

MINUTE of MEETING of the GOVERNANCE AND RISK COMMITTEE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 25 SEPTEMBER 2023.

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

Apologies – Councillors Harry Cartmill and Danny Logue

In attendance – Graham Hope, Chief Executive; Graeme Struthers, Depute Chief Executive; Lesley Henderson, Head of Corporate Services; Jo MacPherson, Head of Social Policy; Craig McCorrison, Head of Planning, Economic Development and Regeneration, Greg Welsh, Head of Education (Primary, Early Years and Resources); Patrick Welsh, Head of Finance and Property Services; James Millar, Governance Manager; Kenneth Ribbons, Audit, Risk and Counter Fraud Manager; Robin Allen, Senior Manager (Adults, Social Policy); Nicola Gill, Passenger Transport Manager; Kim Hardie, Health and Safety Manager; Sarah Kelly, Housing Need Service Manager; Caroline Burton, Project Officer, Chief Executive's Office

## 1 DECLARATIONS OF INTEREST

Agenda Items 5 (High Risks), 9 (Management of Health and Safety Risk) and 10 (Business Continuity Planning – Social Policy)

Anne Pike stated that she had a connection arising from her role as unpaid carer representative on the West Lothian IJB and on the COSLA Health and Social Care Committee. Having taken advice, she was confident that these did not amount to an interest; she would therefore take part in all items of business.

## 2 MINUTES

The committee confirmed the minutes of its meeting held on Monday 12 June 2023 as a correct record. The minute was thereafter signed by the Chair.

## 3 HIGH RISKS

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

With regard to risk WLC029 *West Lothian Leisure – failure to prepare and agree a medium-term financial plan*, officers clarified that the risk had been reduced, and any further risks that might arise from West Lothian Leisure's financial planning process would be a matter for the client service, in this case Education Services.

An update was also provided on progress on risk HCBS012 *Breach of statutory homeless duty*, with officers advising that the statutory duty applied to all categories of applicants, which resulted in stock shortages of properties for let. Members were assured that mitigation and prevention work was taking place to ensure adequate turnover of properties, which included finding alternative accommodation solutions.

Members also requested more information on the Night Stop service referenced in the report and officers undertook to provide further information offline.

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 terms of the report.
2. To provide more information to members on the Night Stop service.

## 4 STRATEGIC RISKS

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

Officers confirmed that the impact of failing to deliver the West Lothian Leisure financial plan (risk WLC019 *Failure to deliver the financial plan 2023/24 to 2025/26*) would be significant; however, the risk was continually monitored and the council worked closely with West Lothian Leisure towards managing West Lothian Leisure's budget pressures. Members were assured that progress had been made regarding this risk but it was also noted that there was significant progress still to be made.

Regarding risk HCBS004 *Overspend of allocated Housing Need budgets*, officers advised that the increased cost and overspend on housing was due to reliance on bed and breakfast provision and increased associated costs resulting from the cost of living increase. The loss of several private landlords due to lack of trust in the private sector, resulting in tenants seeking accommodation from the council, also contributed to the risk.

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

#### Decision

To note the terms of the report.

## 5 MANAGEMENT OF HEALTH AND SAFETY

The committee considered a report (copies of which had been circulated) by the Head of Corporate Services, presented at the request of the committee as 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 physical and verbal incidents reported within Education.

During discussion, members noted the significant spikes under Corporate and Finance & Property (F&P) Cumulative Incidents Recorded for 2022/23 and asked for more information on any trends resulting in those spikes. Officers advised that the Corporate Services spike was due to verbal incidents in the Civic Centre and undertook to communicate further trends for Corporate Services and F&P to committee.

Further clarifications were also requested regarding Cumulative Incidents by Cause – Assaulted by Person shown in the report and officers advised that the types of assault varied according to the service and undertook to provide a breakdown of incidents by service to members.

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

### Decision

1. To note the terms of the report.
2. To provide information on trends resulting in increase of F&P and Corporate Services incidents recorded for 2022/23.
3. To provide a further overview of incidents by cause broken down by service.

## 6 NON-SERVICE RISKS

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services advising member of the council's non-service risks, i.e. those risks which were not owned by a head of service.

In response to a query regarding risk WLC022 Failure to achieve Best Value and whether the amount of TU officers spent on trade union activities affected best value, the Depute Chief Executive advised that time spent on trade union duties was continually reviewed and reported annually on the council's website; he also confirmed that Audit Scotland would consider the overall assessment of the council's best value in its annual audit.

It was then requested and agreed that the Governance Manager and the Audit, Risk and Counter Fraud Manager add reports on appropriate non-service risks to the work plan for future meetings.

### Decision

1. To note the terms of the report.
2. The Governance Manager and the Audit, Risk and Counter Fraud Manager to add reports on appropriate non-service risks to the work plan for future meetings.

## 7 MANAGEMENT OF HEALTH AND SAFETY RISK

The committee considered a presentation and a report (copies of which had been circulated) by the Head of Corporate Services advising members of the approach to the management of Health and Safety Risks within Corporate Services.

In response to a query regarding work to identify unknown factors affecting health and safety, officers advised that the risks relevant to the service were continually reviewed, with wide information exchange that went beyond consulting with experts. Horizon scanning also took place to identify any pressures arising; officers also did reactive monitoring of incidents to identify emerging issues, as well as seasonal work with the aim of promoting health and safety.

Officers also advised that exercises were being planned which would allow benchmarking of the council compared to other areas in terms of incidents.

### Decision

To note the terms of the presentation and report.

## 8 BUSINESS CONTINUITY PLANNING - SOCIAL POLICY

The committee considered a presentation and report (copies of which had been circulated) by the Head of Social Policy providing information on the approach taken to business continuity planning within Social Policy.

In response to a query regarding the reliability of external services and adequate provision of service, it was noted that the council had business continuity arrangements with commissioned service providers as well as continuously monitoring and reviewing the risk associated with each provider.

It was also noted that planning for severe weather was key focus of each service area's business continuity plan and that the council was mindful of the impact of severe weather on unpaid carers and people waiting to receive care.

Regarding staffing pressures in care homes, officers advised that there were approximately 16 care at home providers within the council's new care at home provision framework, as well as a number of additional

providers outwith that framework. Both the council and care providers were continually assessing needs in order to deploy care in the most efficient way possible.

It was recommended that the Governance and Risk Committee consider the approach taken by Social Policy to business continuity planning to enable the service to continue to deliver key services in the event of an incident which disrupts normal operations.

#### Decision

To note the terms of the presentation and report.

### 9 RISK MANAGEMENT WITHIN SOCIAL POLICY

The committee considered a report (copies of which had been circulated) by the Head of Social Policy informing members of Social Policy high risks and the mitigating actions in place to manage risk.

It was noted that managing availability of care home beds presented an ongoing challenge but that there was a small number of beds available for people waiting for care at home provision.

Officers also advised that delayed discharge and the need for care at home provision was a known high risk which was monitored regularly and closely by all local authorities. The council and its partners operated monitoring arrangements through twice-daily reports.

It was recommended that the committee consider the approach taken by Social Policy to manage identified high risks.

#### Decision

To note the terms of the report.

### 10 WORKPLAN

A workplan had been circulated for information.

#### Decision

To note the workplan, subject to including an additional report on risk and governance aspects of whistleblowing for a future meeting of the committee, and the addition of reports arising from agenda item 8 (*Non-Service Risks*).