



Corporate Performance Overview Report

Third Quarter 2010/11
October - December 2010

Timothy Wheadon
Chief Executive

Overview of Council Performance

1 Introduction

- 1.1 This report sets out an overview of the Council's performance for the third quarter of 2010/11 (October - December 2010). It complements the detailed quarterly Performance Monitoring Reports (PMRs) produced by each Director, which are being circulated to Members in tandem with this report. The purpose of this report is to provide the Executive with a high-level summary of key achievements, and to highlight areas where performance is not matching targets or expectations, along with any remedial action that is being taken to address this.

2 Overview of Performance

- 2.1 The departmental service plans for 2010/11 contain 375 detailed actions to be completed in support of the 13 medium-term objectives which underpin the Council's six overarching priorities for 2008/09-2010/11. However, as a consequence of the in-year cuts, departments were asked to refresh their service plans in September 2010, deleting work that will no longer be possible to achieve. This is the first quarter when revised service plan actions have been reported.

- 370 (99%) green
- 5 (1%) not yet started due to them no longer being required, deferment or awaiting further guidance or legislation

- 2.2 The replacement of the National Indicator Set with a single, comprehensive list of data required by central government from local authorities is underway with consultation on this due to be completed in February. It is anticipated that the Single Data List will be in place from April 2011.

- 2.3 Although the national indicators have been abolished they are only one part of the total performance framework for the Council. The other elements for performance reporting link to the priorities and actions that the Council is undertaking and updates on their associated risks. Discussions are currently taking place to shape the future of performance management across the Council, for 2011/12 and beyond, but it is essential that we are able to accurately measure progress on those activities that are important to us in the meanwhile. Departments have already taken the opportunity to review the Service Plans for 2010/11 so that they now reflect the in-year savings package that was delivered in the summer.

3 Progress against Medium-Term Objectives

- 3.1 The third quarter of 2010/11 saw good overall progress towards achieving the Council's objectives and work on the detailed actions and risk mitigations identified under the 13 medium term objectives for 2010/11 is continuing. The following paragraphs highlight some areas of notable progress against each medium-term objective.

Medium-Term Objective 1: Build a Bracknell Town Centre that residents are proud of

- 3.2 The Council has taken advantage of the changes in planning guidelines, introduced by the previous government to extend the outline planning permission for the town

centre regeneration proposals to allow for a new phased approach. This gives an additional three years to deliver the scheme which is clearly essential in the current economic climate. The changes approved also allow the development of a food store in the northwest quadrant of the town centre. Site clearance work started in March this year. In addition a planning application was submitted in December for the construction of a new canopy at the main entrance to Princess Square and the refurbishment of retail units.

Medium-Term Objective 2: Keep our parks, open spaces and leisure facilities accessible and attractive

- 3.3 The leisure services have faced up to the challenges of the difficult economic climate the disruptive weather conditions, to continue to provide high quality services. The two facilities most affected by the adverse weather were Downshire Golf complex and The Look Out. In general visitor numbers fell slightly, largely due to the snow in December. However, on a positive note, an independent review by the Institute of Sport and Recreation Management, of pool management practices at Coral Reef highlighted that it was the most efficiently run pool ever seen by the review team.

Initiatives to improve access to leisure facilities and services did well in the last quarter with over 5,000 bookings made on-line.

Medium-Term Objective 3: Promote sustainable housing and infrastructure development

- 3.4 Housing is a key service for residents and various policies that have been introduced in recent years means that we are able to support an increasing range of individuals and families. However there are also a lot of complex changes in the housing environment which will continue to be a challenge for residents and staff. The Government's intention to introduce Universal Benefit from 2013 was announced during the quarter. This must be planned for and changes to Local Housing Allowance will also have an impact on the housing market, but it is not clear how this will actually manifest itself.

Various changes in government policies are bringing some uncertainty to planning services. However consultation on the site allocations DPD drew to a close in January and work has commenced on interpreting the feedback.

Unfortunately bridge works programmes continue to be significantly delayed by Network Rail, who must give their consent to allow works over railways. There has been no change in their position, that no track possessions can take place before March 2011. This will impact on the current years capital programme spend. The Highways Winter Service Plan was thoroughly tested during the early snowfall and low temperatures experienced during December. The service was delivered in line with the Plan and the roads remained useable (albeit with care during the heaviest snowfall).

