

MINUTE of MEETING of the GOVERNANCE AND RISK COMMITTEE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 6 MARCH 2023.

Present – Councillors Damian Doran-Timson (Chair), Harry Cartmill, Lynda Kenna and Pauline Orr; and Ann Pike (Lay Member)

Absent – Danny Logue

In attendance - Graham Hope, Chief Executive; Donald Forrest, Head of Finance and Property Services; Lesley Henderson (Head of Corporate Services); Greg Welsh, Head of Education (Primary, Early Years and Resources); Craig McCorrison (Head of Planning, Economic Development and Regeneration); James Millar, Governance Manager; Kenneth Ribbons, Audit, Risk and Counter Fraud Manager; Kim Hardie, Health and Safety Manager; Ian Forrest, IT Services Manager; Robin Allen, Senior Manager (Adults, Social Policy); Andy Johnston, Operational Services; Ralph Bell, Housing, Customer and Building Services and Laura Harris, Housing, Customer and Building Services

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. ORDER OF BUSINESS

The Chair ruled, in terms of Standing Order 11, that agenda items 05 (Risk Management Annual Plan) and 06 (Committee Self-Assessment) would be considered after agenda item 11 (Risk Management within Education Services).

3. MINUTES

The Committee confirmed the Minutes of its meeting held on held on 12 December 2022 as a correct record. The Minute was thereafter signed by the Chair.

4. HIGH RISKS

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services informing of the council's high risks.

Risk HCBS004 (Overspend of allocated Housing Need budgets) was discussed, particularly concerning the in-house Housing First Service, which signalled the end of Cyrenians external support provision. The committee were informed that an evaluation of the Housing First project had been undertaken and a mainstream service determined to be more efficient with a higher quality service. Meetings were planned with neighbouring local authorities, who also had in-house provision, to share

best practice and ensure a similar approach. There was confidence that the provision would remain high, if not higher than previously provided.

Discussion continued on the same risk with the timescales of the Housing First Service pilot queried and how its progress would be reported. In response, officers advised the pilot would end in March 2023 and that the resulting tasks and approach would be mainstreamed within the existing service. Progress on actions associated with the Rapid Rehousing Transition Plan (RRTP) was reported to both the RRTP Board and the Housing PDSP with an updated plan on progress, together with forthcoming actions, presented to Council Executive.

Responding to a question regarding the risk associated with the ability to deliver against the agreed strategies to address the budget gap, officers advised robust arrangements were in place and were subject to detailed, regular monitoring and oversight.

Moving on to risk CPU001 (Failure to manage the procurement plan), it was asked if there was any external inspection of the council's procurement systems and processes. The Head of Corporate Services confirmed arrangements were in place within the Procurement team to engage with both internal and external stakeholders. Information regarding specific external engagement would be sought and circulated to committee members.

Returning to the RRTP, officers were asked if there was any analysis on the effect of the homelessness reduction processes on those already on the waiting list for a council property or looking to move to a different-sized home. It was advised the actions within the RRTP focussed on preventing homelessness and creating the opportunity to access affordable social homes through other means. Careful consideration was also taken on the proportion of lets allocated to homeless people, to allow others to achieve social housing, without homelessness becoming the only route to access properties.

Risk EH006 (Food safety and public health impacts of food supply chain disruption) was then highlighted, with officers asked how transportation delays affected the quality of produce and what was done to alleviate these delays. Committee members were informed that, from a risk management perspective, this risk related to the supply of perishable food where delays could lead to the potential for food crime and possibly result in health issues. However, currently, it was considered to be a short-term concern and would be kept under review.

Risk ED002 (Loss of education provision due to industrial action) was also discussed concerning the control for management to maintain a good working relationship with teaching unions at a local level and whether this was being achieved. It was advised that good working relationships had been maintained with both teaching and non-teaching trade unions. Officers continued and informed committee members that earlier industrial action had taken place by different unions at different times although they had later aligned their days of action, which had led to school closures. However, the previous split in industrial action dates had allowed a level

of service provision for pupils with some secondary sector senior phase attendance and almost all primary education provision.

The discussion concluded with a query regarding the two deactivated risks and how such risks continued to be monitored. The committee were informed that deactivated risks were no longer visible on Pentana, the council's corporate risk management tool, however, they continued to be held on the system and could be reactivated if necessary.

It was recommended that the committee:

1. note the council's high risks; and
2. provide feedback to officers on the risks, controls and mitigating actions.

Decision

1. To note the contents of the report; and
2. To note the Head of Corporate Services undertook to circulate to committee members the arrangements in place for external engagement in procurement systems and processes.

5. GALLAGHER BASSETT EMPLOYERS LIABILITY RISK MANAGEMENT HEALTH CHECK

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services informing of the outcome of the Gallagher Bassett employers liability risk management health check.

In response to a question on how the 28 RIDDOR reported incidents in 2021/2022 compared to similar-sized local authorities figures, it was advised that a benchmarking exercise was being undertaken, the results of which would be shared with committee members on completion.

It was noted that in section 11 of the 'Risk Management Health Check,' the work detailed was behind schedule. The Health and Safety Manager informed committee members that, although the review of procedural documents and guidance was slightly behind schedule, the Corporate Health and Safety policy was up to date. The review date had been reassessed and was now due for completion towards the end of 2023. It was agreed that an update would be presented to the committee, at their meeting in December 2023, on both the progress of this review and the actions detailed within the Action Plan attached to the report.

It was recommended that the committee consider the Gallagher Bassett report attached as appendix one and the risk improvement action plan attached as appendix two to the report.

