



To: Trevor Cooper  
Wendy Johnston  
Jackie Kerr  
John Mills  
Diarmuid McLean  
Mike Thompson  
Shane Murphy  
Maeva Hamilton

cc Eugene Rooney  
Chris Stewart  
Paul Dolaghan  
David Leonard  
Cheryl Snoddy  
Damien Ryan  
Sharon Smyth  
Marese McCormick  
Esther Colacio-McAlister  
David Francey  
Lee-Anne Hutchinson  
Rachel Linton  
Rosemary Morrison  
Mignonne Smith

Date: 26 August 2015

From: Terry Coyne

## **CORPORATE RISK REGISTER**

1. The Departmental Board reviewed the Corporate Risk Register at its meeting on 21 July 2015.
2. The next meeting of the Departmental Board is scheduled for 22 September 2015. I attach the Corporate Risk Register, which was agreed at the 21 July meeting, and would ask SMT members to consider, in advance of the next Departmental Board meeting, if there are any:
  - a. Risks that have not been previously identified at Corporate or Divisional level that should be included in the Corporate Risk Register;
  - b. Divisional risks that should be escalated to the Corporate Risk Register;
  - c. Revisions to actions that they are currently taking or plan to take in relation to risks currently in the Corporate Risk Register, to reflect, for example, actions completed; and

- d. Additional actions they are currently taking or plan to take in relation to risks currently in the Corporate Risk Register (target dates should be included – see paragraph 4 below).
3. I would ask Heads of Division and Heads of Unit to pay particular attention to the Controls in Place and Actions Planned Columns to ensure that as actions planned to strengthen internal controls are completed they are moved to the Controls in Place column. The Controls in Place column should also be critically examined to ensure that the controls listed are relevant and up to date.
4. If any of the matters referred to at paragraph 2 are identified, they should be notified in writing to me by **Monday, 7 September 2015** to allow sufficient time for consideration by Eugene Rooney and Chris Stewart. A risk template should be completed for each new risk identified (see 2a above). An extract from the Divisional Risk Register should be provided for escalated Divisional Risks (see 2b above), and tracked changes should be made to the Corporate Risk Register to reflect additional actions (see 2c and d) above). **In addition, to assist preparation of the paper for the Departmental Board, a concise commentary should be provided (in the form of a separate note) to explain each proposed change to a corporate risk.**
5. The Departmental Board has specifically asked for target dates for the completion of additional actions to be included on the Corporate Risk Register and on Divisional Risk Registers. Heads of Division/Unit to whom additional actions fall should ensure that dates are inserted with changes being tracked. Revised dates should be inserted where there has been slippage.
6. Accountability and Casework Branch will assist the Departmental Board in the formulation of a new Corporate Risk relating to the work involved in the creation of the Department for the Economy.

*Terry Coyne*

**TERRY COYNE**

**DETI CORPORATE RISK REGISTER – CONSIDERED BY THE DEPARTMENTAL BOARD ON 21 JULY 2015**

Annotated by RHI Inquiry

Date of Last Review: 23 June 2015				Date of Current Review: 21 July 2015					
Risk Category	No	Residual Assessment at Start of Year		Description	Current Residual Assessment		Move-ment since last review	Board Owner	Actions Planned (Yes/No)
		Impact	L'hood		Impact	L'hood			
Reputation and Credibility	1	Medium	Low	DETI is unable to deliver on its Programme for Government, Corporate Plan and Business Plan commitments resulting in political and public criticism of the DETI Minister and Department.	Medium	Low	=>	CS (All Divs)	Yes
Operational and Policy Delivery	2	Medium	Medium	Appropriate strategies and policies are not devised with the consequence that a dynamic, innovative, export-led economy for Northern Ireland is not developed.	Medium	Medium	=>	CS (EPD)	Yes
Financial / VFM	3	Medium	Low	Ineffective governance leading to poor value for money, fraud, loss to public funds, or irregular expenditure.	Medium	Low	=>	ER (All Divs)	Yes
Financial / VFM	4	Medium	High	Inability to operate within allocated budget, avoiding overspend and managing underspend within a 2% resource target and a 3% capital target and, in addition, meeting EU expenditure targets.	Medium	High	=>	ER (Finance HRCS)	Yes
Financial / VFM	5	Medium	Medium	The loan and financial assistance grant package provided in connection with the Presbyterian Mutual Society are not repaid and as a consequence public expenditure pressures will be created for the Department and the NI Block.	Medium	Medium	=>	ER (BRD)	Yes
Compliance Legal / Regulatory	6	Medium	High	Information held by the Department is not handled in accordance with relevant legislation with a consequent possibility of legal proceedings, criticism from regulatory authorities and embarrassment to the Department and its Minister.	Medium	High	=>	ER (HRCS)	Yes