Medium-Term Objective 4: Keep Bracknell Forest clean and green

- 3.5 Energy consumption in the Council's buildings (non school) shows a 7.5% reduction from previous years. This is an excellent outcome and is a direct result of work undertaken to meet our climate change objectives.

Over 6,700 tonnes of waste was diverted from landfill to the Energy from Waste (EfW) facility in Colnbrook for the first six months of 2010. The percentage of waste landfilled at the end of quarter 2 (quarter 3 figures are not yet available) was 22% which is a significant decrease from the same period in the previous year (53%). Landfill is also reducing as result of street cleansing sweepings and leaves being diverted for composting, after removing litter.

Medium-Term Objective 5: Improve health and well being within the Borough

- 3.6 The last quarter saw the publication of the performance judgement by the Care Quality Commission (CQC) on the Adult Social Care & Health department. It found that performance has improved, with three outcome areas being rated as performing 'excellently' and the remaining four scoring performing 'well'. In the midst of significant changes in the Health service, the council continues to work well with health colleagues and the approach to enhancing the Community Response and Reablement service, through additional Primary Care Trust monies from October, is starting to have an impact. It is anticipated that this enhancement will contribute to reducing hospital admissions. In the first 9 weeks of the service there were 42 preventions of hospital admission. Work is also starting on developing our response to the transfer of public health responsibilities to the Council from 2013.

Medium-Term Objective 6: Improve the outcomes for children and families through the Children and Young People's Plan

- 3.7 In December the annual Children's Services Assessment was published and the services were assessed as 'performs well'. The assessment drew on performance over the past year and is the culmination of the work of all the services in Children, Young People and learning directorate. The preparation of the new Children & Young People's Plan continues (and appears elsewhere on tonight's agenda). A needs assessment drawing on a range of data sets and an extensive consultation with partners and young people was completed during the quarter. Although numbers of children who have child protection plans had started to decrease slightly, the numbers have increased again to 84 at the end of December 2010. It is hoped that the initiative to support victims of domestic violence, included in next year's budget, will help to reduce this trend in the coming years. However approximately 300 pupils have received one to one tuition in our primary and secondary schools since September and schools are telling us that this is having a positive impact on the progress the pupils are making. More pupils will receive tuition in the 2011 Spring term.

Medium-Term Objective 7: Seek to ensure that every resident feels included and able to access the services they need

- 3.8 The Cemetery and Crematorium were highly commended in a report by the Federation of Burial and Cremation authorities. The report applauded staff on their willingness to respond to the needs of the bereaved along with the quality of the grounds and buildings. Following completion of the works at Longshot Lane, a satisfaction survey has shown that 99% of users rate it as being good or very good. This has risen from 82% in 2008. Work has commenced to prepare the council for the new public sector equality duty coming into force from April 2011, alongwith the development of the Borough's approach to the 'Big Society' working with partners. The Council have managed and

supported the work of Disabled Go, who surveyed 500 venues in the borough to develop the Disabled Go access guide.

A public meeting has been held at The Parks to support the development of the new Parks association. The council has also supported the Jennetts Park Community Association in exploring taking over the management of the temporary community centre and finalising the fixtures and fittings for the new community centre.

Personal budgets were rolled out in October as planned and the Bracknell Forest Resource Allocation System was ranked first in a regional benchmarking exercise. The launch of the i-hub on November 8th was featured in the Bracknell News and received 5,600 hits from launch to 18 December. An information pack have been printed for people in the community to introduce personalised support. Since roll-out 209 people (across all teams) have been supported to self-assess their needs and are now in receipt of Self-Directed Support.

Medium-Term Objective 8: Reduce crime and increase people's sense of safety in the Borough

- 3.9 Crime this quarter was at the lowest level yet during 2010. Violent crimes are down by 15%, serious acquisitive crime is down by 45% and assault with injury is down by 43% compared to the same quarter of the previous year (Q3 2009/10). Joint tasking meetings have been held regularly and these have been instrumental in securing substantial reductions in acquisitive crime and criminal damage. In addition regular meetings have been held concerning prolific priority offenders. These meetings are now credited with much of the success in reducing crime that Bracknell has enjoyed. Very few young people have received custodial sentences this quarter and there has been a reduction in the reoffending rates when compared to the same period last year.

