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Scottish Borders
Health and Social Care
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A meeting of the Scottish Borders Health & Social Care Integration Joint Board will be held on Wednesday 1 February 2023 at 2.00pm via Microsoft Teams

Please find attached the Appendix in respect of Item 6.6 on the agenda for the above meeting.

	6.6 Directions Tracker 6.6c – IJB Cover Report – IJB Strategic Risk Update 6.6d – Appendix 1 – IJB Summary Risk Register	(Pages 89-94)	
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*Scottish Borders Health & Social Care
Integration Joint Board*



Meeting Date: 18 January 2023

Report By:	<i>Chris Myers (IJB Chief Officer)</i>
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SCOTTISH BORDERS HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD STRATEGIC RISK REGISTER UPDATE	
Purpose of Report:	The purpose of this report is to provide Members of the Board with an update of the most recent review of the IJB Strategic Risk Register as it is important that the Board is kept informed of the IJB's key risks and the actions undertaken to manage these risks.
Recommendations:	The Health & Social Care Integration Joint Board is asked to: <ul style="list-style-type: none"> a) Consider the reframed IJB Strategic Risk Register to ensure it covers the key risks to the IJB; b) Note the work in progress to manage the risks; c) Note that a further risk update will be provided in June 2023.
Personnel:	In line with the role and responsibilities, the IJB's Chief Officer carried out a review of the IJB Strategic Risk Register between the 14 th and 16 th December 2022, following an exercise undertaken during Summer 2022 to reframe the IJB Risk Register to better reflect the role and remit of the IJB, supported by SBC's Corporate Risk Officer. In addition, Risk 002 "Budget" was reviewed by the IJB's Chief Financial Officer on 7 th December 2022.
Carers:	There are no direct carers' impacts arising from the report.
Equalities:	There are no equalities impacts arising from the report.
Financial:	There are no direct financial implications arising from the proposals in this report.
Legal:	Good governance will enable the IJB to pursue its vision effectively as well as underpinning that vision with mechanisms for the control and management of risk.
Risk Implications:	Risk Management arrangements will assist the IJB making informed business decisions and provide options to deal with potential problems in line with its agreed Risk Management Strategy within its governance arrangements.

Background

- 2.1 The IJB, as strategic commissioner of health and social care services, gives directions to NHS Borders and Scottish Borders Council for delivery of the services in line with the Strategic Plan. The Scheme of Integration sets out how the managerial arrangements across the integrated arrangements flow back to the IJB and the Chief Officer. These arrangements are further supported by the IJB's Local Code of Corporate Governance.
- 2.2 Compliance with the principles of good governance requires the IJB to adopt a coherent approach to the management of risks that it faces in the achievement of its strategic objectives. The current Risk Management Policy and Risk Management Strategy were approved by the IJB on 19 August 2020.
- 2.3 In accordance with the Risk Management Policy and Strategy, the IJB Chief Officer carries out a review of the IJB Strategic Risk Register on a quarterly basis.
- 2.4 The Risk Management Policy and Strategy states that six monthly risk reviews should be presented to the Board in June and December each year. The first formal report of 2022 was presented on the 15 June 2022 and outlined the progress made during spring and summer 2022 to reframe the IJB Strategic Risk Register to better reflect the role and remit of the IJB. The second formal report has been delayed from December 2022 to January 2023. A further update will be provided in June 2023, in line with the Risk Management Policy and Strategy.

Summary

- 3.1 It is important that the IJB has its own robust risk management arrangements in place because if objectives are defined without taking the risks into consideration, the chances are that direction will be lost should any of these risks materialise. The identification, evaluation, control and review of the IJB's strategic risks is a Management responsibility. However, knowledge of the strategic risks faced by the IJB and associated mitigations will enable the Board members to be more informed when making business decisions.
- 3.2 The IJB Chief Officer carried out a management review of the previous iteration of the risk register in December 2021 and again on 25 March 2022. This was followed by a series of development sessions between May and July 2022 to reframe the Strategic IJB Risk Register to better reflect the role and remit of the IJB and support and underpin the objectives of integration, retaining all relevant elements from the original risk register before its deactivation. It should be noted that reframing the risk register with the inclusion of new risks takes significantly more time than it does to review existing risks. The first formal report of 2022, presented to the IJB Board on 15 June 2022, detailed the progress that had been made in reframing the risk register to that date. The most recent review of the risk register took place between 7 & 16 December 2022, and constituted a first full review of the reframed IJB Risk Register since development work was undertaken earlier in 2022. This most recent review also had a focus on finalising the development of an eighth risk, reflecting Scottish Government's introduction of a National Care Service for Scotland.
- 3.3 Building on the above, the potential impacts for the IJB and delegated services arising from the Scottish Government's consultation on the National Care Review