**DETI CORPORATE RISK REGISTER – CONSIDERED BY THE DEPARTMENTAL BOARD ON 21 JULY 2015**

Annotated by RHI Inquiry

Compliance Legal / Regulatory	7	High	Medium	Non implementation of EU Directives and/or other relevant EU regulations leading to the imposition of penalties on the Department. Criticism of the Department for providing assistance which is not compliant with the EU's 'industrial' State Aid rules and/or for not replicating GB legislation in NI.	High	Medium	=>	CS (Energy Tourism, Telecom GSNI)	Yes
Compliance Legal / Regulatory	8	High	High	Failure to file disqualification proceedings in compliance with the Department's approved prioritisation framework within statutory limits, and against those directors where evidence of misconduct has been identified.	Medium	Medium	=>	ER (BRD)	Yes

**DETI CORPORATE RISK REGISTER – CONSIDERED BY THE DEPARTMENTAL BOARD ON 21 JULY 2015**

Received from DFE on 05/05/2017  
Annotated by RHI Inquiry

<b>Objective:</b>  <b>Generic risk supporting delivery of all objectives in the corporate plan.</b>  <b>Category – Reputation and Credibility</b>  <b>Risk Appetite – Cautious</b>			<b>For risks with a residual assessment of High or Medium Impact and High Likelihood:</b>  <b>Number of Board Meetings at this Level: N/A</b>					
	<b>Inherent Assessment</b>		<b>CONTROLS IN PLACE</b>	<b>Residual Assessment</b>		<b>ACTION PLANNED</b>	<b>TARGET DATE</b>	<b>OWNER</b>
<b>RISK</b>	<b>Impact</b>	<b>Likelihood</b>		<b>Impact</b>	<b>Likelihood</b>			
1. DETI is unable to deliver on its Programme for Government, Corporate Plan and Business Plan commitments resulting in political and public criticism of the DETI Minister and Department.	High	Medium	<p>Approved Business/Operating Plans for the Department and its NDPBs are in place each financial year. NDPB Plans comply with the provisions of Managing Public Money for Northern Ireland (MPMNI) and respective Management Statements and Financial Memoranda (MSFM).</p> <p>The Departmental Board receives and monitors quarterly update reports on DETI Business Plan achievements and slippages and directs corrective actions where necessary.</p> <p>Performance monitoring of Programme for Government, Corporate Plan and Operating Plan performance is a standing agenda item at NDPB Oversight &amp; Liaison meetings.</p> <p>DETI CLU tightened up the controls around performance monitoring e.g. earlier commissioning of the monitoring exercises; reminder of IAU comments on timeliness of returns; emphasis on slippage reports; improved spreadsheets for recording and retrieval of information; improved reporting to Departmental Board, Minister and ETI Committee.</p>	Medium	Low	Reviewing DETI Corporate Plan and related Business Plans is a continuing action eg via quarterly monitoring process.	Ongoing	CS (All Divs)

**DFE-279014**

**DETI CORPORATE RISK REGISTER – CONSIDERED BY THE DEPARTMENTAL BOARD ON 21 JULY 2015**

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			<p>In relation to Invest NI and Tourism NI, further performance monitoring is undertaken as part of quarterly Finance meetings, Oversight and Liaison meetings and via monthly Board debriefs delivered by the Invest NI and Tourism NI Chairmen.</p> <p>Ongoing and regular interaction between DETI Branches responsible for Financial Governance/Policy and NDPBs.</p> <p>Resource allocation regularly reviewed by Top Management team.</p> <p>Capability and capacity issues are considered at fortnightly DETI Senior Management Team meetings.</p> <p>Matters are regularly raised and discussed at weekly Issues meetings with the Minister and Special Advisor.</p>					
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DETI CORPORATE RISK REGISTER – CONSIDERED BY THE DEPARTMENTAL BOARD ON 21 JULY 2015

