

Birmingham City Council Brexit Risk Register

No Deal Preparations

(Category) Risk	Mitigating activity / current response	Risk Assessment			Corporate Director	Risk owner	Further information
		Likelihood	Impact	Severity			
1. <u>Trading Standards</u> 1.1 Importers: UK distributors of EU goods into the UK market will become importers and will need to comply with the resultant labelling requirements.	Business advice to these "new importers" will be provided by the Chambers of Commerce (signposting and Customs Declaration Service), Office of Product Safety and Standards, and local authority trading standards. BCC trading standards are arranging training for staff to enable them to support businesses.	5	2	10	Neighbourhoods	Sajeela Naseer	
1.2 Exporters: Exporters: UK businesses that place products on the EU market will need business advice in relation to compliance including labelling. Goods placed on the EU market originating from the UK that need third-party assessment will need to ensure an EU-recognised conformity assessment body is used. UK conformity assessment bodies will no longer be recognised by the EU after Brexit Products going through assessment of conformity by a UK notified body after exit day will need to apply the new UKCA mark that will be recognised in the UK but not the EU. Self-declared CE marks for products originating from UK will not be impacted and will continue to be recognised in the EU.	Advice and guidance on these matters will be provided primarily through the Chambers of Commerce. It is believed that the Department for International Trade are in the process of establishing a hotline for business Brexit queries.	3	3	9	Neighbourhoods	Sajeela Naseer	
1.3 Product Safety: If tariffs are applied to EU goods then it is probable that importers increase imports from third party countries in the rest of the world. Products from these countries are far more unlikely to meet UK product safety requirements.	Trading Standards will have to significantly increase market surveillance to ensure product safety. Contingency funding has been requested to employ one more member of staff to deal with predicted increase in workload.	4	3	12	Neighbourhoods	Sajeela Naseer	

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1.4 Product Safety: EU intelligence database- local trading standards will not have full access to EU intelligence databases through where information is shared about unsafe consumer products (e.g. RAPEX or ICSMS). The Office of Product Standards and Safety has developed and is trialing replacement UK wide system.	The new UK wide system for market surveillance be implemented shortly and training will be provided for staff by the Office of Product Safety and Standards	5	2	10	Neighbourhoods	Sajeela Naseer	
1.5 Misleading claims/fraud: Disruption in normal trading conditions provides opportunities for rogue traders to exploit consumers and in particular vulnerable adults using Brexit as a pretext for entering into unwanted/fraudulent contracts.	Intelligence led intervention will enable the most prolific offenders being identified and tackled. A rapid response service is provided to the vulnerable. Contingency funding has been requested to employ one more member of staff to deal with predicted increase in workload.	4	3	12	Neighbourhoods	Sajeela Naseer	
1.6 Regulatory Regimes: Confusion around the possibility of a number of regulatory regimes operating simultaneously to support different trade agreements.	Trading Standards will work with Chambers of Commerce and BEIS to monitor activities and mitigate as required.	2	2	4	Neighbourhoods	Sajeela Naseer	
2. Environmental health: 2.1 The ability of EH to safeguard food safety within the UK.	Potential need to recruit additional staff.	3	4	12	Neighbourhoods	Mark Croxford	
2.2 Concern regarding the significant increase in workload for officers as the export of food produce and products will require the UK to provide food health certification.	Currently BCC is reviewing food manufacturers and distributors to determine how many of them export to the EU. Work to be completed by the end of September 2019 and will provide indication of the scale of potential increased workload.	4	5	20	Neighbourhoods	Mark Croxford	

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2.3 Further assistance may be required to support the Food Standards Agency which does not has the resource to complete the health certification demand for meat products premises. BCC is not currently resourced to provide this function.	Potential need to recruit additional staff.	3	5	15	Neighbourhoods	Mark Croxford	
3. <u>Procurement and Contract Management:</u> 3.1 Key suppliers to be consulted on whether servicing BCC contracts would be affected due to EU nationals being employed. Issues noted - agency staff: There could be an impact on the availability and cost of skilled labour, but it's not possible to determine what, if any impact at the moment.	Mitigation actions will need to be considered across wider work force and supply chain actions for example Travel Assist. Impact will depend on a) Any changes in taxation impacting the cost of labour and b) If any existing areas of shortages of skilled workers gets worse due to immigration restrictions over the longer term. One of the key issues longer term for the UK will be what limits are placed on skilled immigration.	3	3	9	Finance & Governance	Haydn Brown	Note: Work force issues may need to be combined to avoid duplicate risks