continue to be a consideration when evaluating the IJB's risk landscape. The same is true of the ongoing impacts of the Covid-19 pandemic and the UK's exit from the EU e.g. the increasing demand for H&SC services (partly attributed to a build-up of need during Covid-19 lockdowns and restrictions) and the decreasing workforce pool that can be utilised by partners to achieve the objectives of the IJB (partly, attributable to the UK's exit from the EU and the demand for staff in other sectors such as hospitality). Furthermore, the IJB Chief Officer continues to remain alert to risks being faced by Scotland's other IJBs to ensure awareness of the types of risks that may threaten the objectives of the SBIJB.

- 3.4 The Risk Management Policy Statement states that: "The IJB will continue to systematically identify, analyse, evaluate, control and monitor those risks that potentially endanger or have a detrimental effect upon its people, property, reputation and financial stability..." Part of this systematic and continuous process involves revisiting the Strategic Risk Register at regular intervals to assess its continued relevance and where appropriate make changes to ensure that it remains reflective of the IJB's aims and objectives and captures and manages those risks that threaten their achievement. In the same vein this continuous process requires that risks which are no longer relevant should be retired but retained to ensure that an effective audit trail is maintained.
- 3.5 In line with the above, a piece of work has been progressed throughout 2022 to develop a Health and Social Care Framework to address strategic issues. The IJB Strategic Risk Register will continue to evolve to cover relevant elements of this work as it progresses, both in terms of the identification of new risks that threaten the achievement of the objectives and priorities outlined within the Framework and the expansion of existing risks to include emerging risk causes or the development and implementation of internal controls or mitigation actions flowing from the development of the Framework and the implementation of priority actions.
- 3.6 A high level summary of the IJB's Strategic Risk Register, which sets out the strategic risks associated with the achievement of objectives and priorities within the IJB's Strategic Plan, is shown in Appendix 1. Following the development sessions undertaken earlier in 2022 there are now eight risks on the IJB Strategic Risk Register: two Red and six Amber.
- 3.7 Changes on specific risks for the IJB to note since the previous report to the IJB Board on 15 June 2022 include:
- As detailed above, the initial development of a new suite of IJB Strategic Risks has been completed, since the previous update to the Board, including the identification of the risk causes/factors, consequences, internal controls and mitigating actions for each risk. As risk management is an iterative process these will continue to be developed, managed, monitored and presented to the IJB Board in line with agreed reporting arrangements.
 - IJB002 (Budget) has reduced from a risk score of 20 (Red) to 16 (Red). Specifically, the likelihood of the risk materialising has been reassessed at the most recent review and changed from 5 (Almost certain) to 4 (Likely). While the risk remains high, reflecting the IJB's overspend position and increased service pressures as a result of increased demand for services, some progress has been made since the last review to better control this risk. The IJB now has a

Chief Financial Officer (CFO) in post who is working to implement a number of additional risk controls (e.g. a new Financial Planning Approach and Reserves Policy) while strengthening existing ones (e.g. close working between the IJB's CFO and counterparts at NHSB and SBC), as seen in the Appendix 1. Two mitigation actions are also being pursued for this risk: one relates to the development of a Strategic Commissioning Plan for 2023-26 and the other relates to the development of a Capital/Asset Strategy by the IJB's strategic partners, NHSB and SBC. Successful mitigation of this risk is particularly dependent on the development and implementation of the Strategic Commissioning Plan 2023-26 and it should be noted that, going forward, a key enabler for overall success is the strength of the linkages between the Strategic Plan, the Financial Plan and the Workforce Plan.

