

NETTLESTEAD Parish Council Risk Assessment Notes

“The greatest risk facing a local authority is not being able to deliver the activity or services expected of the Council.”

Risk assessment is a systematic general examination of working conditions, workplace activities and environmental factors that will enable the employer to identify any and all potential risks inherent in the place or practices. Based on a recorded assessment the employer should then take all practical and necessary steps to reduce or eliminate the risks, insofar as is practically possible. Making sure that all employees are made aware of the results of the risk assessment.

This document has been produced to enable the Parish Council to assess the risks that it faces and satisfy itself that it has taken adequate steps to minimise them. In conducting this exercise, the following plan was followed:

- Identify the areas to be reviewed.
- Identify what the risk may be.
- Evaluate the management and control of the risk and record all findings.
- Review, assess and revise if required.

(L) – Low Risk

(M) – Medium Risk

(H) – High Risk

Business continuity – Risk of Council not being able to continue its business due to an unexpected or tragic circumstance (L).

Management of risk - All files and recent records are kept at the Clerk’s home. The Clerk makes regular back-ups of files to an external hard drive. In the event of the Clerk being indisposed the Chairman to contact the Kent Association of Local Councils for advice.

Review when necessary.

Precept - Adequacy of precept (L), Requirements not submitted to MBC (L), Amount not received by MBC (L).

Management of risk - The Council reviews the Precept requirement annually at the January meeting and reviews the presented budget update information, including actual position and projected position to year end and estimated figures for the next financial year. With this information the Council then agrees the amounts set for the specific

budget headings for the following year, the total of which is resolved to be the precept amount to be requested from Maidstone Borough Council. This figure is submitted by the Clerk in writing to MBC. The Clerk informs Council when the monies are received (approx. April time).

Existing procedure adequate.

Financial records - Inadequate records (L), Financial irregularities (L).

Management of risk - The Council has Financial Regulations that set out the requirements.

Existing procedure adequate. Review the Financial Regulations when necessary.

Bank and banking - Inadequate checks (L), Bank mistakes (L), Loss (L), Charges (L)

Management of risk - The Council has Financial Regulations that set out the requirements for banking, cheques and reconciliation of accounts. Any errors are discovered when the Clerk reconciles the bank accounts once a month when the statements arrive, and are dealt with immediately. The Clerk reviews the Council's banking arrangements regularly.

Existing procedure adequate. Review the Financial Regulations when necessary and bank signatory list when necessary, especially after the Annual Meeting and an election. Monitor the bank statements monthly.

Cash - Loss through theft or dishonesty (L).

Management of risk - The Council has Financial Regulations that set out the requirements. The Council's insurance policy has a Fidelity Guarantee.

Existing procedure adequate. Review the Financial Regulations when necessary. Ensure Fidelity Insurance is adequate.

Reporting and auditing - Information communication (L), Compliance (M)

Management of risk - A budget monitoring statement is produced before each Council meeting with the agenda and discussed and approved at the meeting subject to the arrival of bank statements. A full list of payments and receipts and cheques to be signed is provided at the meeting and the financial records including a breakdown of receipts and payments balanced against the bank statement are presented and checked by a Councillor at each meeting. Council should regularly audit internally to comply with the Fidelity Guarantee.

Existing communication procedures adequate. Council annually to appoint a Councillor to check financial records for Fidelity compliance.

Direct costs, Overhead expenses, Debts - Goods not supplied but billed (L), Incorrect invoicing (L), Cheque payable incorrect (L), Loss of stock (L)

Grants and support, payable - Power to pay (L), Authorisation of Council to pay (L)

Management of risk - All such expenditure goes through the required Council process of approval, minuted and listed accordingly if a payment is made using the S137 power of expenditure.

Existing procedure adequate. Section 137 Expenditure budget can be circulated to members if required.

Grants, receivable - Receipts of Grant (L)

Management of risk - The Parish Council receives a regular grant from MBC annually paid in two instalments. Receipt is reported to the Council at the next meeting of the Council. Any one-off grants awarded would come with terms and conditions to be satisfied.

Existing procedures adequate.

Charges, Rentals payable - Payments of leases/rentals (L)

Management of risk - Negative. The Parish Council does not currently have any lease or rental agreements

Best value, Accountability - Work awarded incorrectly (L), Overspend on services (M)

Management of risk - As per Financial Regulations normal Parish Council practice would be to seek, if possible, more than one quotation for any substantial work required to be undertaken or goods. For major contract services, formal competitive tenders would be sought. If a problem is encountered with a contract the Clerk would investigate the situation, check the quotation/tender, research the problem and report to Council.

Existing procedure adequate. Review Financial Regulations regularly.

Salaries and associated costs - Salary paid incorrectly (L), Wrong hours paid (L), Wrong rate paid (L), False employee (L), Wrong deductions of NI or Tax (L), Unpaid Tax & NI contributions to the Inland Revenue (L)

Management of risk - The Parish Council authorises the appointment of all employees at Council meetings. Salary rates are assessed annually by the Council and applied on 1st April each year. The salary is paid by Standing Order with any additional amount paid by cheque. The Tax and NI is worked out using an Inland Revenue computer programme updated annually. All Tax and NI payments are submitted in the Inland Revenue Annual Return. The Clerk has a contract of employment and job description.

Existing appointment and payment system is adequate.

Clerk - Loss of Clerk (L), Fraud (L), Actions undertaken (L), Health & Safety (L)

Management of risk - The requirements of the Fidelity Guarantee insurance to be adhered to with regards to Fraud. The Clerk should be provided with relevant training, reference books, access to assistance and legal advice required to undertake the role.