Medium-Term Objective 9: Promote independence and choice for vulnerable adults and older people

- 3.10 Implementation of the programme for the re-provision of most of the homes, accommodating people who previously lived in Church Hill House, is now complete. Each individual concerned has an individual package of support, and has been reviewed to show that the new arrangements in place for everyone are working well and meeting individual's needs and choices. A new business Plan for Green Machine, continues to be implemented, so full independence can be achieved by them for the end of this financial year. Developments continue in relation to the pilot arrangements around extending self-directed support. In particular in testing and refining the Resource Allocation System, and the ongoing work associated with the implementation of the new Adult Social Care system. This includes making preparations to implement the mobile Financial Assessments process that will allow for people to know their likely financial contribution to care (if required) at the end of the visit with them.

Medium-Term Objective 10: Be accountable and provide excellent value for money

- 3.11 The Council's budget proposals for 2011/12,, were published for consultation on 14 December. The provisional Local Government Finance Settlement was published on 13 December. Subsequently the Council agreed its final budget at its meeting on 2 March.

A review of the costs of administering the Housing register and BFC MyChoice scheme was undertaken this quarter. There is a 70% reduction in cost using BFC MyChoice compared to an RSL (pre BFC MyChoice). The cost of achieving a successful letting has also reduced by 41%. The efficiency savings have already been taken as part of departmental budget savings.

Forestcare has also secured additional contracts which means, as a business, Forestcare is not operating at a deficit.

Medium-Term Objective 11: Understand and promote the borough's economic activity and potential

- 3.12 The Government announced, during the quarter, that Thames Valley Berkshire was successful in bidding to become one of the new 'Local Enterprise Partnerships' to promote growth and sustain the local economy. Bracknell Forest officers provided support to this bid. The Local Investment Plan, endorsed by the Council during the quarter, will form the basis for future investment decisions by the Homes and Communities Agency. Bracknell Forest Council co-ordinated the preparation of this work on behalf of the six Berkshire authorities.

Medium-Term Objective 12: Promote workforce skills

- 3.13 A new brochure proved successful with high numbers of learners attending sessions in adult and community learning this last term. To date 71 women have been recruited onto a European Integration Fund programme to support Nepali women for whom English is a second language. This is a project leading to a Skilled for Health programme and possible employment in the health service. Twelve women so far have progressed to the health training, having gained sufficient skills in English. The Grow Our Own project has extended the hours of the drop in job support service. Client numbers have increased steadily. A higher than targeted number of people have gained employment as a result of the support from Grown Our Own.

Medium-Term Objectives 13: Limit the impact of the recession

- 3.14 During this quarter the benefits service has helped households claim £18,000 in additional benefit entitlement bringing the total of additional benefit claimed to end of December to over £48,000. This is due to the proactive efforts of the benefits service. The Leisure facilities are continuing to promote concessions for people in receipt of certain benefits. There are currently 522 people on the Leisure Saver Scheme.

4 Information on Corporate Health, Budgets, Strategic Risks and Bracknell Forest Partnership

- 4.1 Information on Corporate Health is set out at Annex B. Budget information is set out at Annex C. Progress against the Strategic Risk Register is shown in Annex D. Work achieved and ongoing by Bracknell Forest Partnership is outlined at Annex E.

5 Conclusion

- 5.1 Whilst there will continue to be some difficult choices to be made in the forthcoming years, it is important to recognise the very real achievements of the council on behalf of its residents over the past quarter. The Council is using its expertise and skills to

develop different approaches to service delivery, to achieve reductions in cost, whilst providing the best possible services to our residents. It is good to note that the council's performance remains sound.

Timothy Wheadon
Chief Executive
February 2011

ANNEX A

SUMMARY PERFORMANCE EXCEPTION REPORT

This exception report is provided in lieu of the complete data set for Quarter 3, which is available via Paris and on request from the Chief Executive's Office.

1. Indicators

1.1 Data Availability

- 1.1.1 Performance reports in Quarter 3 have been produced using PARIS, the council's performance management software. PARIS is now well placed to be able to adapt to the changing content of the actions and performance indicators and reporting requirements that the Council may wish to adopt in the future.

2. Actions

2.1 Action Status at Quarter 3

Of those actions reported, at the end of quarter 3 all were on target.

2.2 Complete List of Red Actions

There were no red actions in this quarter.

Further details on all aspects of council performance are available from the Chief Executive's Office.