Received from DFE on 05.05.2017  
Annotated by RHI Inquiry

<b>Objective</b>  <b>A1 – To devise strategies and policies for the development of a dynamic, innovative, export-led economy in Northern Ireland.</b>  <b>Category – Operational and Policy Delivery</b>  <b>Risk Appetite - Open</b>			<b>For risks with a residual assessment of High or Medium Impact and High Likelihood:</b>  <b>Number of Board Meetings at this Level: N/A</b>					
	<b>Inherent Assessment</b>		<b>CONTROLS IN PLACE</b>	<b>Residual Assessment</b>		<b>ACTION PLANNED</b>	<b>TARGET DATE</b>	<b>OWNER</b>
<b>RISK</b>	<b>Impact</b>	<b>Likelihood</b>		<b>Impact</b>	<b>Likelihood</b>			
2. Appropriate strategies and policies are not devised with the consequence that a dynamic, innovative, export-led economy for Northern Ireland is not developed.	High	Medium	<p><b>Background:</b> EPD led on the development of the NI Economic Strategy and has worked closely with other Executive Departments &amp; Invest NI to ensure their policies and targets are consistent with the Strategy.</p> <p>There is a monthly Board de-brief between the Invest NI Chairman and DETI Top Management to discuss board discussion and other key issues including policy development and implementation.</p> <p>Policy development is a standing item of the quarterly NDPB Oversight &amp; Liaison meetings.</p> <p>The Head of EPD meets with the Invest NI Director of Strategic Management and Planning on a monthly basis to discuss policy issues.</p> <p>Regular Invest NI Executive</p>	Medium	Medium	<p>1. Supporting the NI Economic Strategy are a range of action plans:</p> <ul style="list-style-type: none"> <li>There is a Comprehensive Action Plan in place covering the actions contained in the Economic Strategy.</li> <li>This has been supplemented by further actions agreed as part of the Executive's Economy &amp; Jobs Initiative.</li> <li>A refresh of the Economic Strategy to cover the 2015-16 period in line with the extended</li> </ul>	<p>Draft developed April 2015</p> <p>To be agreed by Executive Sub-</p>	CS (EPD)

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			<p>Leadership Team and DETI Senior Management Team engagements take place during the year. Through this forum, DETI and Invest NI senior management discuss a range of strategic policy issues and ensure appropriate action is taken to ensure DETI's suite of policies and strategies remain relevant to delivery of the Department's high level priorities.</p> <p>The implementation of Economic Pact commitments will be overseen by a Sub-Group of the Permanent Secretaries Group, chaired by DETI Permanent Secretary.</p> <p>The Executive agreed the Innovation Strategy on 8 September 2014. The Strategy and Action Plan were published on 18 September 2014.</p>			<p>mandate of the Programme for Government is being developed by DETI EPD in conjunction with the Executive Sub-Committee on the Economy Officials Group.</p> <p>DETI EPD is responsible for monitoring implementation of these actions.</p> <p>2. Implementation of those commitments contained within the NI Economic Pact, (announced by the NI Executive and UK Government on 14 June 2013) continues to be taken forward by Departments.</p> <p>An implementation plan has been agreed by HOCs and the DETI Permanent Secretary, through EPD, will be responsible for monitoring delivery of the various commitments and for reporting progress to the NI Executive.</p>	<p>Committee on Economy following Executive agreement of the extended Programme for Government</p> <p>Making Life Simpler: Improving Business Regulation in NI was published on 24 November 2014. EPD is currently working towards obtaining Executive agreement in order to begin the implementation of the report's recommendations.</p>	
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						<p>3. Action Plans for Innovation/R&amp;D, Access to Finance, Exports and Business Incubation being developed.</p>	<p>Access to Finance plan was produced by March 2014 in conjunction with DFP and Invest NI and is being monitored on a quarterly basis.</p> <p>A draft Exports Action Plan was agreed by the DETI Minister in June 2015 and subsequently issued to the ETI Committee.</p> <p>The Business Incubation Action Plan will be delayed until later in 2015.</p>	
						<p>4. DETI Internal Audit Service undertook a review of aspects of the work of Economic</p>	<p>Recs 1 &amp; 2 remain outstanding. Although, in relation to</p>	