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<p>3.2 Supply of goods and materials including medicines and food and fuel and loss of supply due to hold ups at borders.</p> <p>This could affect supplies of medicine and equipment for those in care settings, along with those receiving other care packages, self-funders and those not currently in contact with social care or health services.</p> <p>Advice from Dept of Health and Social Care is that providers (both health providers and social care establishments) should not stockpile medicines or supplies. Guidance has been re-circulated to providers.</p> <p>Concern that there may be some panic buying of fuel.</p> <p>HMG advice to date suggest that supply will not be affected although some stockpiling is evident. Letter received from the Department of Health and Social Care 27.03.2019 stating UK Govt have agreed to extend A50 and if Withdrawal Agreement isn't approved by the House of Commons, the legal default in UK is that UK will leave EU on 12 April. They are confident that supplies will be unaffected if 'everyone ...does what they need to do'.</p>	<p>Take further advise on the need to stockpile medication.</p> <p>Consulted key suppliers on preparedness and exposure to changes. Referred to Chamber of Commerce, Growth Hub and .GOV advice for businesses.</p> <p>City Serve confirmed on 22/2 that responses had been received from Brakes and Blakemore's providing assurances about managing their supply issues.</p>	4	4	16	Cross-Council	Various	Note: Supply issues may need to be combined to avoid duplicate risks, eg, see Adult Social Care

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<p>3.3 Tariffs applied on imported goods and materials including medicines and food and fuel.</p> <p>Costs of goods, materials and equipment go up having an impact on relevant department budgets.</p> <p>Social care: where costs increase for goods, in the care of individual provider requests for uplifts, these should be dealt with as normal. Should the volume of uplift requests become abnormally large, then a review may be needed taking into account inflationary pressures post Brexit.</p> <p>Electricity and Gas: The Traded in Advance (previously locked) which includes the schools and UMS was all purchased prior to 1st April for the year. In any case the price for the current year is capped and so can't go above a certain maximum level.</p> <p>Assessment included in tenders of anticipated contract delivery impacts, both in terms of direct delivery and supply chains, with particular regard for:</p> <ul style="list-style-type: none"> - Workforce resilience and what steps tenderers are taking where elements of the service will be delivered by EU nationals. - The price and continual availability of goods that may be subject to import tariffs or other EU influences. 	<p>Seeking assurances from key suppliers regarding preparedness for a no-deal. In addition, working with W.Mids Heads of Procurement on joint engagement with suppliers to identify potential areas of supply that could increase in a no-deal due to application of tariffs.</p>	4	4	16	Cross-council	Various	As above re: potential duplication

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3.4 Changes required to Public Contract Regulations 2015 to transfer from EU to UK legislation. This will include changes to the advertising requirements i.e. a move from publishing on OJEU to a UK e-notification system.	<p>(i) From Cabinet Office website: "The current regulations will be amended to ensure they remain operable and functional on exit. The majority of the procurement regulations and in particular the different procedures available to contracting authorities and entities, will remain exactly the same."</p> <p>(ii) InTend confirmed in writing on 1/3/19 that they are working on the new e-senders notification service and have been in contact with Cabinet Office to obtain the required details to both develop and test the new functionality within the In-tend platform to allow users access to the new service as and when it goes online.</p> <p>(iii) Next review of the thresholds will be implemented January 2020.</p> <p>(iv) BCC Standing Orders amended to replace EU procurement definitions</p>	5	2	10	Finance & Governance	Haydn Brown	
<p>4. <u>Adults, Social Care and Health</u></p> <p>4.1 Adult social care workforce: Up to 10% of nursing staff, 5% of care workers and 1% of social workers within the West Midlands are EU nationals, and therefore potentially at risk in the event of a no-deal. Although existing rights are likely to continue until December 2020, the potential loss of staff would be detrimental to social care services, and impact on service provision.</p>	<p>BCC actively re-circulated government advice and communications to social care providers encouraging them to take action to identify at-risk employees and support them through the residency application process.</p> <p>Additionally, a survey has been sent to providers asking them to identify numbers of affected staff in each role to better enable both them and BCC to plan.</p> <p>Ongoing communications and provider forums.</p>	3	2	6	Adult Social Care	Richard Doidge	Note: Consider the duplication of workforce risks