ANNEX B CORPORATE HEALTH

Complaints

| Department | | Q3 | Notes (Q3) |
|---|---|-------------------------------------|---|
| Adult Social Care & Health | Total: Stage 2: Stage 3: Stage 4: Ombudsman: | 11 n/a n/a n/a 0 | ASCH has a statutory complaints procedure different to the corporate complaints procedure. See ASCH PMR Quarter 3 for details |
| Corporate Services / Chief Executive's Office | Total: Stage 2: Stage 3: Stage 4: Ombudsman: | 3 2 1 0 0 | None of the complaints were well-founded and all have been resolved. See Corporate Services PMR for details |
| Children, Young People & Learning | Total: Stage 2: Stage 3: Stage 4: Ombudsman: | 4 3 1 0 0 | None of the complaints were upheld. See CYPL PMR Quarter 1 for details. |
| Environment, Culture & Communities | Total: Stage 2: Stage 3: Stage 4: Ombudsman: | 2 1 1 0 0 | 1 complaint ongoing Meetings held and ongoing dispute |
| BFC | Grand Total: | 20 | |

Audits with Limited or No Assurance Opinions

| Department | Q3 | Notes |
|------------------------------------|----|---|
| Adult Social Care & Health | 0 | |
| Corporate Services | 1 | Compliance with the new PCI Data Security Standards – two priority one recommendations were raised. One related to the physical siting of one of the IT application servers and the need to upgrade the PDQ machines at one Council site. These issues have already been partially resolved. The second related to storage of details and this matter has now been addressed. |
| Chief Executive's Office | 0 | |
| Children, Young People & Learning | 0 | |
| Environment, Culture & Communities | 0 | |

Staffing

Staff Turnover

| Department | Quarter 3 (%) | Notes |
|------------------------------------|---------------|---|
| Adult Social Care & Health | 5.48 | |
| Corporate Services | 2.94 | Turnover has decreased this quarter. |
| Chief Executive's Office | 8.57 | Turnover appears very high this quarter. However the percentage relates to 9 employees who have left the organisation. Of those 2 were providing maternity cover, 2 were on short-term Future Jobs Fund scheme. 3 were made redundant as a consequence of last year's budget savings. The remaining 2 leavers, 1 reached retirement and 1 was promoted to a senior role in another local authority. |
| Children, Young People & Learning | 2.47 | |
| Environment, Culture & Communities | 2.87 | Turnover this quarter is relatively low compared to last quarter (3.98%) but has risen slightly compared to 2.62% in the same quarter last year. However 6 leavers this quarter were the result of Future Jobs Fund roles coming to an end. Without the Future Jobs Fund leavers the quarterly turnover would be 1.96%. |

Total turnover for BFC, 2009/10: 13.31% excluding schools
 Median turnover all employers 1 Jan to 31 Dec 2009: 13.5%
 Median turnover for public services 1 Jan to 31 Dec 2009: 8.6%
 (Source: Chartered Institute of Personnel and Development survey 2010)

Staff Sickness

| Department | Quarter 3 (days per employee) | 2010/11 Projected Annual Average (days per employee) |
|-----------------------------------|-------------------------------|--|
| Adult Social Care & Health | 2.47 | 7.65 |
| Corporate Services | 2.10 | 6.14 |
| Chief Executive's Office | 0.85 | 2.52 |
| Children, Young People & Learning | 1.72 | 5.17 |

| | | |
|------------------------------------|------|------|
| Environment, Culture & Communities | 2.09 | 6.39 |
|------------------------------------|------|------|

Adult Social Care & Health – there are 6 cases of long term sickness across the Older People and Long Term Condition, and Adults & Commissioning teams. These account for 25% of the total sickness.

Corporate Services – sickness this quarter is significantly higher than it was last quarter. However 52% of this is attributable to long term sickness (4 members of staff). The projected annual average at the end of the year is predicted to be 3.12 days per employee.

Children, Young People & Learning – there are 9 cases of long term sickness across the department. This accounts for 44% of the total sickness this quarter.

Staff Sickness Comparators

| Comparator data | All employees, average days sickness absence per employee |
|--|---|
| Bracknell Forest Council 2008/09 | 5.7 days |
| All sectors employers in South East 2008 (Source: Chartered Institute of Personnel and Development survey 2008) | 7.6 days |
| BVPI 12 outturn 2008/09 | 7.43 days sickness per FTE |

ANNEX C

REVENUE BUDGET MONITORING

At the end of the third quarter the budgetary control reports for the General Fund reported a potential under spend of £0.972m. Details of individual variances are outlined in each department's Performance Management Report (PMR).