- IJB004 (Operating as a Separate Entity) reduced from a risk score of 9 (Amber) to 6 (Amber). Specifically, the likelihood of the risk materialising has been reassessed at the most recent review and changed from 3 (Possible) to 2 (Unlikely). As noted in the Appendix 1, IJB Members agreed to a "Once for Borders" approach between partners in their development sessions earlier in 2022. This is to ensure that they do the best for Borders communities and ensure best value. There has been much work since then to re-position the IJB to recognise that while it is a separate entity, it is constituted to represent the views of its communities, together with the Health Board (NHSB) and the Council (SBC). This is with a view to ensure that the IJB can work collaboratively with communities, the Health Board and the Council. There has been a development session between the IJB, NHSB and SBC Leadership Teams to ensure alignment of approach. In addition, progress has also been made with regards to the strength of two key internal controls and their strength has been reassessed as fully rather than partially effective: "Regular IJB Development Sessions" and "IJB Risk Register reflects the remit of the IJB". There has also been progress with regards to an existing mitigation action, entitled "Develop an IJB SPG TOR" which, at the most recent review, was noted as being 40% complete. A new mitigation action was also added at the most recent review, entitled "Undertake an NHS pathfinder workshop with IJB, NHSB and SBC" and this was assessed as approximately 10% complete.
- IJB007 (Regulatory/Legislative Compliance) has reduced from a risk score of 20 (Red) to 12 (Amber). Specifically, the likelihood of the risk materialising has been reassessed at the most recent review and changed from 5 (Almost certain) to 3 (Possible), to reflect the significant progress that has been made with regards to the IJB's obligations under The Equality Act 2010 and the Community Empowerment Act 2015. The IJB was previously advised that it had breached the Equality Duty in relation to the publishing of required reports i.e. the Mainstreaming Equality Report. The IJB was also advised that work needed to be undertaken to improve community engagement. As detailed in the Appendix 1, a number of development sessions have been held in relation to Equality Impact Assessments (EIAs) in order to raise awareness of the importance of thorough assessments and to develop knowledge and skills in this area. This work serves to underpin decision making with sound processes, procedures and adherence to legislative requirements. In addition, a mitigation action, entitled "Develop a new set of Equality Outcomes, a Progress Report and a Mainstreaming Report and publish these on the IJB Website" is now 90% complete with a paper on the new Mainstreaming Equality Report expected to

be presented to the IJB on 18 January 2023 for sign-off, prior to its submission to the Equality and Human Rights Commission (EHRC) in February 2023. With regards to the Community Empowerment Act 2015, significant work has been progressed to build engagement into the Strategic Framework and strong engagement has taken place with the public at a global, service user, protected characteristic and locality level. Engagement has also been sought on the draft Strategic Framework, following a “You Said – We Did” approach. This has been added as a new internal control and assessed as fully effective. Engagement on the Framework will continue until the end of the financial year (March 2023). Furthermore, work to develop the Locality Groups is ongoing and resources secured from SBC in the form of a Project Manager is helping to drive this forward. It is envisaged that this will start in early 2023. The development of Locality Working Groups was previously identified as a mitigation action and at the time of review this was assessed as 10% complete. The successful completion of these mitigation actions and the two others detailed in the Appendix 1 will aid in bringing this risk further within tolerable levels.

- IJB008 (National Care Service Bill) has been assessed as having a risk score of 12 (Amber) following the completion of its development at the most recent risk register review. Specifically, the risk is assessed as having a likelihood of 3 (Possible) and an impact of 4 (Major) should the risk materialise. As detailed in the Appendix 1, this risk will continue to evolve over time, reflecting the specific threats and impacts of the National Care Service (NCS) as they emerge and any potential mitigations that can be developed and implemented. As touched upon with regards to IJB004 (Operating as a Separate Entity) a significant amount of work has been undertaken to reposition the IJB, aligning its agenda around the introduction of the NCS and to align the IJB’s Strategic Agenda through the development of a ‘Once for Borders’ approach, starting with what is best for its communities. However, it would be remiss to omit a key fact in that the IJB has no control over the underlying cause of this risk – the introduction of a National Care Service for Scotland. Rather its control is limited to ensuring the continuation of strong and effective partnership working in the interim to achieve IJB objectives and positive outcomes for its communities while pursuing mitigation actions that will ultimately ensure a smooth and bespoke transition for the Scottish Borders Region. As seen in Appendix 1, a number of internal controls and a mitigation action were added at the most recent review to reflect this.