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4.2 Market sustainability. Potential for increase in costs for providers, in terms of supply of food, recruitment costs and consumables. For larger providers, potential for increase in financing/ costs incurred in servicing debts.	<p>BCC has recently increased fees for providers on the Care Home, Nursing Home, Domiciliary Care, and Supported Living Frameworks.</p> <p>Ongoing communications and provider forums.</p> <p>Domiciliary Care Framework has a large number of providers (large and small) operating in each of the five Commissioning Areas. This means that there are a number of backup providers in each area in the event of provider failure.</p>	3	2	6	Adult Social Care	Richard Doidge	Note: Consider duplication re: supply cost risks
4.3 Adult social care service users, NRPF/ Vulnerable adults, childrens. There is a risk that there will be an increase in people who become ineligible for public funding and support services as a result of a no-deal Brexit. This includes benefits and housing support, potentially along with services such as alcohol and drug dependency. There is an increased risk of EU nationals losing housing support and an increase in homelessness; along with the potential for increased delays in discharge from hospital.	<p>Joint working with CCG to develop a system-wide plan to mitigate the impact of NRPF and delayed discharges.</p> <p>Staffing, carers and citizens in the Shared Lives service have been reviewed to ensure that none are likely to be affected by Brexit.</p> <p>EU citizens will retain entitlement until December 2020. Where possible, services should work with vulnerable adults to identify those and risk and assist them in accessing resources to apply for leave to remain.</p>	3	3	9	Adult Social Care	Richard Doidge	

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<p>4.4 Supply chains. Risks in particular over the supply and availability of fresh fruit and vegetables. Costs may also increase. This would impact on care homes, and also pose a risk to vulnerable adults living in their own homes.</p> <p>Also risks over supply of medicines and medical supplies. Government advice is not to stockpile, as there are national contingencies around supply and transport of medicines.</p> <p>Supply of additional (non-medical) supplies, such as toilet paper, may be at greater risk. For care homes and hospitals, maintenance of equipment such as elevators may be impacted if replacement parts have to be imported from the EU.</p> <p>There may be an (unquantified) risk to fuel supplies. Impact and likelihood not known at this stage. This would have potential to impact carers driving to visit vulnerable adults and provide care and support.</p>	<p>Ongoing communication with providers, including provider forums.</p> <p>BCC catering supply contracts have been checked for supply chain viability</p> <p>Likelihood of this risk materialising is unknown. Ongoing monitoring required, including links to Trading Standards.</p> <p>Await Government advice on fuel supplies</p>	3	2	6	Adult Social Care	Richard Doidge	Note: Consider duplication of supply risks
<p>4.5 EU funding. Existing projects where funding has been agreed will continue to be supported until end of agreed period. However, at present there is no replacement funding announced by the UK Government. If no replacement funding is set up, then EU funded services will need to be reviewed and either alternative funding sought, re-commissioned on a reduced basis, or decommissioned.</p> <p>(Note: See separate section on EU Funding).</p>	<p>Await Government plans for replacement funding streams. ADASS lobbying on behalf of local authorities.</p>	4	2	8	Adult Social Care	Richard Doidge	Note: Potential duplication with EU funding section

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5. <u>European Funding (currently over £100 million in BCC)</u> 5.1 Loss of Resources Loss of vital resources for skills, Employment, Business support, Sustainable development and key projects This could potentially affect the long-term funding of some projects and key council services; this could include some run in the third sector/ community that may not be directly contracted with BCC.	Continue to liaise with Government based on latest guarantees provided. Note: HMG have provided a funding guarantee for currently funded programmes. Existing agreed EU funding will continue for the agreed duration of current contracts. However, it may become an issue when these part-funded schemes are up for re-commissioning. Consider alternative funding/ reduction of service/ de-commissioning options for end of contract terms.	4	5	20	Inclusive Growth	Lloyd Broad	
5.2 Lack of Clarity on Replacement Funding (UKSPF)	Work with LGA and Core Cities to continue to lobby Government on this.	4	5	20	Inclusive Growth	Lloyd Broad	
5.3 Lack of Clarity re: ongoing access to transnational funds e.g. Horizon, ETC etc,	Work with LGA and Core Cities to continue to lobby Government on this.	4	4	16	Inclusive Growth	Lloyd Broad	
6. <u>ICT, Digital and Customer Services</u> 6.1 IT – Concern about exchange rate fluctuation and purchasing of equipment/IT services from US and impact upon the dollar.	Further work to identify and review the level of risk and the potential impact. Based upon the level of risk, guidance to be taken on future approaches which could include bringing forward purchases, agreeing a fixed exchange rate or looking for an alternative provision	3	2	6	Digital & Customer Services	Steve Halliday Simon Field	