The main reasons for this projected under spend are:

- The cost of placements for Looked after Children is projected to overspend by £0.400m. The underlying overspend is £0.580m however management action has been taken to identify savings of £0.180m. The intention is to fund the net cost of £0.400m from the contingency. The increase in placements reflects the national trend and is believed to be as a result of the Laming report. Whilst there are expected to be more placements than has been budgeted for the spend will be actively managed and where possible children will be placed in fostering homes, which is the most cost effective type of placement.
- Some service areas are continuing to experience shortfalls in income, principally as a result of the recession. These include Downshire Golf Complex (£0.104m), Easthampstead Park Conference Centre (£0.190m) and Local Land Charges (£0.012m).
- These overspends have been substantially offset by a forecast net under spend of £1.213m in supporting people with Learning Disabilities. There are two main reasons for the variance, namely:
 - an increase in Continuing Health Care funding;
 - changes in the level of support provided to those who live in the community or residential care including the deregistration of number of homes and increased support within the community.

In addition to the above the Council will need to meet the costs of surrendering the lease on Enid Wood House (£1.211m). The Executive has previously agreed to finance this from the Structural Changes Reserve. The financing will be reviewed as part of the final accounts process and if an alternative approach is more advantageous, appropriate recommendations will be made to the Executive and the Governance and Audit Committee. £0.342m is available to offset these potential costs as a result of further VAT repayments and the redistribution of the Ufton Court reserve held by West Berkshire Council.

At this stage in the financial year some of the significant risks to the budget begin to diminish. Those budgets representing the greatest risk will, however, continue to be scrutinised in detail as part of the Council's usual budget monitoring arrangements.

ANNEX D STRATEGIC RISK REGISTER SEPTEMBER 2010

STRATEGIC RISK REGISTER DECEMBER 2010

| POTENTIAL RISK | RISK DESCRIPTION | Links to MTO | Likelihood | Impact | Total Risk Score | Progress on Action to Address Risk |
|---------------------------|---|--------------|------------|--------|------------------|---|
| 1. FINANCIAL AND ECONOMIC | <p>It is core to the delivery of the agreed service levels to the public, partners and service users that the Council has a robust process to setting a realistic budget. It is also important that the Council delivers the agreed services within the approved budget. Following the announcement of the Comprehensive Spending Review (CSR), local authorities will have to make significant savings over the Spending Review period (up to 2014-15). The full impact of this is uncertain but this will put significant pressures on the Council's ability to balance its finances whilst maintaining satisfactory service standards.. The first indication of the exact amount of central government funding the Council will receive for 2011/12 will not be known until the Council receives the provisional Local Government finance settlement in December. In addition, the current economic downturn will continue to present budget challenges to the Council in a variety of ways including falls in income, increased unemployment, increased demands for benefits, greater social pressures, and difficulties in collecting debts.</p> | 10 | 5 | 4 | 20 | <p>Actions to address financial and economic risks are on track. In particular :</p> <ul style="list-style-type: none"> the Medium Term Financial strategy has been updated throughout the budget build process for 2011/12 in response to the announcements on local government settlement ; and The Executive agreed In December to recommend compliance with the grant terms on levels of Council Tax increase for the new Council tax Limitation grant announced by the Government. |