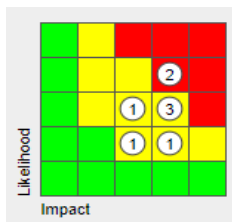
3.8 This report and the IJB Strategic Risk Register are intended to provide the Board with assurance that the strategic risks associated with the achievement of objectives and priorities within the IJB’s Strategic Plan are being effectively identified, managed and monitored.

3.9 Reliance is placed on the risk management arrangements within the partner organisations in respect of the operational delivery of commissioned services. As stated in the IJB Risk Management Strategy, any of these risks that significantly impact on the delivery of the IJB Strategic Plan will be escalated to the Chief Officer for consideration.



- 3.10 The IJB Strategic Risk Register will continue to be reviewed alongside the implementation of the Strategic Plan by the IJB's Chief Officer on a quarterly basis with support from SBC's Corporate Risk Officer. A further update will be presented to the Board in June 2023 along with a summary IJB Strategic Risk Register and then in December 2023 (reflecting the six monthly reporting arrangements as detailed in the IJB's Risk Management Policy and Strategy).



IJB Summary Risk Register



Reviewed between: 07 & 16 December 2022






Risk Title & Description	Risk Score	Trend	Last Review Date	Risk Approach	Narrative Update
<p>IJB001 - Strategic Objectives:</p> <p>Failure to deliver the SBIJB strategic objectives could lead to the inability of the IJB to deliver the intended health and wellbeing outcomes and achieve the core aims of integration for the Scottish Borders population.</p>	<p>9 Moderate - Possible</p>		16-Dec-2022	Treat	<p>The Annual Commissioning Plan 2022/23 has allowed a renewed focus on the actions to support the health and wellbeing outcomes. The developing IJB Health and Social Care Strategic Framework focuses on the delivery of improved outcomes and sets objectives to manage strategic risks which could impact on our communities outcomes.</p> <p>Internal Control "Quarterly and Annual Performance Reporting to IJB Board" reassessed and changed from Partially to Fully Effective.</p> <p>New Internal Control "Adoption of Health and Social Care Strategic Framework by IJB, NHS Borders and Scottish Borders Council" added and assessed as Partially Effective as the Framework is in draft and will be implemented from 01.04.2023.</p> <p>Linked Action "Market Facilitation Plan" remains approx. 10% complete with a due date of 31.03.2023.</p> <p>New Linked Action "Development of new Strategic Framework focused on Outcomes" added and assigned to CM with a due date of 31.03.2023. Action is approx. 70% complete.</p> <p>No change to Current Risk Score at this review.</p>



