

From: Paul Carter, Cabinet Member for Traded Services and Health Reform

Peter Oakford, Cabinet Member for Strategic Commissioning and Public Health

Graham Gibbens, Cabinet Member for Adult Social Care

Andrew Scott-Clark, Director of Public Health

Anu Singh, Corporate Director of Adult Social Care and Health

Vincent Godfrey, Strategic Commissioner

To: Health Reform and Public Health Cabinet Committee – 13 March 2018

Subject: **Risk Management: Health Reform and Public Health**

Classification: Unrestricted

Electoral Division: All

Summary: This paper presents the strategic risks relating to health reform and public health that currently feature on either KCC's corporate risk register or the Public Health risk register. The paper also explains the management process for review of key risks.

Recommendation(s):

The Cabinet Committee is asked to consider and comment on the risks presented in appendices 1 and 2.

1. Introduction

- 1.1 Directorate business plans are reported to Cabinet Committees each March as part of the Authority's business planning process. The plans include a high-level section relating to key risks, which are set out in more detail in this paper.
- 1.2 Risk management is a key element of the Council's Internal Control Framework and the requirement to maintain risk registers ensures that potential risks that may prevent the Authority from achieving its objectives are identified and controlled. The process of developing the registers is therefore important in underpinning business planning, performance management and service procedures. Risks outlined in risk registers are taken into account in the development of the Internal Audit programme for the year.

- 1.3 Directorate risk registers are reported to Cabinet Committees annually and contain strategic or cross-cutting risks that potentially affect several functions. These often have wider potential interdependencies with other services across the Council and external parties. The Public Health risk register is attached in appendix 1.
- 1.4 Corporate Directors also lead or coordinate mitigating actions in conjunction with other Directors across the organisation to manage risks featuring on the Corporate Risk Register. The Corporate Director for Adult Social Care and Health is the designated 'Risk Owner' in collaboration with the Council's Strategic Commissioner for the corporate risk relating to the Sustainability and Transformation Partnership. This risk is presented for comment in appendix 2.
- 1.5 A standard reporting format is used to facilitate the gathering of consistent risk information and a 5x5 matrix is used to rank the scale of risk in terms of likelihood of occurrence and impact. Firstly the current level of risk is assessed, taking into account any controls already in place to mitigate the risk. If the current level of risk is deemed unacceptable, a 'target' risk level is set and further mitigating actions introduced with the aim of reducing the risk to a tolerable and realistic level.
- 1.6 The numeric score in itself is less significant than its importance in enabling categorisation of risks and prioritisation of any management action. Further information on KCC risk management methodologies can be found in the risk management guide on the KNet intranet site.

2. Financial Implications

- 2.1 Many of the strategic risks outlined have financial consequences, which highlight the importance of effective identification, assessment, evaluation and management of risk to ensure optimum value for money.

3. Policy Framework

- 3.1 Risks highlighted in the risk registers relate to strategic priorities and outcomes featured in KCC's Strategic Statement 2015-2020, as well as the delivery of statutory responsibilities.
- 3.2 The presentation of risk registers to Cabinet Committees is a requirement of the County Council's Risk Management Policy.

4. Risks relating to Public Health

- 4.1 There are currently eight risks featured on the Public Health risk register (appendix1), none of which are rated as 'High'. Many of the risks highlighted on the register are linked to risks on the Authority's Corporate Risk Register for example the risk of communicable disease outbreak is contained within the Corporate Risk Register, under risk number four, Civil Contingencies and are discussed as part of regular items to the Cabinet Committee.

4.2 Since December 2017 Public Health entered into a partnership agreement with Kent Community Health NHS Foundation Trust to deliver key public services. These include services for which KCC has a statutory responsibility such as Health Visiting, Sexual Health and NHS Health Checks Service. These developments have reduced the risks associated with the market for public health services therefore the following risks have been adjusted:

- New control added to PH00003 PHD02 maintaining performance and Quality of Services throughout the transformative period.
- New control added to PH0007 PHD07 managing and working the Market

4.3 The other changes made are:

- Withdrawal of Risk PH0081 Marginalisation of Public Health Intelligence with Public health priorities not reflected within CCG's mobilisation plans for a new linked dataset because CCG's have agreed to contribute funding to support the Kent Integrated Dataset until 2019.
- A new risk added PH0082 with one five supporting controls to ensure compliance with the General Data Protection Regulations which comes into effect from May 2018.