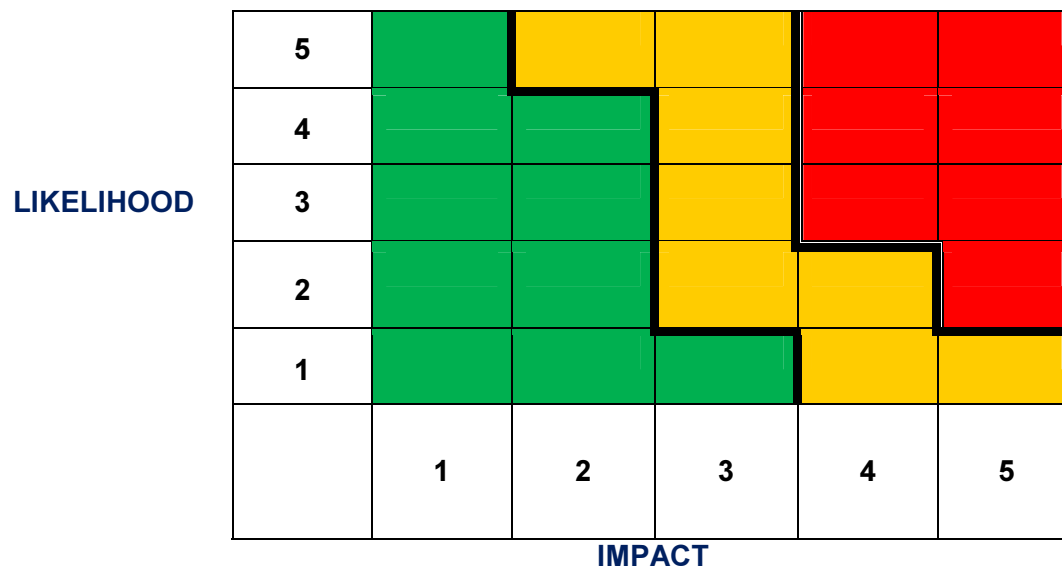
| | | | | | | |
|---|--|---------------------|-------------------|---------------|-------------------------|--|
| 2. DEMANDS FOR SERVICES | Changes in the size and composition of Bracknell's population will require the Council to be able to forecast changes and reshape its service delivery to meet changing needs. This will include the impact of both natural growth and any future inward or outward migration and changes in the age, socio-economic and ethnic profile of the area. | 5,6,7 and 9 | 5 | 3 | 15 | <p>Actions to address risks associated with demand for services are progressing as planned. In particular</p> <ul style="list-style-type: none"> the Joint Strategic Needs Assessment has been completed and will be presented to the Executive for approval in the 4th quarter; and The Council has been allocated additional capital funding of £3.161m to fund additional school places. |
| POTENTIAL RISK | RISK DESCRIPTION | Links to MTO | Likelihood | Impact | Total Risk Score | Progress on Action to Address Risk |
| 3. STAFFING | The Council employs staff and uses agency and contractors to deliver its services to the community. Failure to ensure that individuals with the right skills and expertise are recruited, proper training is provided and staff are well motivated will impact on the effectiveness of services and the Council's ability to retain high calibre staff. | 6,7,8, 9,10 and 12 | 3 | 3 | 9 | Actions to mitigate staffing risks are progressing as planned. Workforce planning is in place across the Council. |
| 4. INFORMATION MANAGEMENT AND INFORMATION TECHNOLOGY | As the Council is increasingly dependent on ICT systems, there are risks to service delivery and management information/performance data gathering in the event of IT infrastructure being unavailable. The Council and its contractors hold sensitive data in electronic and manual form such as personal data on staff, residents, vulnerable individuals such as children and adults with social care needs and suppliers which could potentially be misused or stolen if not secure. Failure to maintain accurate data can affect the validity of data for effective management and decisions. | 6,7,8, 9 and 10 | 2 | 4 | 8 | Actions to mitigate information management and information technology risks are progressing as planned. An Information Management Strategy has been agreed and an Information Security Policy is being implemented. |
| 5 MAJOR PROGRAMMES AND PROJECTS | Failure to design, monitor and control major projects and their implementation effectively could lead to cost overruns/ pressure on the capital budget, late delivery and result in core objectives of projects not being achieved. | 1,6,10 | 2 | 3 | 6 | Specific risks for each major project/programme have been identified and are being monitored by the relevant Project/Programme Board or Committee. |

| | | | | | | |
|--|---|---------------------|---|---|---|--|
| 6. BUSINESS INTERRUPTION/ CONTINUITY | Serious incident or disaster adversely impacts the Council's ability to deliver services without interruption or fluctuation in standards. Business Continuity plans/Disaster Recovery Plans are not sufficiently robust or are not properly implemented limiting the Council ability to respond effectively. | 2,7 and 10 | 2 | 3 | 6 | Actions to address business interruption/continuity risks are progressing as planned. During the quarter the Emergency Planning Framework was updated, and a refresher session on emergency planning was provided to Chief Officers. |
| 7. SAFEGUARDING OF CHILDREN AND VULNERABLE ADULTS | The Council does not identify and discharge all its responsibilities for safeguarding vulnerable children and adults in the community resulting in injury or death. | 6,7,9, 11,12 and 13 | 2 | 4 | 8 | Actions to mitigate safeguarding risks are progressing as planned. |