Risk Title & Description	Risk Score	Trend	Last Review Date	Risk Approach	Narrative Update
<p>IJB002 – Budget:</p> <p>If we fail to ensure the effective delivery of outcomes/delegated services within the available budgets then it could lead to poorer outcomes and an inability to deliver the Strategic Commissioning Plan.</p>	<p>16 Major – Likely</p> 		<p>07-Dec-2022</p>	<p>Treat</p>	<p>Some improvements are needed in terms of agreeing financial accounts and there are actions about this contained within the External Audit Action Plan. There are eight actions for which solutions need to be developed and put in place.</p> <p>It is worth noting that the statutory deadline (July end 2022) in terms of publishing the unaudited accounts on the website was missed.</p> <p>Internal Control “Regular Financial Reporting to IJB” reassessed and changed from Fully to Partially Effective as there is some work to do with the Board in terms of engagement and actions flowing from reports.</p> <p>Internal Control “Close working between IJB CFO and local Heads/Leads of Finance at SBC and NHSB” reassessed and changed from Not to Partially Effective as the IJB CFO is now in post and regular meetings take place.</p> <p>New Internal Control “Financial Planning Approach” added and assessed as Not Effective as while this has been approved it is not yet implemented.</p> <p>New Internal Control “Reserves Policy for IJB” added and assessed as Not Effective as while this has been developed and agreed operationally it is not yet in place. This is still to go through the governance process and is expected to be presented at the next Audit Committee for approval. Once in operation it will be helpful in terms of moving money between financial years and between entities e.g. in and out of reserves.</p> <p>New Internal Control “Partner Financial Improvement Programme (NHSB)” added and assessed as Partially Effective. This was re-launched in July 2022 and will feed into the IJB’s financial deficit situation.</p> <p>Linked Action “Develop a new Strategic Commissioning Plan 2023-2026 which is underpinned by a focus on Sustainability and Outcomes” is approx. 70% complete. The mitigation of this risk is very dependent on the development of the Commissioning Plan. The IJB CFO has developed a new financial planning approach to be used for 2023/24 which has a strong focus on prioritisation and best use of the pound. It is worth noting that this risk will not be resolved in one financial year, instead it will likely take two to three years. The new financial planning approach was signed-off by the IJB at its last meeting and will be put into action in line with the Strategic Commissioning Plan. With regards to this action the CFO also notes that three key plans need to be linked and aligned for success: the Strategic Plan, the Financial Plan and the Workforce Plan. It is felt that the IJB is making good progress towards achieving this and it is expected that by March 2023 this risk will be more controlled.</p> <p>Linked Action “The IJB will direct NHSB and SBC to develop a new Capital/Asset Strategy associated to the new Strategic Commissioning Plan 2023-2026” remains ongoing.</p> <p>Current Risk Score reassessed and Likelihood reduced from 5 (Almost Certain) to 4 (Likely).</p>

Risk Title & Description	Risk Score	Trend	Last Review Date	Risk Approach	Narrative Update
<p>IJB 003 – Issuing of Directions:</p> <p>If the Directions issued by the IJB are unclear or are not implemented by partners then it may adversely impact on outcomes, resources and on the principles of integration.</p>	<p>8 Major – Unlikely</p> 		<p>16-Dec-2022</p>	<p>Treat</p>	<p>A Directions Tracker was developed and has been shared with the IJB Audit Committee for its meeting in December 2022.</p> <p>Internal Control “SBC and NHSB Capital/Asset Strategies developed and in place” assessed as Partially Effective.</p> <p>As with Risk 001, new Internal Control “Adoption of Health and Social Care Strategic Framework by IJB, NHS Borders and Scottish Borders Council” added and assessed as Partially Effective as the Framework is in draft and will be implemented from 01.04.2023.</p> <p>No change to Current Risk Score at this review.</p>


Risk Title & Description	Risk Score	Trend	Last Review Date	Risk Approach	Narrative Update
<p>IJB 004 – Operating as a Separate Entity:</p> <p>If the IJB does not operate effectively as a separate entity in partnership with communities, the Council and the Health Board, then it could result in a failure to deliver the principles of integration and achieve its objectives.</p>	<p>6 Moderate – Unlikely</p> 		<p>16-Dec-2022</p>	<p>Treat</p>	<p>IJB Members agreed to a “Once for Borders” approach between partners in their development sessions earlier in 2022. This is to ensure that the IJB does the best for its communities and ensures best value. There has been much work since then to re-position the IJB to recognise that while it is a separate entity, it is constituted to represent the views of its communities, together with the Health Board (NHSB) and the Council (SBC). This is with a view to ensure that the IJB can work collaboratively with communities, the Health Board and the Council. There has been a development session between the IJB, NHSB and SBC Leadership Teams to ensure alignment of approach.</p> <p>Recognising the improved relationships between the IJB, NHSB and SBC, all three organisations have submitted evidence to the Scottish Parliament Call for Views on the National Care Service (NCS) which outlines the desire to be a local NCS pathfinder, recognising our unique circumstances. In addition, a joint letter for the IJB Chair, Council Leader and Health Board Chair has been sent to the Minister for Mental Wellbeing and Social Care, underlining this.</p> <p>Internal Control “Regular IJB Development Sessions” reassessed and changed from Partially to Fully Effective.</p> <p>Internal Control “IJB Strategic Risk Register reflects remit of IJB” reassessed and changed from Partially to Fully Effective.</p> <p>Linked Action “Develop IJB SPG TOR” is approx. 40% complete. Due date for action changed from 30.09.2022 to 31.03.2023 as this will dovetail with the work to re-establish Locality Working Groups.</p> <p>New Linked Action “Undertake NHS pathfinder workshop with IJB, NHSB and SBC” added and assessed as approx. 10% complete. Action assigned to CM with a due date of 31.03.2023.</p> <p>Current Risk Score reassessed and Likelihood reduced from 3 (Possible) to 2 (Unlikely).</p> <p>Target Risk Score also revisited and changed from Likelihood 3 (Possible) and Impact 3 (Moderate) to Likelihood 2 (Unlikely) and Impact 2 (Minor).</p>