4.4 Risk and action owners review these actions regularly, and the Directorate Management Team monitors this as part of regular quarterly risk reviews.

4.5 Inclusion of risks on this register does not necessarily mean there is a problem. On the contrary, it can give reassurance that they have been properly identified and are being managed proactively.

4.6 Monitoring and review – risk registers should be regarded as 'living' documents to reflect the dynamic nature of risk management. Directorate Management Teams formally review their risk registers, including progress against mitigating actions, on a quarterly basis as a minimum, although individual risks can be identified and added to the register at any time. Key questions to be asked when reviewing risks are:

- Are the key risks still relevant?
- Have some risks become issues?
- Has anything occurred which could impact upon them?
- Have the risk appetite or tolerance levels changed?
- Are related performance / early warning indicators appropriate?
- Are the controls in place effective?
- Has the current risk level changed and if so is it decreasing or increasing?
- Has the "target" level of risk been achieved?
- If risk profiles are increasing what further actions might be needed?
- If risk profiles are decreasing can controls be relaxed?
- Are there risks that need to be discussed with or communicated to other functions across the Council or with other stakeholders?

5. Recommendation

Recommendation:

The Cabinet Committee is asked to consider and comment on the risks presented in appendices 1 and 2.

6. Background Documents

6.1 KCC Risk Management Policy on KNet intranet site.

7. Contact details

Report Authors:

Wayne Gough
Tel: 03000 416169
Wayne.gough@kent.gov.uk

Mark Scrivener
Tel: 03000 416660
Mark.scrivener@kent.gov.uk

Relevant Director:

Andrew Scott-Clark
Director of Public Health
Tel: 03000 416659
Andrew.scott-clark@kent.gov.uk

Appendix 1 – Public Health Risk Register

Risk Register - Public Health

Current Risk Level Summary

Green	3	Amber	5	Red	0	Total	8
1	-3					1	-3

Current Risk Level Changes

0	0	0	0	0	0
0	0	0	0	0	0
0	1	3	2	0	
0	0	2	0	0	
0	0	0	0	0	

Risk Ref	PH0001			Risk Title and Event		Owner	Last Review date	Next Review Date		
PHD 08 - CBRNE incidents and communicable diseases						Andrew Scott-Clark	02/01/2018	02/04/2018		
Failure to deliver suitable planning measures, respond to and manage these events when they occur.										
Cause	Consequence	Current Risk	Previous Current Risk	Control / Action		Control / Action	Target Date	Days Overdue	Target Risk Level	
The Council, along with other Category 1 Responders in the County, has a legal duty to establish and deliver containment actions and contingency plans to reduce the likelihood, and impact, of high impact incidents and emergencies. The Director of Public Health has a legal duty to gain assurance from the National Health Service and Public Health England that plans are in place to mitigate risks to the health of the public including outbreaks of communicable diseases e.g. Pandemic Influenza. Ensuring that the Council works effectively with partners to respond to, and recover from, emergencies and service interruption is becoming increasingly important in light of recent national and international security threats and severe weather incidents.	Potential increased harm or loss of life if response is not effective. Increased financial cost in terms of damage control and insurance costs. Adverse effect on local businesses and the Kent economy. Possible public unrest and significant reputational damage. Legal actions and intervention for failure to fulfil KCC's obligations under the Civil Contingencies Act or other associated legislation.	Medium		<ul style="list-style-type: none">KCC jointly with Medway Council Public Health department maintain an on-call rota on behalf and with Public Health England to ensure preparedness for implementing the Scientific, Technical Advisory Cell (STAC) in the event of a major incident with implications for the health of the public.KCC and local Kent Resilience Forum partners have tested preparedness for chemical, biological, radiological, nuclear and explosives (CBRNE) incidents and communicable disease outbreaks in line with national requirements. The Director of Public Health has additionally sought and gained assurance from the local Public Health England office and the NHS on preparedness and maintaining business continuityThe Director of Public Health works through local resilience fora to ensure effective and tested plans are in place for the wider health sector to protect the local population from risks to public health.	Andrew Scott-Clark	Control			Medium	
		12								12
		Serious (4)								
		Possible (3)								

Strategic and Corporate Services

Risk Register - Public Health

				<ul style="list-style-type: none">Kent Resilience Forum has a Health sub-group to ensure co-ordinated health services and Public Health England planning and response is in place	Andrew Scott-Clark	Control			