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						<p>Policy Division. The final report issued on 17 July 2013. Three recommendations relating to the work of the Division were made which have been accepted. One has been implemented and the other two are being implemented.</p>	<p>Rec 2, regular (at least fortnightly) meetings between the Head of EPD and Invest NI Strategy provide the opportunities to discuss significant and emerging cross cutting issues. Relevant Invest NI Directors and DETI policy leads are involved in these meetings as necessary.</p> <p>Rec 3 has been fully implemented.</p> <p>PELU now receives regular updates on all categories of Invest NI Evaluation irrespective of scale and have agreed with INI that</p>	
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			<p><b>Background:</b> <i>The Department has decided to review its current policy and legislation to ensure it continues to provide an appropriate framework for the regulation and support of mineral, oil and gas exploration and development in Northern Ireland.</i></p>			<p>Further action will flow from the work that is currently being undertaken to scope legislative and policy requirements.</p> <p>MAPB/GSNI are continuing to assess the implications of recommendations for the regulation of the exploration and production of shale gas as published by the European Commission on 22 January 2014.</p> <p>The Minister has advised the Assembly that fracking is regarded as a novel and controversial issue and one on which the</p>	<p>evaluations are made available to EPD on completion and subsequently disseminated to the wider EPD audience through TRIM.</p> <p>Date remains to be determined within the wider context of addressing issues pertaining to the potential future deployment in NI of high volume hydraulic fracturing (fracking).</p>	
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						Executive will ultimately have to decide.		
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Objective: Generic Risk			For risks with a residual assessment of High or Medium Impact and High Likelihood:					
Category – Financial / VFM			<u>Number of Board Meetings at this Level:</u> N/A					
Risk Appetite – Minimal								
RISK	Inherent Assessment		CONTROLS IN PLACE	Residual Assessment		ACTION PLANNED	TARGET DATE	OWNER
	Impact	Likelihood		Impact	Likelihood			
3. Ineffective governance leading to poor value for money, fraud, loss to public funds, or irregular expenditure.	High	Medium	<p>Approved Operating Plans for the Department and its NDPBs are in place each financial year. NDPB Operating Plans comply with the provisions of MPMNI and respective MSFMs.</p> <p>The process of monitoring the DETI 2014/15 annual operating plans commenced in June 2014.</p> <p>Early consideration of the DETI Operating Plan for 2015/16 and Corporate Planning for 2016/17 to 2019/20 commenced in August 2014.</p> <p>Provision of six-monthly Assurance Statements by Heads of Group and CEOs of NDPBs</p> <p>Risk and Corporate Governance issues are standing agenda items at NDPB quarterly O&amp;L meetings and are also discussed at Departmental Board.</p> <p>Evaluation of programmes and projects.</p> <p>DETI-Invest NI Casework Committee established to consider significant Invest NI casework.</p>	Medium	Low	<p>The process of monitoring the DETI annual operating plans commenced following Ministerial approval of the Plans.</p> <p>DSO and SIB Legal have considered the Gas to the West grant Letter of Offer. A draft was issued to the developers on 5 May 2015. Revised gas loads and design costs received from developers and OBC being updated to FBC in advance of</p>	<p>Quarterly commencing June 2014</p> <p>July 2015</p>	ER (All Divs)

**DFE-279022**

**DETI CORPORATE RISK REGISTER – CONSIDERED BY THE DEPARTMENTAL BOARD ON 21 JULY 2015**

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			<p>DETI-Tourism NI Casework Committee established to consider significant Tourism NI casework.</p> <p>DETI Casework Committee for Departmental cases involving expenditure greater than £500,000.</p> <p>Internal and DFP delegations for expenditure.</p> <p>Business cases prepared in accordance with DFP and DETI guidance.</p> <p>External DFP Gateway Health Check on Gas to West Grant Project completed on 26 February 2015, and final report received.</p> <p>Annual test drilling of economic appraisals and PPEs with recommendations implemented.</p> <p>Financial Governance Unit established for NDPBs and Cross Border bodies.</p> <p>Quarterly O&amp;L meetings.</p> <p>Departmental representation on NDPB Audit Committees. NDPBs provide written reports to the Departmental Audit Committee and attend if required.</p> <p>NDPB Management Statements and Financial Memorandums in place.</p> <p>Each NDPB has a fully functional Internal Audit function.</p> <p>There is a fully functional EU Audit Authority.</p>			<p>DETI Casework in late July 2015.</p> <p>Assessing and addressing the implications of and requirements for the future operation of the Non Domestic Renewable Heat Incentive Scheme.</p>	<p>July 2015</p>	
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**DFE-279023**