Risk Title & Description	Risk Score	Trend	Last Review Date	Risk Approach	Narrative Update
<p>IJB 005 – Infrastructure:</p> <p>If the IJB lacks the professional, administrative and technical infrastructure to operate effectively it could result in failures of planning, governance, scrutiny and performance arrangements.</p>	<p>16 Major – Likely</p> 		<p>14-Dec-2022</p>	<p>Treat</p>	<p>Some good progress has been made with this but there are still some gaps to address e.g. relating to finance. At present, we are looking at the Strategic Framework and how the IJB works towards this in terms of resource planning - underpinning priorities with appropriate resources.</p> <p>A good enabler for this is the alignment of strategic planning to NHSB and SBC so all organisations have a shared understanding and are working towards the same goals.</p> <p>Similar to finance, there are some gaps in terms of engagement and communications but we have commissioned NDTI to support this aspect.</p> <p>A Finance Network Meeting has been established with NHSB and SBC with the first meeting scheduled to take place in January 2023. The aim is to use this meeting to ensure closer and more synergistic partnership working to deliver the best outcomes for the people of the Borders, using a solutions based approach. Required improvements have largely been identified and it is now just a case of implementing and progressing them.</p> <p>Furthermore, the above links to work being undertaken on finance regulations in terms of focusing on the 'people' aspect to achieve wider cultural change and support effective partnership working, moving away from siloed approaches.</p> <p>Internal Control "IJB fund posts to ensure the right level of support is in place" reassessed and changed from Not to Partially Effective. One of the roles we have agreed is around the Strategic Lead for Equalities and Human Rights (E&HR). This was agreed in early 2022 and has been effective, providing one example of funding posts to ensure that the correct levels of support are in place for the IJB. There is a need to build on this and establish requirements for other areas going forward in relation to joint staff and the positioning of the IJB is a key factor of this.</p> <p>New Linked Action "Liaise and engage with colleagues in NHSB and SBC to undertake resource planning to support the Strategic Framework" added and assigned to HR with a due date of 31.03.2023. The due date relates to the establishment of a mechanism for this and once this is in place, it will be reflected as a new Internal Control. The CFO notes that there is likely a need to adopt a programme by programme approach to this as there are links to the PBMA approach to identifying best value.</p> <p>No change to Current Risk Score at this review as while there have been some positive movements in terms of planning there are still some gaps on the finance side of things.</p>

Risk Title & Description	Risk Score	Trend	Last Review Date	Risk Approach	Narrative Update
<p>IJB006 – Resources:</p> <p>If the IJB fails to make best use of the expertise, experience and creativity of its communities then it could result in negative impacts to the delivery of its strategic outcomes and poor relationships with its communities.</p>	<p>12 Major – Possible</p> 		<p>16-Dec-2022</p>	<p>Treat</p>	<p>Work to control this risk is progressing and is multifaceted.</p> <p>Internal Control “IJB Strategic Commissioning Approach Document (confirmed in December 2021)” reassessed and changed from Partially to Fully Effective.</p> <p>Internal Control “Engagement activities undertaken as part of development of new Strategic Commissioning Plan” reassessed and changed from Partially to Fully Effective.</p> <p>Internal Control “IJB and SPG Members Induction and ongoing development” reassessed and changed from Partially to Fully Effective.</p> <p>Linked Action “Develop IJB SPG TOR” is approx. 40% complete. Due date for action changed from 30.09.2022 to 31.03.2023 as this will dovetail with the work to re-establish Locality Working Groups.</p> <p>Linked Action “Invest in Engagement Resource for the IJB (with support from C Oliver NHSB)” is approx. 80% complete as this is non-recurrently funded.</p> <p>Linked Action “Develop Locality Working Groups” is still in progress but there is quite a bit more work still to do on this. Action is approx. 10% complete. We have secured some resources and now have a Project Manager to lead on this. While this is a big piece of work it is worth noting that the momentum behind this is building. As we are currently at the discussion stage the due date for the action has been changed from 30.09.2022 to 31.03.2023.</p> <p>No change to Current Risk Score at this review.</p>

