change or policy change as a result of elections and Public Sector reform leading to conflicting priorities and/or inability to make decisions	<ol style="list-style-type: none"> <li>1. Standing orders that control members' behaviour</li> <li>2. Code of Conduct</li> <li>3. Scheme of Integration which includes a dispute resolution mechanism</li> <li>4. Ensuring that membership changes are not all planned at the same time e.g. stakeholder member changes are separate from voting member changes, NHS membership changes on a different cycle from the East Lothian Council membership changes</li> </ol>	Medium (4)	Medium (4)	Macdonald, Alison X	Macdonald, Alison X	26/02/2016	26/02/2021	IJB Induction Review and IJB Members Annual Discussion	7/1/20: AM will speak to Cllr Fiona O'Donnell and find out if regular meetings are taking place with IJB members. 25/2/20: Cllr O'Donnell has met with IJB members. Induction plans to be reviewed in light of new members - Public Consultant and Independent Sector reps. 23/11/20: IJB Standing Orders circulated to IJB members November 2020. IJB now operating virtually due to ongoing COVID-19 pandemic	31/05/2017	31/12/2021		