**DETI CORPORATE RISK REGISTER – CONSIDERED BY THE DEPARTMENTAL BOARD ON 21 JULY 2015**

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			<p>Authorisation limits for expenditure.</p> <p>Fraud awareness training provided by CAL.</p> <p>Documented whistleblowing procedures reviewed and updated in July 2012.</p> <p>Fraud Policy and Fraud Response Plan reviewed and updated in July 2012.</p> <p>Participation in biennial National Fraud Initiative data matching exercise.</p> <p>Implementation of Tourism NI's Governance Action Plan monitored and reported on as a standing agenda item at Tourism NI SMT meetings, Tourism NI Board meetings, Tourism NI Audit Committee meetings and DETI/Tourism NI O&amp;L meetings. The majority of actions outlined in the plan have been implemented and the outstanding actions are currently being progressed by Tourism NI.</p>					
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Objective – Generic Risk			For risks with a residual assessment of High or Medium Impact and High Likelihood:					
Category – Financial / VFM			Number of Board Meetings at this Level: Eight (commencing 25 November 2014)					
Risk Appetite - Minimal			Residual Assessment			ACTION PLANNED	TARGET DATE	OWNER
RISK	Inherent Assessment		CONTROLS IN PLACE					
	Impact	Likelihood						
4. Inability to operate within allocated budget, avoiding overspend and managing underspend within a 2% resource target and a 3% capital target and, in addition, meeting EU expenditure targets.	High	High	<p>Monthly cost centre reports produced.</p> <p>Expenditure profiled monthly.</p> <p>Monthly financial reporting to Departmental Board.</p> <p>Regular budget monitoring meetings with Invest NI and Tourism NI with additional meetings to deal with urgent issues being scheduled as necessary.</p> <p>Quarterly monitoring rounds.</p> <p>Quarterly Oversight &amp; Liaison meetings with NDPBs.</p> <p>Quarterly risk reporting and six-monthly Assurance reporting.</p> <p>Monitoring EU expenditure levels against forecasts.</p> <p>Monthly reporting to the Departmental Board on the numbers applying for and the outworking of the Voluntary Exit Scheme.</p> <p>Monthly reporting to the Senior</p>	Medium	High	<p>Ongoing monitoring of expenditure by NDPBs/Divisions and Finance Branch to get early sight of issues and implement remedies if possible.</p> <p>2015-16 budgets agreed. Ongoing monitoring will be implemented of outcome of VES versus Departmental reductions in 2015-16.</p> <p>Programme of engagement with HODs/G6 to examine priorities and assess staffing requirements</p>	Ongoing throughout 2015-16	ER (Finance HRCS)