Existing procedure adequate. Purchase reference books where necessary. Membership of the SLCC. Monitor working conditions, safety requirements and insurance regularly.

Councillor allowances - Councillors over-paid (L), Income tax deduction (L)

Management of risk - No allowances are allocated to Parish Councillors.

Existing procedure adequate.

Election costs - Risk of an election cost (L/M).

Management of risk - Risk is higher in an election year. When an election is due the Clerk will obtain an estimate of costs from the Borough Council for a full election and an uncontested election. There are no measures that can be adopted to minimise the risk of having a contested election as this is a democratic process and should not be stifled.

Existing procedure adequate.

VAT - Re-claiming/charging (L)

Management of risk - The Council has Financial Regulations that set out the requirements.

Existing procedure adequate.

Annual return - Submit within time limits (L)

Management of risk - Employer's Annual Return is completed and submitted online and to the Inland Revenue within the prescribed time frame by the Clerk. Annual Return is

completed and signed by the Council, submitted to the internal auditor for completion and signing then checked and sent on to the External Auditor within time limit.

Existing procedures adequate.

Legal powers - Illegal activity or payments (L)

Management of risk - All activity and payments within the powers of the Parish Council to be resolved and minuted at Full Parish Council Meetings. All activities and payments Minuted.

Council records, paper - Loss through: theft (L), fire (M), damage (L)

Management of risk - The Parish Council records are stored at the home of the Clerk. Records include historical correspondence, minute books and copies, documents for ownership of property, records such as personnel, insurance, salaries etc. Recent materials are kept at the Clerks home address (a suitable cabinets needs to be purchased) (not fire proof) and older more historical records in the attic or at County Archives in Maidstone.

Damage (apart from fire) and theft is unlikely and so provision adequate

Council records, electronic - Loss through: Theft (L), fire (L), damage (L), Corruption of computer (M)

Management of risk - The Parish Council's electronic records are stored on a computer at the Clerk's home. Back-ups of the files are taken at regular intervals on to an external hard drive.

Existing procedure adequate

Insurance - Adequacy (L), Cost (L), Compliance (L), Fidelity Guarantee (M)

Management of risk - An annual review is undertaken (before the time of the policy renewal) of all insurance arrangements in place. Employers and Employee liability insurance is a necessity and must be paid for. Ensure compliance measures are in place. Ensure Fidelity checks are in place. Existing procedure adequate. Review insurance provision annually.

Review of compliance.

Data protection - Policy (L), Provision (M) Management of risk - The Council is registered with the Data Protection Agency.

Ensure annual renewal of registration.

Freedom of Information Act – Policy (L), Provision (M) Management of risk –

The Council has a model publication scheme for Local Councils in place. The Council is able to request a fee for any information requested to cover the cost of consumables and the Clerk's time.

Monitor and report any impacts of requests made under the FOI Act.

Meeting location – Adequacy (L), Health & Safety (M)

Management of risk - The Parish Council Meetings are held in Nettlestead Village Hall, which can be accessed via the main front door. The premises and the facilities are adequate for the Clerk, Councillors and Public who attend from Health & Safety and comfort aspects.

Existing location adequate.

Street Furniture, War Memorials, Play Area Equipment and Open Spaces - Loss or Damage (L), Risk/damage to third party(ies)/property (L) Management of risk –

An asset register is kept up to date and insurance is held at the appropriate level for all items. Regular checks are made of the KGV Field equipment by a member of the Parish Council or Clerk. The Parish Council have a Maintenance contract with Capel Groundcare and annual inspection carried out by ROSPA. Checks to be undertaken by a qualified tree surgeon as and when required. Existing procedure adequate.

Review insurance requirements annually.

Noticeboards - Risk/damage/injury to third parties (L), Road side safety (L)

Management of risk - Parish Council has two notice boards sited around the Parish. All locations have approval by relevant parties, insurance cover, inspected regularly by a member of the Parish Council or Clerk and any repairs/maintenance requirements brought to the attention of the Parish Council. Keys held by a Parish Councillor.

Existing procedure adequate.

Legal Powers - Illegal activity or payments (L), Working Parties taking decisions (L)

Management of risk - All activity and payments made within the powers of the Parish Council (not ultra vires) and to be resolved and clearly minuted. Ensure established with clear terms of reference. Existing procedure adequate.

Monitor on a monthly basis.

Minutes/Agendas/ Notices/Statutory documents - Accuracy and legality (L),
Business conduct (L)

Management of risk - Minutes and agenda are produced in the prescribed method by the Clerk and adhere to the legal requirements. Minutes are approved and signed at the next Council meeting. Minutes and agenda are displayed according to the legal requirements. Business conducted at Council meetings to be managed by the Chair. Existing procedure adequate. Guidance/training to Chair should be given (if required).

Members to adhere to Code of Conduct.

Public Liability - Risk to third party, property or individuals (M)

Management of risk - Insurance is in place. Risk assessments regularly carried out to comply with requirements. Existing procedures adequate.

Ensure risk assessments are carried out.

Employer Liability - Non compliance with employment law (L) Management of risk –

Undertake adequate training and seek advice from the Kent Association of Local Councils.

Existing procedures adequate.

Legal Liability - Legality of activities (M), Proper and timely reporting via Minutes (L), Proper document control (L)

Management of risk - Clerk to clarify legal position on proposals and to seek advice if necessary. Council always receives and approves Minutes at monthly meetings. Retention of documents procedure in place.

Existing procedures adequate.

Members interests - Conflict of interest (M), Register of Members interests (M)

Management of risk - Councillors have a duty to declare any interests at the start of the meeting. Register of Members Interest forms to be reviewed regularly by Councillors. Existing procedure adequate.

Members to take responsibility to update their Register