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6.2 No current change in legislation communicated regarding Housing Benefit Entitlement. This will have to be passed through legislation and there has been no preparatory work communicated to LA's, via POG or other channels as yet.	Members of and attendance at national DWP forums to receive updates as soon as possible	2	2	4	Digital & Customer Services	David Kinnair Simon Field	
6.3 Potential for increase in claims for benefits if increases in un-employment.	Further modelling of the potential impacts of this to be developed to inform a more likely risk assessment	2	4	8	Digital & Customer Services	TBC	Further work is needed - is this financial modelling happening at the regional level?
6.4 As result of Brexit possible election and potential for increase call volumes to the council and the need to support these – could possibly require 10 further staff short term but this under review.	Discussions to take place as part of election readiness work Contingency plans to be reviewed within the contact centre. <u>Potentially may be reduced levels of</u>	3	1	3	Digital & Customer Services	Wendy Griffiths Simon Field	
6.5 Overall concern about future recruitment especially around some staff at GR2 and GR3 and impacts on the call centre.	Wider workforce strategy to be developed with HR Further analysis on the level of potential impact to be considered	2	2	4	Digital & Customer Services	Wendy Griffiths	
6.6 Potential for up to x% increase in cost for Council Tax Support and Potential for up to x% drop in income from Council Tax collection.	Further financial modelling to take place based upon different potential scenarios Each new claim for Council Tax Support, on average, costs the Council £1,000 per annum through the loss of council tax income. Additional claims will put pressure on administration and costs.	2	4	8	Digital & Customer Services	Tim Savill/ Finance	Further work is needed - is this financial modelling happening at the regional level?
6.7 Potential decrease in income from - Business Rates	Further financial modelling to take place based upon different potential scenarios For every 1% of business rates loss, the councils business rates income could reduce by up to £4.8 million	2	4	8	Digital & Customer Services	Tim Savill / Finance	Further work is needed - is this financial modelling happening at the regional level?

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7. <u>Data, including GDPR</u> 7.1 A no-deal scenario would result in the UK's data compliance been deemed 'inadequate'. Consequently, there would be increasing difficulty with data transfer with the EU e.g. DBS checks. Adequacy decision - An "adequacy decision" is a decision adopted by the European Commission which establishes that a third country (i.e. a country not bound by the GDPR) ensures an adequate level of protection of personal data. Such a decision is based on the country's domestic law, its supervisory authorities, and international commitments it has entered into. Implications for key services including education.	ICO Guidance: The ICO checklist sets out six steps to take to start preparing for data protection compliance if the UK leaves the EU without a deal. Key points: Continue to comply: Continue to implement GDPR compliance standards and follow current ICO guidance. The Data Protection Act 2018 will remain in place. The government intends to bring the GDPR directly into UK law on exit, to sit alongside it.	5	1	5	Digital & Customer Services	Malkiat Thiarai	
7.2 The European Data Protection Board issued a note in March in relation to the adequacy issue ahead of the earlier Brexit deadline, this will continue to apply at 31st October. It states, in the absence of an agreement between the EEA and the UK, the UK will become a third country. This means that the transfer of personal data to the UK has to be based on one of the following instruments <ul style="list-style-type: none"> • Standard or ad hoc Data Protection Clauses • Binding Corporate Rules • Codes of Conduct and Certification Mechanisms • Derogations 	Transfers from the UK to the EU: The UK government has stated that, when the UK exits the EU, transfers to the EEA from the UK will not be restricted. There will be transitional provision for a UK adequacy decision to cover these transfers. This means we will be able to continue to send personal data from the UK to the EEA without any additional requirements. Transfers to the UK: Review data flows and identify where you receive data from the EEA, including from suppliers and processors. Consider the GDPR safeguards that can put in place to ensure that data can continue to flow once we are outside the EU.	5	2	10	Digital & Customer Services	Malkiat Thiarai	

