

Appendix 2 – Risk Assessment for Overall Early Years Health and Well-Being Contract Mobilisation

Risk No	Risk description	Risk mitigation	Residual / current risk			Additional steps to be taken
			Likelihood	Impact	Prioritisation	
1.	Contract/Finance: There is a risk that additional costs from the Contract Mobilisation may reduce savings expected.	<p>Understand full costs from the contract, and identify any areas not accounted for. Implement monthly financial reporting to track the costs/savings.</p> <p>A mitigation plan has been developed to offset the implications of the VAT linked to the staff secondment.</p> <p>There are some gaps in the data, but the Probability is lowered as reporting mechanism is in place but remains a risk until accurate reporting is provided.</p>	Medium	Significant	Tolerable	Financial monitoring now circulated to Board and reviewed monthly at each meeting. Additional costs from extending staff secondment are now known and reported as £680k in 18/19 and £528k in subsequent years.
2.	Contract/Finance: There are several high-level risks emerging in connection with the options being proposed in the Cabinet report, the impact of the final decision could significantly affect the next stage of planning.	<p>Options appraisal has been included in the Cabinet Report with full risk analysis.</p> <p>Preferred option has been indicated, but planning may need to be undertaken for the others.</p>	Medium	High		Secondment has been extended for a further 12 months. Senior Officers have been negotiating with BCHT on option 2 (TUPE to BCHC), which has been accepted by the Board of BCHC and is the preferred approach from the Trade Unions and the Council Lead Member for Children.
3.	DfE Clawback position: The DfE clawback cannot be fully understood while decisions on estates are	Establishment of a cross-cutting Early Years Assets workstream.	Significant	Significant		An Early Years Assets workstream that is cross-cutting EYHWB and BCC DN has been established and is overseeing and documenting actions required to

	outstanding.					<p>manage the entire EY estate to enable a clear picture of future building use and the potential clawback position.</p> <p>A building -by-building options appraisal is being undertaken as buildings are identified as surplus to requirement for EY service delivery and will be reported through the directorate/corporate Asset Board as appropriate.</p> <p>A paper preparing a business case for retention of any capital receipts to offset DfE clawback is currently being written by the Head of Education Infrastructure.</p>
4.	Staff Consultation, Transfer date and staff costs: There is a risk the staff consultation fails to conclude in time before staff have to transfer by 9th January 2019 at the end of the agreed secondment period, and the impact could be additional costs of seconded staff.	<p>Extend Secondment.</p> <p>Communication and Engagement plan is in progress. Planning for Staff consultation timeline has been delayed in line with Cabinet decision.</p>	Medium	Significant		<p>Secondment has been extended by 12 months to 08 January 2020.</p> <p>Ensure Cabinet report is considered in September 2019 to ensure adequate timescale to conduct and conclude staff TUPE consultation.</p>
5.	ABS Status / Pensions: There is a risk the partners fail to achieve ABS status which could impact the success of the consultation with	Partners will be asked to confirm status prior to start of consultation process. If transfer is to be BCHC then staff will be auto enrolled into NHS pension scheme	Medium	Medium		All partners have submitted their applications to the WMPF and appropriate guarantees are in place from the Council.

	Trade Unions.	therefore risk will be nil.				Recommendation of the transfer to BCHC removes this risk entirely.
6.	ABS Status / Pensions: There is a risk partners will look to the Council to compensate them for the outlay they have incurred during process to secure ABS.	This cost has been incorporated into the financial cost of the recommended option.	High	Low	Tolerable	
7.	Unions Dispute -There is a risk that Unions will start a trade dispute with BCC if partners do not agree to recognise trade unions for the purpose of collective bargaining. This could impact on staff transferring to BCHCT	Engagement with Trade Unions to continue through regular meetings. Negotiation support to be explored with ACAS. A TUPE transfer to BCHC will eliminate this risk.	High	Significant	Tolerable	BCHC have agreed to amend their TU recognition agreement to specifically reference GMB as 90% of the BCC staff are members of GMB.

Measures of likelihood/ Impact:

Description	Likelihood Description	Impact Description
High	Almost certain, is expected to occur in most circumstances. Greater than 80% chance.	Critical impact on the achievement of objectives and overall performance. Critical opportunity to innovate/improve performance missed/wasted. Huge impact on costs and/or reputation. Very difficult to recover from and possibly requiring a long term recovery period.
Significant	Likely, will probably occur in most circumstances. 50% - 80% chance.	Major impact on costs and objectives. Substantial opportunity to innovate/improve performance missed/wasted. Serious impact on output and/or quality and reputation. Medium to long term effect and expensive to recover from.
Medium	Possible, might occur at some time. 20% - 50% chance.	Waste of time and resources. Good opportunity to innovate/improve performance missed/wasted. Moderate impact on operational efficiency, output and quality. Medium term effect which may be expensive to recover from.
Low	Unlikely, but could occur at some time. Less than 20% chance.	Minor loss, delay, inconvenience or interruption. Opportunity to innovate/make minor improvements to performance missed/wasted. Short to medium term effect.