

**Scottish Borders Health & Social Care  
Integration Joint Board**



Scottish Borders  
Health and Social Care  
PARTNERSHIP

Meeting Date: 18 January 2023

<b>Report By:</b>	<i>Chris Myers (IJB Chief Officer)</i>
<b>Contact:</b>	<i>Jill Stacey (SBC Chief Officer, Audit and Risk; IJB Chief Internal Auditor)</i> <i>Emily Elder (SBC Corporate Risk Officer)</i>
<b>Telephone:</b>	<i>Jill Stacey – 01835 825036</i> <i>Emily Elder -01835 824000 Ext: 5818</i>
<b>SCOTTISH BORDERS HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD STRATEGIC RISK REGISTER UPDATE</b>	
<b>Purpose of Report:</b>	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.
<b>Recommendations:</b>	The Health & Social Care Integration Joint Board is asked to: <ul style="list-style-type: none"> <li>a) Consider the reframed IJB Strategic Risk Register to ensure it covers the key risks to the IJB;</li> <li>b) Note the work in progress to manage the risks;</li> <li>c) Note that a further risk update will be provided in June 2023.</li> </ul>
<b>Personnel:</b>	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 <sup>th</sup> and 16 <sup>th</sup> 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 <sup>th</sup> December 2022.
<b>Carers:</b>	There are no direct carers' impacts arising from the report.
<b>Equalities:</b>	There are no equalities impacts arising from the report.
<b>Financial:</b>	There are no direct financial implications arising from the proposals in this report.
<b>Legal:</b>	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.
<b>Risk Implications:</b>	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).