**DFE-279025**



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			<p>Management Team on the workforce position. Bi-Monthly HR Business Partner Reports to the Board which include the staffing position.</p> <p>Regular Resourcing Group meetings to assess workforce position and consider priorities.</p>			<p>going forward to ensure ongoing delivery of paybill reductions iro staffing.</p> <p>Implement centrally agreed redeployment measures to secure staff for priority posts and/or reduce staff numbers based on Savings Plan.</p> <p>New commitments entered into in 2015-16 and beyond in the Non-Domestic Renewable Heat Incentive Scheme require DFP approval. Energy colleagues are working with Finance and DFP to ensure that the appropriate approvals, and additional funding requirements of circa £12M, to facilitate the future operation of the Scheme at an affordable level of demand,</p>		
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						are in place as soon as possible.		
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<p><b>Objective – To manage the £175 million commercial loan and a £50 million Financial Assistance grant package in support of a Mutual Access Fund provided in connection with the Presbyterian Mutual Society in line with the agreed financial schedule.</b></p> <p><b>Category – Financial / VFM</b></p> <p><b>Risk Appetite – Cautious</b></p>			<p><b>For risks with a residual assessment of High or Medium Impact and High Likelihood:</b></p> <p><b><u>Number of Board Meetings at this Level:</u> N/A</b></p>					
	<b>Inherent Assessment</b>		<b>CONTROLS IN PLACE</b>	<b>Residual Assessment</b>		<b>ACTION PLANNED</b>	<b>TARGET DATE</b>	<b>OWNER</b>
<b>RISK</b>	<b>Impact</b>	<b>Likelihood</b>		<b>Impact</b>	<b>Likelihood</b>			
5. The £175m loan and package provided in connection with the Presbyterian Mutual Society is not repaid and as a consequence public expenditure pressures will be created for the Department and the NI Block.	High	Medium	<p>Formal loan agreements.</p> <p>Due diligence reports on asset values.</p> <p>Departmental oversight and monitoring of supervisors, supported by input from legal and insolvency external consultants as required.</p> <p>Formal legal agreement with supervisors.</p> <p>A formal quarterly reporting mechanism from the supervisors to the Department is in place.</p> <p>An annual updated Business Plan is prepared by the Joint Supervisors and discussed and agreed with DETI prior to the commencement of each financial year.</p>	Medium	Medium	<p>A high level review of Plan to 2020 has been completed.</p> <p>Discussions have been held with Joint Supervisors on actions arising from the review.</p> <p>Regular meetings of PMS Steering Group to continue to monitor delivery of the Plan.</p>	Ongoing.	ER (BRD)

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<b>Objective:</b>  <b>C3 - To maintain and review the effectiveness of the Department's processes for: financial management; corporate governance and risk management; information security; business continuity; emergency planning; and Assembly / Executive business.</b>  <b>Category – Compliance – legal / regulatory</b>  <b>Risk Appetite – Cautious</b>			<b>For risks with a residual assessment of High or Medium Impact and High Likelihood:</b>  <b>Number of Board Meetings at this Level: Eight (commencing 25 November 2014)</b>					
	<b>Inherent Assessment</b>		<b>CONTROLS IN PLACE</b>	<b>Residual Assessment</b>		<b>ACTION PLANNED</b>	<b>TARGET DATE</b>	<b>OWNER</b>
<b>RISK</b>	<b>Impact</b>	<b>Likelihood</b>		<b>Impact</b>	<b>Likelihood</b>			
6. Information held by the Department is not handled in accordance with relevant legislation with a consequent possibility of legal proceedings, criticism from regulatory authorities and embarrassment to the Department and its Minister.	High	High	<p>Policies and procedures are in place for information management.</p> <p>Security measures in place include restriction of access to buildings; backups of IT data; ERDMS document storage; accreditation of IT systems and an annual departmental security review.</p> <p>Revised UK-wide Protective Marking Scheme was introduced across NICS Departments wef 2 April 2014. E learning rolled out across DETI.</p> <p>Business Continuity Management regime in place covering Netherleigh and all non-HQ buildings. Internal Audit undertook a follow up review of previous Business Continuity Audit findings. A report was received in December 2014. All recommendations have been implemented.</p> <p>Well established network of Information Managers for FOI requests.</p>	Medium	High	<p>New approaches being trialed / proposed to streamline approval process and improve compliance with FOI/EIR response deadlines.</p> <p>ICO wrote to DETI on 8 October 2014 expressing concern about timeliness compliance rates and asking for further details. A response was issued on 11 November 2014.</p> <p>A second letter</p>	<p>Monitored on a regular basis. Key issue is timeliness of issue of responses Stats published by OFMDFM show that in Qtr 3, DETI issued only 22% of responses within the FOI/EIR statutory deadlines.</p>	ER (HRCS)