Risk Title & Description	Risk Score	Trend	Last Review Date	Risk Approach	Narrative Update
<p>IJB007 – Legislative/Regulatory Compliance:</p> <p>If the IJB fails to comply with legislative and regulatory requirements it could lead to legal breaches and result in fines and/or prosecution.</p>	<p>12 Major – Possible</p> 		<p>14-Dec-2022</p>	<p>Treat</p>	<p>We have been proactively working to comply with legislation in two outstanding areas: The Equality Act 2010 and the Community Empowerment (Scotland) Act 2015.</p> <p>It is expected that a report will be presented to the IJB Board on 18 January 2023 with the new Mainstreaming Equality Report. With regards to Equality Impact Assessments (EIAs), development sessions on these have been held and the assessments are routinely being complied for IJB Meetings, with scrutiny arrangements put in place. There is much more awareness now of the importance of good engagement and the EIA process.</p> <p>W Henderson recently held a workshop on decision making and how to undertake Impact Assessments, improving knowledge and skills in this area. A discussion has also been held at the IJB about how to improve structures and processes.</p> <p>Since the last review the likelihood of prospective legal action against the IJB is much lower but with regards to decisions in the past there is a risk that legal challenges could still arise.</p> <p>With regards to Community Empowerment, engagement has built engagement into the Strategic Framework and we have been engaging strongly with the public at a global, service user, protected characteristic and locality level. We are also engaging on our draft Strategic Framework, following a “You Said – We did” approach.</p> <p>Furthermore, work to develop the Locality Groups is ongoing and resources secured from SBC in the form of a Project Manager is helping to drive this forward. It is envisaged that this will start in early 2023.</p> <p>With regards to the Teviot Day Centre situation, there is a risk that there are other situations that could emerge as a result of historical decision making. However, because the situation with Teviot has been very high profile it is probable that, by now, we would already know about these.</p> <p>It is felt that we have dealt with the Teviot situation in an open and transparent way since the court judgement and lots of work is being undertaken to re-establish the day service. We will utilise lessons learned from this to inform future activities. It is worth noting that lessons from the Teviot Day Centre closure have already been applied and have had a positive impact on decision making and assessments in other areas.</p> <p>Internal Control “Scheme of Integration Monitoring Committee” remains Not Effective at this review as it is not yet up and running. We are looking to pick up on this as part of joint Executive discussions. There is a need to build this into business as usual, likely at a Board level and we will continue to explore the best way to implement this. Looking at the ‘Set Aside Budget’ first may provide a blueprint of sorts. Current thinking is that we are not far away from delivering this but the main concern at present is resourcing.</p> <p>New Internal Control “Joint Strategic Needs Assessment and Public Engagement for development of Strategic Framework” added and assessed as Fully Effective. Engagement on the Framework will continue until the end of the financial year.</p> <p>New Internal Control “Programme Budgeting and PBMA” added and assessed as Not Effective as while this has been</p>