Decision

1. To note the contents of the report;
2. To note the Health and Safety Managers undertaking to share with committee members the outcome of local authority benchmarking exercises relating to the number of RIDDOR reported incidents; and
3. To agree that the actions taken regarding the review of procedural Health and Safety documents and guidance would be reported to the committee, together with an update on the actions contained in the Action Plan, at its meeting in December 2023.

6. STRATEGIC RISKS

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services informing of the council's strategic risks.

The new risk WLC029 (West Lothian Leisure WLL - failure to prepare and agree a medium-term financial plan 2023/24 to 2027/28) was highlighted and officers provided an update, advising that West Lothian Leisure (WLL) was engaged in preparing plans and had since agreed a budget for 2023/24. The WLL Board were to meet soon and consider their budgets for 2024/25 and 2025/26, following which this risk could be lowered. It was noted, however, that should some elements of the plan require council approval, the lowering of the risk would likely take effect after the plan was agreed.

It was recommended that the committee note the council's strategic risks.

Decision

To note the contents of the report.

7. MANAGEMENT OF HEALTH AND SAFETY

The committee considered a report (copies of which had been circulated) by the Head of Corporate Services presenting at their request and which was a standing report providing information on Health and Safety incidents reported across all service areas. The report also contained annual incident statistics and a breakdown of violence and aggression incidents within Education.

The table providing comparative figures for Secondary School physical and verbal incidents recorded on Sphera, during the periods 1 April to 31 January 2021-22 and 2022-23, was discussed, specifically, the increase for Armadale Academy. Members of the committee were informed Education Services undertook detailed analysis, across all schools, to identify trends and increases including the gathering of information, such as the nature of the incidents, the individuals involved and the

interventions put in place to mitigate similar occurrences. The large numbers of students and staff within Armadale Academy should be considered in order to put the reported figures into context.

Additional detail was requested for two categories within the 'Incidents by Cause' table. For the 'Slipped' category in particular, whether these incidents occurred indoors or outdoors and for the noted 'Assaults' where these had occurred. This information would be collated by the Health and Safety Manager with committee members updated accordingly.

Further information was also requested regarding the reported Social Policy breach of statutory duty incident, details of which would be sought by the Health and Safety Manager and circulated to members of the committee.

It was recommended that the committee note the contents of the report.

Decision

1. To note the contents of the report;
2. To note the Health and Safety Manager would provide committee members with further analysis on two categories within the 'Incidents by Cause' table; for the 'Slipped' category, the numbers that occurred indoors and outdoors and the locations for the 'Assaults' category; and
3. To note the Health and Safety Manager undertook to identify the nature of the reported Social Policy breach of statutory duty incident and circulate to committee members as appropriate.

8. RISK MANAGEMENT WITHIN EDUCATION SERVICES

The committee considered a report (copies of which had been circulated) by the Head of Education (Primary, Early Learning and Resources) advising of Education Services' risks and informing of the approach to risk management taken by Education Services.

It was noted that appendices were omitted when the report had been prepared and these had subsequently been circulated to members of the committee separately.

The report was accompanied by a presentation from the Head of Education (Primary, Early Learning and Resources) which included; an overview, why risk was managed, details of corporate arrangements, information on services risk review and a summary of Education Services risks detailing those categorised as high and medium. The Head of Education (Primary, Early Learning and Resources) expanded on these subjects before providing the committee with the opportunity to ask questions.

Officers were asked about the new compulsory Maybo training modules, introduced to all Education staff, to address the potential for violence

towards them. Committee members were informed that all staff had undertaken the initial training which was now an annual training requirement for all staff, agreed with trade unions and fully embedded.

It was recommended that the committee consider the approach taken by Education Services to the management of risk.

Decision

1. To note the appendices omitted from the report and circulated in advance of the meeting; and
2. To note the contents of the report and presentation.

9. RISK MANAGEMENT PLAN 2023/24

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services informing of the Risk Management Plan for 2023/24.

It was recommended that the committee approve the Risk Management Plan for 2023/24.

Decision

To agree the contents of the report.

10. COMMITTEE SELF-ASSESSMENT 2022/23

The committee considered a report (copies of which had been circulated) by the Governance Manager to review and renew arrangements for carrying out a self-assessment of the committee's administrative arrangements and activity.

In view of the likelihood that the Annual Governance Statement would include a section on the COVID-19 pandemic, it was agreed that the questions on this subject should remain, possibly for the last year, and all other questions would be unchanged.

The Lay Member suggested it would be beneficial to have some knowledge of what sat behind the questions in order to provide answers that would add value. The Governance Manager undertook to discuss management processes with the Lay Member to enable contextualisation of the self-assessment questions.

It was recommended that the committee:

1. consider the questions in the appendix and identify any improvements that may be made, in particular whether the questions in Part F relating to COVID-19 should be retained; and
2. agree that the questions be circulated to all committee members

after the meeting with a view to the results being reported back to the committee on 12 June 2022.

Decision

1. To note the contents of the report;
2. To agree the circulation of questions to all committee members including those relating to COVID-19; and
3. To note the undertaking of the Governance Manager to discuss management processes with the Lay Member in order to put the questions into context.

11. WORKPLAN

A copy of the workplan had been circulated for information.

The committee members were reminded by the Chair to contact himself or the Lead Officer should they wish any items to be considered for inclusion on the workplan.

Decision

1. To note the workplan; and
2. To add a report for the December 2023 meeting on the actions taken regarding the review of procedural Health and Safety documents and guidance together with an update on the actions contained in the Action Plan.