Strategic and Corporate Services

Risk Register - Public Health

Risk Ref	Risk Title and Event				Owner	Last Review date		Next Review Date	
PHD 01 - Implementation of new models					Andrew Scott-Clark	22/01/2018		22/04/2018	
That the reduction in resource available to the new services will hamper the new services in their ability to deliver.									
Cause	Consequence	Current Risk	Previous Current Risk	Control / Action		Control / Action	Target Date	Days Overdue	Target Risk Level
Public Health is working to transform both children's and adult's services, to deliver services more aligned with the need of the people of Kent. Whilst also facing reducing budgets	Reduction in outcomes for customers, and the ability of the services to meet key objectives, including the reduction of health inequalities	Medium		• Develop a long-term resource allocation plan, taking account of likely financial resources over next four years	Andrew Scott-Clark	A -Accepted	06/04/2018		Low
		9		• Public Health commissioning function in place to ensure robust commissioning process is followed	Mark Gilbert	Control			4
		Significant (3)		• Opportunities for Joint Commissioning in partnership with key agencies and cross-directorate (health, social care) being explored.	Mark Gilbert	Control			
		Possible (3)		• Regular meetings with provider and representative organisations (LMC, LPC). Regular meet the market events to support commissioning processes	Mark Gilbert	Control			
				• Working to a clear strategy, and to an advanced agenda allows for good communication with providers and potential providers	Mark Gilbert	Control			
				• Analyse long term financial situation, and developing services that will be sustainable	Andrew Scott-Clark	Control			

Strategic and Corporate Services

Risk Register - Public Health

Risk Ref	Risk Title and Event				Owner	Last Review date		Next Review Date	
PHD 02 - Maintaining performance and quality of services throughout the transformative period					Mark Gilbert	14/09/2017		14/03/2018	
That the work to redesign services, may mean that quality and performance of current services drop									
Cause	Consequence	Current Risk	Previous Current Risk	Control / Action		Control / Action	Target Date	Days Overdue	Target Risk Level
Public Health are working to develop better, more integrated services, and have been working towards procuring new services in the coming year.	That customers and patients do not receive the highest level of service. That patient safety is compromised.	Low		• Ensure procurement timetable is clear, and where times need to change that the impact of changes are quickly communicated	Mark Gilbert	A -Accepted	06/04/2018		Low
		6		• Regular quality meetings and robust quality process followed as routine	Andrew Scott-Clark	A -Accepted	06/04/2018		4
		Significant (3)		• Robust contract management meetings are held on a regular basis with providers to review performance and delivery.	Mark Gilbert	Control			
		Unlikely (2)		• Ensure regular updates reported to committee on performance, and commissioning strategy	Mark Gilbert	Control	04/12/2017	85	
				• KCC and KCHFT have entered a partnership arrangement for all KCHFT's existing contracts until 2020	Mark Gilbert	Control			
				• Performance on key performance indicators is regularly reported to Cabinet on a quarterly basis, and to Cabinet Committees on a more regular basis	Mark Gilbert	Control			
				• Working to a clear strategy, and to an advanced agenda allows for good communication with providers. Contract extensions planned to give providers long term notice on decisions about future contracting	Mark Gilbert	Control			
				• A robust quality assurance system is in place, and a quality dashboard regularly monitored	Penny Spence	Control			

Strategic and Corporate Services

Risk Register - Public Health

Risk Ref	Risk Title and Event				Owner	Last Review date		Next Review Date	
PHD 05 - Information Governance					Gerrard Abi-Aad	22/01/2018		22/04/2018	
The success of health and social care and the effective delivery of services in partnership, is dependent upon organisations being able to share information across agencies									
Cause	Consequence	Current Risk	Previous Current Risk	Control / Action	Control / Action	Target Date	Days Overdue	Target Risk Level	
With New Ways of Working, flexible working and increased information sharing across agencies there are increased risks in relation to data protection. The Public Health Observatory has access to NHS data to allow it to deliver it's statutory responsibilities	This could lead to breaches of the Data Protection Act if protocols and procedures are not followed.	Medium		• Information governance requirements are included as part of standard contracts with providers, where relevant. Annual Information Governance Statement completed by all contracted providers.	Mark Gilbert	Control			Low
		9							6
		Significant (3)		• Caldicott Guardian in place for PH and Caldicott Guardian Guidance and register in place. The Caldicott Guardian officers have regular formal meetings.	Gerrard Abi-Aad	Control			
		Possible (3)		• Authority wide group in place to provide strategic leadership on Information Governance.	Gerrard Abi-Aad	Control			
				• Information sharing agreements and protocols for specific projects are in place.	Gerrard Abi-Aad	Control			
				• E Learning training for staff to raise awareness. All staff to complete the e-learning training on Information Governance and Data Protection.	Andrew Scott-Clark	Control			
				• Clause in employment contracts requiring compliance with data protection requirements.	Andrew Scott-Clark	Control			

