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IFD Funding Board – Capital Sub-Programme Risks & Issues

Current Risks & Issues

<u>Identification Number</u>	<u>Risk</u>	<u>Owner</u>	<u>Last Updated</u>
CCUR2	CCU does not manage the consultation and decision re-take in the BSF JR case (as ordered by the Court) in a way that reduces the risk of further legal challenge.	Jane Cunliffe/Stuart Miller	16.02.2011
CCUR5	That we are unable to develop and/or implement a capital allocation model that supports Ministers' reform priorities.	Jane Cunliffe/Stuart Miller	10.02.2011
CCUR7	That we cannot deliver efficiency savings from PfS	Jane Cunliffe/Stuart Miller	10.02.2010
CCUR8 [formerly R5 in the CCU risk register]	Announcement of capital allocations on 13 December generates high volumes of correspondence, PQs etc	Jane Cunliffe/Stuart Miller	10.02.2011
<u>Identification Number</u>	<u>Issues</u>	<u>Owner</u>	<u>Last Updated</u>
CCUI1	That existing BSF/Academy commitments account for a very significant proportion of the Department's Spending Review capital settlement, leaving little room for new Ministerial priorities.	Jane Cunliffe/Stuart Miller	10.02.2011
CCUI2	Lack of accurate information on pupil place pressures.	Jane Cunliffe/Stuart Miller	10.02.2011
CCUI3	Due to a reduced SR settlement to help reduce the budget deficit, Local Authorities are unable to provide sufficient places to meet the demands of a rising population.	Jane Cunliffe/Stuart Miller	10.02.2011
CCUI4	Uncertainty, and perception of uncertainty, could make it harder for PfS to deliver the substantial business which DfE still needs from it.	Jane Cunliffe/Stuart Miller	10.02.2011
CCUI5 [formerly I5 in the CCU risk register]	Estimated overspend of £2m on admin budget to defend JRs	Jane Cunliffe/Stuart Miller	22.02.2011

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<u>Identification Number</u>	<u>Closed Risks/Issues</u>	<u>Owner</u>	<u>Last Updated</u>
[CCUR4]	[TBC – we will include a risk on LA & school action to assess building condition.]	Jane Cunliffe/Stuart Miller	17.11.2010
[CCUR6]	The White Paper appears to pre-empt the Secretary of State's decisions following the final recommendations from the Capital Review.	Jane Cunliffe/Stuart Miller	01.12.2010
[CCUI6] [formerly I6 in the CCU risk register]	Status of PfS staff in relation to applying for CS vacancies. Current status will have impact on staff when deciding to join PfS or return to Department after loan.	Jane Cunliffe/Stuart Miller	10.02.2011
[CCUR1]	That further changes to 2010-11 budgets are needed to balance the Department's accounts.	Jane Cunliffe/Stuart Miller	10.02.2011

Codes

RP = Residual Probability (likelihood of something happening if we do nothing)

RI = Residual Impact (impact when risk happens after we have implemented contingencies)

IP = Initial Probability (likelihood of something happening if we do nothing)

II = Initial Impact (impact when risk happens if we do nothing)

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Risks

Risk CCUR2 – Jane Cunliffe/Stuart Miller			IP	II	
Risk: CCU does not manage the consultation and decision re-take in the BSF JR case (as ordered by the Court) in a way that reduces the risk of further legal challenge			H	H	
IP	II	Countermeasure/s and Contingencies	RP	RI	Current Status
H	H	CCU has created a small project team to design and manage the consultation (G7/SEO) they have access to legal advice (LAO and Counsel) and will consult equalities experts in designing the process. Additional support from PfS will be required to carry out site visits of all the schools subject to the claim.	M/H	H	<p>Six Local Authorities are claimants in the Judicial Review. The Court delivered <u>the</u> verdict on Friday 11 February.</p> <p>DfE won on the substantive points, but lost on the procedural grounds of consultation and equalities duties. The Court has ordered that the DfE re-take the decision following a consultation with the Claimants and paying due regard to equalities duties. DfE are not appealing the Judgment. The Court has ordered that the Claimant's costs be paid by DfE. CCU with advice from LAO/Equalities Team will devise a robust consultation process with the 6 LAs to allow the Secretary of State to take the decision again. The Judge was clear that DfE may save, all, some, a few, or none. The Judge was also clear that other LAs were now too late to bring a legal challenge. Any decision to fund cancelled school projects would add to pressures in the capital budget.</p>

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IFD Funding Board – Capital Sub-Programme Risks & Issues

Risk CCUR5 – Jane Cunliffe/Stuart Miller			IP	II	
Risk: That we are unable to develop a capital allocation model that supports Ministers' reform priorities.			M	H	
IP	II	Countermeasure/s and Contingencies	RP	RI	Current Status
M	H	<p>CCU continue to consult Ministers on the Review recommendations and Government response.</p> <p>Sebastian James has agreed with CCU that he will frame the Review recommendations at a higher, principled level in many areas, which then leaves it for the Government to consider what this means in terms of implementation. This would enable the Department to agree some recommendations immediately and use the public consultation period to develop options for responding to some of the less well developed proposals.</p> <p>Following approval from Ministers, PfS has begun the process of restructuring to support new policy priorities e.g. Free Schools. CCU has agreed with PfS that it will support the funding of some currently unallocated resource in 2011-12, so that PfS is capable of implementing Review decisions as soon as they are made.</p>	L/M	H	<p>Submission went to Ministers on 8 February asking them to:</p> <ul style="list-style-type: none"> - agree the timing for publication of the Capital Review's final report, recommendations and a Government response; and - provide an early steer on key policy issues (the form of any new central body; local decision-making arrangements on how capital investment should be prioritised; data on the condition of the estate; standardised design; procurement reform; and an approach for maintenance of the estate).

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