DFE-279029

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			<p>Internal Audit review of the DETI FOI process was completed in October 2013 and has recommended that action is required to improve compliance with FOI response time targets. Agreed actions have now been completed.</p>			<p>was received from the ICO on 8 December, requesting updated position. A response was issued on 8 January 2015.</p> <p>At ICO's request ICO senior officials met DETI IMU staff on 5 March. ICO advised that, at present, they are not putting DETI under formal monitoring, but will continue to watch the situation closely. A further update on compliance rates was sent to ICO at end April 2015.</p> <p>Although the last period has seen some improvement in timeliness compliance rates, it does not justify reducing the risk likelihood at this point.</p>		
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<b>Objective:</b>  <b>B1 – To provide clear policy direction and targets, and the necessary resources to deliver those targets.</b>  <b>B5 – To engage effectively with the European Union to secure the maximum financial and non-financial support available for growing the NI economy.</b>  <b>Category – Compliance – legal / regulatory</b>  <b>Risk Appetite - Open</b>			<b>For risks with a residual assessment of High or Medium Impact and High Likelihood:</b>  <b>Number of Board Meetings at this Level: N/A</b>					
	<b>Inherent Assessment</b>		<b>CONTROLS IN PLACE</b>	<b>Residual Assessment</b>		<b>ACTION PLANNED</b>	<b>TARGET DATE</b>	<b>OWNER</b>
<b>RISK</b>	<b>Impact</b>	<b>Likelihood</b>		<b>Impact</b>	<b>Likelihood</b>			
7. Non implementation of EU Directives and/or other relevant EU regulations leading to the imposition of penalties on the Department. Criticism of the Department for providing assistance which is not compliant with the EU's 'industrial' State Aid rules and/or for not replicating GB legislation in NI.	High	High	LMU circulate details of EC Directives that require implementation.  Stand alone website for the Competitiveness Programme with comprehensive guidance.  Internal Audit system reviews.  Memorandum of Understanding setting out requirements.  Audit Authority checks.  Managing Authority checks on compliance with MOU and spot checks on expenditure.  Regular and ongoing training of those involved in the management of EU funds.  Bi-lateral meetings with Intermediary Bodies focused on compliance issues.  Management verification checks on Intermediary Bodies to include specific	High	Medium	Circulation of relevant EC Directives when received from European Policy and Co-Ordination Unit, OFMDFM.	Ongoing	CS (Energy; Tourism, Telecoms and GSNI; ESU)

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			<p>focus on ERDF requirements.</p> <p>Technical Assistance review undertaken of Intermediary Bodies to examine resource requirements. Bids have been made to the Managing Authority and approval obtained for additional staff.</p> <p>Provision of an advisory service to DETI Divisions and NDPB's by European Support Unit (ESU).</p>			<p>ESU to undertake awareness raising activities to ensure aid providers are aware of the 'industrial' State Aid rules. As required, ESU will offer aid providers with advice to assist them avoid State Aid being present or to obtain the necessary EC approval through the Commission's State Aid Notification Interactive System.</p>		
			<p>EC State Aid approval obtained on 11 July 2014 for NI Executive funding of up to £32.5m for provision of new natural gas networks in the West.</p> <p>Following DSO and OLC clearance, the Regulations to effect changes to the electricity and gas licence modification arrangements were made on 5 January</p>			<p>The following additional action is being taken by Energy Division:</p> <p>Continue to engage with DECC, NIAUR and DSO on a</p>	Ongoing	

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			<p>2015 and came into operation on 6 February. The changes were required to ensure ongoing compliance with the Electricity and Gas Directives.</p> <p>Energy Division is progressing work to implement the extensive Energy Efficiency Directive 2012/27/EU.</p>			<p>range of EU compliance issues. These include compliance with existing requirements relating to off shore gas storage TPA and obligations under and pursuant to Electricity and Gas Regulations and the Gas Security of Supply Regulation. Energy Division is also engaging with DECC to assess the implications of forthcoming EU requirements including changes to the Gas Security of Supply Regulation, potential security of supply legislation and emerging electricity and gas network codes.</p>		
			<p>Regulations for Articles 9-11, 13 &amp; 15 came into operation on 25 July 2014.</p> <p>Regulations to transpose Article 14(10)</p>			<p>The Regulations include a duty on NIAUR to bring forward licence</p>	<p>October 2015</p>	