| POTENTIAL RISK | RISK DESCRIPTION | Links to MTO | Likelihood | Impact | Total Risk Score | Progress on Action to Address Risk |
|---|---|--------------|------------|--------|------------------|--|
| 8. INFRASTRUCTURE AND MAINTENANCE OF ASSETS | Failure to maintain highways/buildings to meet health and safety standards resulting in injury, loss or damage to individuals or property. In addition, where highways/buildings, etc are not properly maintained or where adequate infrastructure is not put in place, there is a risk that they are not fit for purpose this impacting on the Council reputation and having a negative impact on service delivery and productivity. | 10 | 3 | 4 | 12 | The Council has now been allocated additional central government funding of £2.04m to address backlog maintenance in schools, £1.145m for backlog maintenance for other buildings and £1.9m for highways maintenance. The Council's Capital programme sets out its funding priorities across its estate. |
| 9. WORKING EFFECTIVELY WITH PARTNERS, RESIDENTS, SERVICE USERS, THE VOLUNTARY SECTOR AND LOCAL BUSINESSES | Failure to work effectively with key partners such as the PCT or involve residents in the development of our services may result in services that do not meet the needs of the community or deliver better outcomes for their area. Furthermore, if we do not fully engage partners, residents, service users and local businesses, we are less likely to achieve community cohesion resulting in elements of the community feeling excluded which could potentially lead to extremism. | All MTOs | 2 | 3 | 6 | Actions to mitigate partnership risks are progressing as planned. |

| | | | | | | |
|--------------------------------------|---|-----------|----------|----------|-----------|---|
| 10 LITIGATION AND LEGISLATION | <p>Failure to comply with legislative requirements could result in litigation or prosecution and it is expected that there will be an increase in legislation following the change in government. The Remedies Directive effective from December 2009 introduced contract cancellation as a remedy for serious breaches of EU procurement requirements. Under the Corporate Manslaughter Act, the Council may be potentially culpable as an organisation for the death of individual(s) arising from failure at senior management level with a successful prosecution resulting in a publicity order, unlimited fine and remedial order. Non compliance with other legislation may also lead to legal action being taken against the Council.</p> | 10 | 4 | 3 | 12 | <p>Actions to address litigation and legislation risks are on track. In particular,</p> <ul style="list-style-type: none"> processes for tracking new legislation have been agreed with the Directors of Adult Social Care and Health and Environment, Culture Communities; and Briefings on the Equalities Bill have been provided to the Executive and the Corporate Management Team. |
|--------------------------------------|---|-----------|----------|----------|-----------|---|

RISK SCORING MATRIX



Likelihood:
5 Very High
4 High
3 Significant
2 Low
1 Almost Impossible

Impact:
5 Catastrophic
4 Critical
3 Major
2 Marginal
1 Negligible

ANNEX E

UPDATE ON BRACKNELL FOREST PARTNERSHIP

The Bracknell Forest Partnership receives quarterly performance reports on the indicators and targets in the Local Area Agreement. For quarter three of 2010/11 the summary of performance overall is:-

- 1.1 In summary, out of the 198 original national indicators, 54 individual indicators were originally part of the LAA including 35 designated targets, 3 local targets and 16 statutory indicators from the DCSF. With the current changes to the National Indicator Set and the deletion of some indicators as they can no longer be measured, the Bracknell Forest LAA now includes 39 individual measures within the LAA.

Status at the end of quarter 2 2010/11

- 1.2 Of the 39 individual measures in the LAA,
- 20 (51%) are 'green'
 - 1 (3%) are amber (i.e. within 5% of target)
 - 10 (26%) are 'red' (> 5% adrift of target)
 - 8 (20%) are indicators where data is awaited or is not yet available..

Anticipated Status at the end of the LAA – March 2011

- 1.3 Performance data has been collated on anticipated results at the end of the LAA period, i.e. end of March 2011 and of the 39 measures this shows,
- 26 (67%) are 'green'
 - 7 (18%) are amber (i.e. within 5% of target)
 - 4 (10%) are 'red' (i.e. >5% adrift of target)
 - 2 (5%) are unable to anticipate final outturn

Breakdown of individual target status

- 1.4 The 10 current 'red' measures are:
- 008 – Adult participation in sport and active recreation – This target does not form part of the LAA reward and the final data is in, based on the Active People 3 results. The results of 19.3% were a statistically insignificant decrease on the previous survey. However Bracknell Forest's outturn remains in the best quartile nationally.
 - 051 – Effectiveness of child and adolescent mental health – the self assessment score remains at 15/16 against a target of 16/16. The full range of CAMHS services to those with learning difficulties and disabilities has not yet been implemented which has limited the score to 15. The in-year cuts have resulted in a reduction of 2 posts and a reduction in the training programme.
 - 108 – Key stage 4 attainment for black and minority ethnic groups - this is based on the 2009/10 results. See comments in para. 2.6 below.
 - 117 – 16-18 year olds who are NEET – The actual data is for 2009/10. This percentage represents 183 actual numbers of 16-18 year olds. Early indications from the latest data returns for NEET monitoring period 2010/11 indicate a close alignment with the revised NEET target figure of 5.9%.
 - 090 – Take up of 14-19 learning diplomas - the take-up of the new diploma qualifications was very low. This in part reflected adverse national publicity with regard to this qualification.