Risk Register - Public Health


Strategic and Corporate Services

Risk Register - Public Health

Risk Ref	Risk Title and Event				Owner	Last Review date		Next Review Date	
PHD 06 - Business Disruption	Impact of emergency or major business disruption on the ability of the Division and its contracted service providers to provide essential services to meet its statutory obligations				Andrew Scott-Clark	14/09/2017		14/03/2018	
Cause	Consequence	Current Risk	Previous Current Risk	Control / Action		Control / Action	Target Date	Days Overdue	Target Risk Level
Possible disruption to services	Such an event would impact on the customers of our services and possibility the reputation of the service would suffer	Low		• Business Continuity plans reviewed annually or in light of significant changes or events.	Mark Gilbert	Control			Low
		6		• Business continuity planning forms part of the contracting arrangements with private and voluntary sector providers	Mark Gilbert	Control			6
		Moderate (2)		• Business Continuity Systems and Procedures are in place	Andrew Scott-Clark	Control			
Possible (3)									

Strategic and Corporate Services

Risk Register - Public Health

Risk Ref	Risk Title and Event				Owner	Last Review date		Next Review Date	
PHD 07 - Managing and working within the market					Mark Gilbert	03/01/2018		03/04/2018	
Public Health contracts out to the market for its service delivery. insufficient market appetite for Public health Services and limited market for these services									
Cause	Consequence	Current Risk	Previous Current Risk	Control / Action		Control / Action	Target Date	Days Overdue	Target Risk Level
Managing and working with the market for PH services, many of which have not been market tested before.	Challenge in obtaining best value, or innovation required to improve and develop services	Low	9	• Opportunities for Joint Commissioning in partnership with key agencies and cross-directorate (health, social care) being explored.	Mark Gilbert	Control			Low
		6		• KCC and KCHFT have entered into a partnership arrangement for all service provided by KCHFT until 2020	Mark Gilbert	Control			6
		Significant (3)		• Public Health commissioning function in place to ensure robust commissioning process is followed	Mark Gilbert	Control			
		Unlikely (2)		• Commissioning strategies have been developed for the two major areas of change, and consulted on extensively with Cabinet committees, and partners.	Mark Gilbert	Control			
				• Regular meetings with provider and representative organisations (LMC, LPC). Regular meet the market events to support commissioning processes	Mark Gilbert	Control			

Strategic and Corporate Services

Risk Register - Public Health

Risk Ref	Risk Title and Event				Owner	Last Review date		Next Review Date	
PH0082	Implementation of General Data Protection Regulations (GDPR)				Gerrard Abi-Aad			23/05/2018	
Increased likelihood of breaching data protection law and having a negative impact on the right to a private life for the citizens of Kent									
Cause	Consequence	Current Risk	Previous Current Risk	Control / Action		Control / Action	Target Date	Days Overdue	Target Risk Level
The General Data Protection Regulations (GDPR) increases obligations on data controllers such as KCC to document all data processing activity	A serious breach of GDPR might result in an inability to access key Public Health data sources by means of special conditions placed on access rights as a result of breach failures. A breach might also result in KCC incurring significant financial penalties, damage to KCC's reputation and its ongoing ability to support new analytic requirements in respect of strategic commissioning.	Medium		• Commissioners to support the implementation of the GDPR programme	Mark Gilbert	A -Accepted	25/05/2018		Low
		12		• Update privacy notices to be GDPR compliant.	Gerrard Abi-Aad	A -Accepted	25/05/2018		4
		Serious (4)		• contract with Optum is awaiting sign off	Gerrard Abi-Aad	A -Accepted	25/05/2018		
		Possible (3)		• Development of and maintaining a data processing register documenting data processing activity	Gerrard Abi-Aad	A -Accepted	25/05/2018		
				• KCC will want to satisfy itself through its contractual controls that these requirements and ICO's code of practice on Privacy Impact Assessments as well as the guidance from the Article 29 Working Party are complied with.	Mark Gilbert	Control	25/05/2018		