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8. <u>Legal, Legislative and Regulation</u> 8.1 The Council will be monitoring any changes in law resulting from Brexit. Whilst it is anticipated that the large majority of legislation will remain in force through the EU withdrawal Act in 2018 the following areas of law will require monitoring and potential business planning. <ul style="list-style-type: none"> - Commercial law - State Aid - Contract Law - Company Law - Public Procurement - Education Law - Environment Law - Regulatory Services - Civil Litigation - Employment Law - Data Protection (Privacy and Information Law) 	<p>Continue to monitor and update accordingly. Further briefing note available. As new individual risks are identified they will be populated into the specific service area's risk register.</p> <p>It is difficult to predict the legislative changes particularly when even external professional legal advice and analysis do not, necessarily, agree with advice emanating from government departments.</p>	Not relevant (see previous column)	N/A	N/A	Finance & Governance	Connie Price	
9. <u>EU Settlement</u> 9.1 BCC registration responsibilities for vulnerable and looked after citizens including children to provide access to the EU Settled Status. The EU settlement scheme and rights of EU citizens to reside and receive services is an issue. We do not know how many people this may affect (it isn't recorded on council systems; nor in any other LA area). Currently there is a lack of information from government on this issue, including on what LA responsibilities will be.	Agreed workshops and roundtable meetings with Home Office and key staff and stakeholders	4	4	16	Cross-Council	Various	Including Children's and Adults

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<p>9.2 An additional concern is if there is repatriation of UK citizens from the EU. This could affect social care, housing and health. We have no way of knowing the extent of the issue. No clear advice from Department of Health and Social Care on this issue. It is not clear if duty will fall on local authorities and if so how affected citizens would be identified and supported. May require extra funding and resources. Question has been raised with ADASS and DOHSC -awaiting response. Additional social work resource for NRPF has been applied for.</p>		3	5	15	Cross-Council	Various	
<p>9.3 There is also an issue over those with no recourse to public funds; including homelessness, housing, drugs services and other public health services. Withdrawal of services to people who become ineligible may result in increased problems and severity and have knock -on effects to other services and to community cohesion. Need to review contingency plans for homelessness, drug and alcohol services esp. those with no recourse to public funds.</p>		3	5	15	Cross-Council	Various	
<p>9.4 Commissioning have re-circulated government advice and communications to all providers on the social care framework encouraging providers to take action to identify at-risk employees and support them through the residency application process. Additionally, a survey has been sent to providers asking them to identify numbers of affected staff in each role to better enable both them and BCC to plan.</p>		3	2	6	Adult Social Care	Richard Doidge	

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10.5 Lack of provision of support including IT / Registration access for EU citizens.	Pop-up events being arranged with Home Office in local community settings	1	5	5	Cross-Council	Various	
10.6 Libraries will not be sufficiently prepared for an increase in demand for immigration advice. LOB is in talks with a local law firm with the intention of offering free drop in immigration advice session to the public. Libraries potential for promoting social cohesion has been recognised by government. The Libraries of Sanctuary project is gaining momentum.	Libraries are leading on this and have now had funding confirmed by the City of Sanctuary Movement. Further funding via CILIP, LC, Ace and the Mi-friendly Cities project is expected to follow.	1	5	5	Education and Skills	Dawn Beaumont	
10. Work Force 10.1 Internally HR records do not capture EU nationals specifically only 'non-UK'. Further analysis however has indicated that approximately just over 1% of the BCC workforce are EU nationals (approximately 135).	Working with management to identify EU nationals and determine if any services are at risk of disruption.	4	5	20	Human Resources	Tim Normanton	Note: need to consider potential duplication of workforce risks (internal/external)
10.2 In terms of the new immigration system, under current proposals, there is concern over the recruitment and retention of staff in key sectors and their supply chains and in particular education and adult social care.	Until final proposals for extension of the points-based immigration system are confirmed, it is impossible to quantify impact; however, small proportion of BCC workers from EU suggests minimal disruption.	N/A	N/A	N/A	Human Resources	Tim Normanton	
10.3 Workforce areas expected to be impacted include, but are not limited to: adult social care, education and construction (26% of UK construction workforce is from the EU). This is of concern in view of our high-profile projects in Birmingham relying upon this e.g. CW games and HS2. Also, the Health, Adult Social Care and Education sectors remain vulnerable to workforce implications.		4	5	20	Cross Council	Various	