				<p>approved it is not yet taking place. This will be an inclusive process involving engagement with communities/stakeholders.</p> <p>Linked Action "Develop a new Strategic Commissioning Plan 2023-2026 which is underpinned by a focus on Sustainability and Outcomes" is approx. 70% complete. Lots of work has been undertaken on this and a first draft has been completed and circulated for comment. Public engagement will also be undertaken as part of this. Action is still on track for completion by 31.03.2023 and it is likely that it will be finished earlier than this.</p> <p>As with Risk 006, Linked Action "Develop Locality Working Groups" is still in progress but there is quite a bit more work still to do on this. Action is approx. 10% complete. We have secured some resources and now have a Project Manager to lead on this. While this is a big piece of work it is worth noting that the momentum behind this is building. As we are currently at the discussion stage the due date for the action has been changed from 30.09.2022 to 31.03.2023.</p> <p>Linked Action "Establish a Scheme of Integration Monitoring Committee for both the IJB and the H&SCP" is still in progress. The IJB CFO has undertaken research into how other IJBs operate to help inform the approach to take in the Scottish Borders. However, there are a few steps to take before this action can be completed: We need to ensure that the IJBs Financial Regulations are compliant with Financial Legislation, then make sure that the IJBs Financial Reporting reflects Financial Regulations and provides meaningful information by which we can monitor financial performance. This has been added as a new Linked Action with a due date of 30.06.2023. The Scheme of Integration 'Committee' should then focus on monitoring performance and finance in a joined-up way. Due date for the original Linked Action has been changed from 31.12.2022 to 30.08.2023 to allow the first steps, noted above, to be completed and a first Financial Report to be produced for consideration.</p> <p>Linked Action "Develop a new set of Equality Outcomes, a Progress Report and a Mainstreaming Report and publish these on the IJB Website" is approx. 90% complete. W Henderson has been commissioned by the IJB to support this. Submission of this piece of work to the Equality and Human Rights Commission (EHRC) is due to take place in February 2023. A significant amount of work has been undertaken to progress this and the IJB is largely back in line with its legislative requirements in relation to this area. A paper is expected to be presented to the IJB Board on 18 January 2023 for sign-off. It is also worth noting that the CFO is linking in with W Henderson to ensure that the IJB's financial approach is compliant with Equalities Duties. Action due date changed from 30.11.2022 to 28.02.2023 in line with the submission date to the EHRC.</p> <p>It is felt that the IJB is in a much better place with regards to this risk and as such the Current Risk Score has been reassessed and Likelihood reduced from 5 (Almost Certain) to 3 (Possible).</p> <p>Target Risk Date revisited and changed from 31.12.2022 to 30.06.2023 by which point it is hoped that the risk can be reduced to a Likelihood of 1 (Remote).</p>
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Risk Title & Description	Risk Score	Trend	Last Review Date	Risk Approach	Narrative Update
<p>IJB008 – National Care Service Bill:</p> <p>SG’s National Care Service Bill (ultimately disbanding Scottish IJBs) could result in partners ceasing to engage with the IJB, subsequently leading to negative impacts on the achievement of IJB objectives and the communities it serves.</p>	<p>12 Major – Possible</p> 		<p>16-Dec-2022</p>	<p>Treat</p>	<p>Risk identified in Summer 2022 and initial development of it is now complete. As with other Risks in the series, this Risk will continue to evolve over time, reflecting the specific threats and impacts of the National Care Service (NCS) as they emerge and any potential mitigations that can be developed and implemented.</p> <p>As noted elsewhere in the Risk Register, a significant amount of work has been undertaken to reposition the IJB, aligning its agenda around the introduction of the NCS and to align the IJB’s Strategic Agenda through the development of a ‘Once for Borders’ approach, starting with what is best for our communities.</p> <p>New Internal Control “Agreement with SBC and NHSB that we will be a NCS Pathfinder” added and assessed as Partially Effective.</p> <p>New Internal Control “Requesting a NCS Pathfinder Approach from Scottish Government” added and assessed as Partially Effective.</p> <p>New Internal Control “Adoption of IJB’s Health and Social Care Strategic Framework, by NHSB and SBC” added and assessed as Partially Effective.</p> <p>New Linked Action “Undertake NHS Pathfinder Workshop with IJB, NHSB and SBC” added and assigned to CM with a due date of 31.03.2023. Action is approx. 10% complete.</p> <p>Original/Unmitigated Risk Score (without controls in place/only the basic controls in place) assessed as Likelihood 5 (Almost Certain) and Impact 5 (Catastrophic).</p> <p>Current Risk Score (as at date of review, with controls in place) assessed as Likelihood 3 (Possible) and Impact 4 (Major).</p> <p>Target Risk Score set as Likelihood 2 (Unlikely) and Impact 4 (Major).</p>

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