- 136 – People supported to live independently through social services - Following a change in definition the stretch target was not met.
 - 130 – Social care clients receiving self-directed support - The data for quarter 3 is currently being validated and will be available later in February.
 - 135 – Carers receiving needs assessment or review - GP surgeries have signed up to issue the carers' information packs and self-assessments to carers who attend their surgeries. It is anticipated that all GP surgeries will support this initiative leading to an increase in carers assessments and identification of hard to reach carers.
 - 155 – Number of affordable homes delivered - This is a cumulative target and the results shown are only for the first three quarters of the year. It is anticipated that the target will be met.
 - 172 – Percentage of small businesses showing employment growth - BFC is dependent upon BERR for this information and as it is a difficult indicator to calculate on an ongoing basis, it is likely that future data will only ever be available with a significant timelag.
- 1.5 The 4 targets that are currently anticipated to be red at the end of the LAA period are:
- 008 – Adult participation in sport and active recreation – (see paragraph 2.4 above)
 - 117 – 16-18 year olds who are NEET – (see paragraph 2.4 above)
 - 136 – People supported to live independently – a local shadow target has been introduced to give a realistic target
 - 172 - % of small businesses showing employment growth – this is anticipated to be red at the end of the LAA period. The latest data reported relates to 2007 and as the data is only available from BERR it is likely that any future data will only ever be available with a significant time lag. The target is unlikely to be met at the end of the LAA period due to the prevailing economic climate.
- 1.6 The 7 targets that are currently anticipated to be amber at the end of the LAA period are:
- 123 – Stopping smoking – the 2009/10 quitter numbers were 541 compared to a target of 548
 - 163 – Adult populations qualified to at least 2 – The result for 2009/10 was 75.0% compared to a target of 75.3%
 - 051 – Effectiveness of child and adolescent mental health – see paragraph 2.4 above
 - 056a – Obesity in primary school age children in Year 6 – see paragraph 2.4 above
 - 108 – Key stage 4 attainment for BME - These figures relate to the capped APS of the 'Any Other Asian Cohort' (AOTH) – consistently predominantly of Nepali pupils. The target figure was set with the view of the overall capped APS to continue as its current trend during the 2007/08 period. Particular causes for the figures are representative of the small cohort sizes and the spread of the cohorts across schools (single figures in certain cases) creating a case of fluctuation. Individual cohorts in schools, their point of entry and the level of support received (varying from setting to setting) are also contributory factors for these performances.
 - 090 – Take up of 14-19 learning diplomas - See paragraph 2.4 above

- 177 – Bus passenger journeys – this is an annual indicator and information should be available for quarter 4.

1.7 LAA Indicators which are currently 'green' include:

- 146 – Adults with learning disabilities in employment
- 112 – Under 18 conception rate
- 069 – children who have experienced bullying
- 057 – children and young people's participation in high quality PE and sport
- 068 - % of referrals to children's social care going to initial assessment
- 142 - % of vulnerable people who are supported to maintain independent living
- 187b – Fuel poverty homes rated >65
- 154 – net additional homes provided
- 001 - % of people from different background getting on well together
- 036 – drug related offending rate
- 032 – Repeat incidences of domestic violence
- 016 – Serious acquisitive crime rate
- 020 – Assault with injury crime rate
- 111 – First time entrants into the Youth Justice System aged 10-17
- 049 a – d – Number of primary fires and related fatalities/casualties
- 047 – People killed or seriously injured in road traffic accidents

ANNEX E

UPDATE ON DATA QUALITY

The 2010 internal data quality audit, which was completed this quarter, gave a 'satisfactory' assurance on the controls in place for data quality across the Council. The recommendations made in this audit will be incorporated into an update of the action plan associated with the Data Quality Strategy that the Council adopted in 2009.