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10.4 Social care provider market, government advice has been recirculated to all providers. Additionally, providers have been sent a survey by Commissioning, asking them to identify number of staff and job roles potentially affected, to aid providers and also to feed into BCC contingency planning		4	2	8	Adult Social Care	Richard Doidge	Note: potential duplication of workforce risks
11. <u>Waste</u> 11.1 There is not expected to be any high-level risk regarding provision of waste services	Veolia have pre-ordered parts for the plant to mitigate any problems. All our waste is processed in the UK, so no effect from Brexit discussions	2	2	4	Neighbourhoods	Darren Share	
12. <u>Cityserve</u> 12.1 Cityserve procure £10m food annually with 2 main suppliers. All suppliers continue to monitor the situation and are implementing strategies to mitigate any risk associated with Brexit. Cityserve will implement alternative menu options depending on supply line impacted with a view to maintaining the appropriate prescribed minimum standards as far as possible.	Suppliers have Brexit working groups and are undertaking their own supply chain risk assessment.	2	3	6			
13. <u>Wider Economy</u> 13.1 Impact on business preparedness and confidence.	Brexit toolkit available from Chamber of Commerce.	4	4	16	Inclusive Growth	Ian McLeod/ Richard Cowell	
13.2 Increase in unemployment due to slow down in investment etc.	Monitored by Mayors Economic Contingency Group.	4	4	16	Inclusive Growth	Ian McLeod/ Richard Cowell	

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13.3 Supply chain issues, particularly just in time requirements.	Industry stakeholders engaged with Mayors Economic Contingency Group	4	5	20	Inclusive Growth	Ian McLeod/ Richard Cowell	
13.4 Product and material access leading to delays in delivery of infrastructure ad major projects and initiatives (e.g. HS2, Peddimore, Paradise, Clean Air Zone etc.)	To be determined.	4	4	16	Inclusive Growth	Ian McLeod/ Richard Cowell	
13.5 Products and materials costs increase	Monitored by Mayors Economic Contingency Group.	4	5	20	Inclusive Growth	Ian McLeod/ Richard Cowell	
13.6 Workforce issues e.g. construction. Access to key skills and fluctuations in workforce due to shifts of workers moving into different roles/sectors.	Monitored by Mayors Economic Contingency Group.	4	5	20	Inclusive Growth	Ian McLeod/ Richard Cowell	
14. <u>Communications</u>							
14.1 Government are accelerating their Brexit information campaign, of particular importance is the need to disseminate information about the EU Settlement Scheme.	BCC Comms Team are now liaising with WMCA Comms Team on a shared programme and shared investment in this.	2	2	4	Partnerships, Prevention and Insight	Eleri Roberts	
14.2 The 'Get Ready for Brexit' public information campaign was launched on 1 September		1	1	1	Partnerships, Prevention and Insight	Eleri Roberts	

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15. <u>Local Resilience Forum</u>		3	5	15			
15.1 Need to continue to monitor Government advice with regards to supply of medicines and fresh food (three quarters of all medicines come via Channel Straits).	LRF's holding weekly teleconferences with HMG. Following normal business continuity plans.				Partnerships, Prevention and Insight	Michael Enderby	Note, also picked up in other risks.
15.2 Potential for community unrest and possible protests.	Following normal business continuity plans.	3	5	15	Partnerships, Prevention and Insight	Michael Enderby	

Key to risk assessment rating:

Opening probability (likelihood) is how likely is it that situation will transpire, traditionally we do, 5 is guaranteed, 1 is very unlikely. Opening impact is 'if this thing were to happen, how bad would it actually be', with 5 being 'end of the world' and 1 being 'not so bad'. You then multiply these two to get the final score for severity. Thus it should be out of 25.