Appendix 2 - Kent and Medway Sustainability and Transformation Partnership

Risk Register - Corporate Risk Register

Current Risk Level Summary

Green	0	Amber	0	Red	1	Total	1
-------	---	-------	---	-----	---	-------	---

Current Risk Level Changes

0	0	0	0	0
0	0	0	1	0
0	0	0	0	0
0	0	0	0	0
0	0	0	0	0

Risk Ref	CRR0005	Risk Title and Event			Owner	Last Review date	Next Review Date		
Kent and Medway Sustainability and Transformation Partnership					Anu Singh	20/12/2017	20/03/2018		
Failure to maximise opportunities for appropriate health & social care integration and ensure changes achieve maximum benefit. Pressures within the acute health sector result in repercussions for social care and threaten successful implementation of joint working arrangements. Improved Better Care Fund monies earmarked for social care geared to addressing pre-determined NHS targets and priorities. Inappropriate level of Local Authority involvement. STPs have no formal role for local authorities, except by local agreement. No changes to primary legislation. Current statutory responsibilities and duties remain and cannot be delegated, and are inconsistent with LA statutory responsibilities. Failure to meet statutory duties around the sufficiency of the care market, care quality and safeguarding. Opportunity cost from spending time and resources on STP and system design which is subject to change from NHS England. Comprehensive plans to reform health services entail KCC Cabinet support for substantial variations of service in the NHS. Lack of understanding within KCC of NHS policy and regulatory environment; and vice versa, lack of understanding of local authority legislative, policy and democratic environment in NHS.									
Cause	Consequence	Current Risk	Previous Current Risk	Control / Action		Control / Action	Target Date	Days Overdue	Target Risk Level
The health & social care 'system' is under extreme pressure to cope with increasing levels of demand and financial constraints. National government policy for integration of health and social care as part of how to meet these challenges. NHS national policy is for health commissioners and providers to come together and develop place based plans. KCC is part of the Kent and Medway Sustainability and Transformation Partnership (STP). Sub-STP local planning and delivery arrangements are being developed through Accountable Care Partnerships (ACP). Development of NHS standard contract for Accountable Care Partnerships that could include public	Further deterioration in the financial and service sustainability of Health and Social Care system in Kent and Medway. Additional budget pressures transferred to social care as system monies are used to close acute and primary care service gaps. Legal challenge/judicial review of decisions and decision-making framework for integrated decisions. De facto transfer of LA commissioning and budgetary decisions to joint vehicles with NHS without appropriate safeguards. Existential challenge. Social care and public health service priorities determined by NHS, not KCC. Capitated provider contracts dominated by NHS budgets and targets. Focus on STP and ACP workstreams	High		• Introduction of the Local Care Implementation Board	Paul Carter	A -Accepted	30/04/2018		Medium
		16		• Development of a joint KCC and Medway Health and Wellbeing Board for STP related matters/issues	David Whittle	A -Accepted	30/04/2018		12
		Serious (4)		• Engagement with the new NHS Strategic Commissioner for Kent and Medway and alignment of strategic commissioning intentions with KCC Strategic Commissioner	Vincent Godfrey	A -Accepted	30/04/2018		
		Likely (4)		• Senior KCC level officer representation on the East Kent ACP, and emerging West, North and Medway ACP	Anu Singh	Control			
				• KCC STP Secretariat established to manage and monitor ongoing engagement and activity	Anu Singh	Control			
				• Senior KCC political and officer representation on the STP Programme Board	Paul Carter	Control			

Risk Register - Corporate Risk Register

<p>health and social care. Major NHS policy announcements made every 12-18 months.</p>	<p>prevents more local and agile improvements/joint working being undertaken. Erosion of long-term working relationships between NHS and local government. Reputational damage to either KCC or NHS or both in Kent.</p>			<ul style="list-style-type: none"> County Council agreed framework for KCC engagement within the STP – ongoing monitoring and control taking place through STP Secretariat 	Anu Singh	Control			
				<ul style="list-style-type: none"> Senior KCC level officer representation across STP workstreams 	Anu Singh	Control			
				<ul style="list-style-type: none"> Regular internal STP co-ordination meetings chaired by the Leader 	Paul Carter	Control			
				<ul style="list-style-type: none"> KCC has a designated Cabinet Member Portfolio for Health Reform and Cabinet Member for Strategic Commissioning 	Paul Carter	Control			
				<ul style="list-style-type: none"> Establishment of a Health Reform and Public Health Cabinet Committee to provide non-executive member oversight and input of KCC involvement in the STP 	Benjamin Watts	Control			