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		<p>made on 18 November and came into operation on 10 December 2014.</p> <p>UK-wide Statutory Instruments laid by DECC at Westminster in April and June 2014 – NI is included where required.</p> <p>Energy Division is working with EU colleagues to ensure state aid approval is granted for Phase 2 of the RHI non domestic Scheme. This will be taken forward in 2015.</p> <p>Detailed programme for delivery of wholesale electricity market Target Model requirements published by Regulators.</p> <p>Successful outcome to discussions with European Commission on derogation for Target Model compliance – derogation to 31 December 2017 approved by Commission and referenced in Capacity Allocation and Congestion Management Network Code.</p> <p>Initial meeting held with DG Competition to discuss I-SEM Capacity Remuneration Mechanism and State Aid notification arrangements 14 April 2015</p>			<p>conditions / amendments in relation to the EED. Final decision paper on licence modifications from NIAUR delayed – extension being sought to extend the licence making power to the autumn.</p> <p>Bring forward legislation to implement Phase 2 of the Non-Domestic RHI.</p> <p>Continue to work with DCENR, DECC and Regulators in a structured approach to EU.</p> <p>Engage with DG Comp, in support of State Aid clearance for proposed Capacity Remuneration Mechanism.</p> <p>Support designation arrangements.</p>	<p>Ongoing until implementation in Dec 2017</p> <p>April 2015 onwards</p> <p>By October 2015</p> <p>April 2015</p>	
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		<p>Work progressing to give effect to immediate obligations arising from CACM Regulation (designation of National Electricity Market Operator) by Regulator.</p> <p>Legal advice taken from DSO on extent of legislative underpinning required for new market arrangements.</p> <p>The following additional action has been taken by Minerals and Petroleum Branch (MAPB) to address concerns that EU Directive CCS/CDD 2009/31/EC – the Carbon Capture and Storage Directive has not been fully transposed into Northern Ireland:</p> <p>Ministerial approval for development of 2(2) Regulations to transpose a number of Articles from the CCS Directive received on 19 November 2014.</p> <p>Implementation plan developed by MAPB and Project Steering Group in place.</p>			<p>Engage with DG Energy and DG Competition in relation to market design and capacity remuneration mechanism.</p> <p>Work with DCENR to agree required changes.</p> <p>Respond to DG Comp sector enquiry to Member States on use of capacity mechanisms in SEM/I-SEM</p> <p>Processes for drafting Subordinate Legislation will be followed – target date for laying Statutory Regulation is mid December 2015.</p>	<p>By end Dec 2015</p> <p>August 2015</p> <p>10 July 2015</p> <p>Dec 2015</p>	
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**DFE-279035**

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			<p>Following engagement with DSO it was agreed that 2 sets of Regulations are required covering both infrastructure and licensing provisions. Both sets have been drafted and cross departmental issues have been addressed. Public consultation ongoing – closes on 17 September 2015.</p> <p>Target date for compliance is December 2015. Ultimate compliance with the Directive continues to be constrained by a shortage of in-house expertise and will also continue to be impacted by the Subordinate Legislation processes.</p>					
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<p><b>Objective:</b> To ensure disqualification orders are pursued against all directors whose conduct has been highlighted as a concern, within the 2 year statutory deadline.</p> <p><b>Category – Compliance – Legal / Regulatory</b></p> <p><b>Risk Appetite – Averse</b></p>			<p><b>For risks with a residual assessment of High or Medium Impact and High Likelihood:</b></p> <p><b>Number of Board Meetings at this Level: N/A</b></p>					
RISK	Inherent Assessment		CONTROLS IN PLACE	Residual Assessment		ACTION PLANNED	TARGET DATE	OWNER
	Impact	Likelihood		Impact	Likelihood			
<p>8. Failure to file disqualification proceedings in compliance with the Department's approved prioritisation framework within statutory limits, and against those directors where evidence of misconduct has been identified.</p>	High	High	<p>Training and guidance for Directors Disqualification Unit (DDU) Examiners provided by the Senior Examiner.</p> <p>A dedicated Training Officer has been appointed in the branch to assist training of new staff.</p> <p>Prioritisation of cases to identify those where the most serious examples of misconduct have occurred, or where there has been a previous history of misconduct, to inform the decision on which cases are pursued. Prioritisation policy has been approved by the DETI Minister.</p> <p>Case investigation reviews carried out by the Senior Examiner to ensure all cases that are pursued are progressed on time.</p> <p>Legal advice and guidance provided by the Departmental</p>	Medium	Medium	<p>Business case for use of call-off arrangements to provide additional support has been approved by the Casework Committee. (Funding for the project will be provided through additional fee receipts and is not dependant on additional departmental resources being provided.) DSO advice is that outsourcing is not appropriate for the Department's investigation role for directors' disqualification and bankruptcy restriction orders. A project team has been assembled to take this project forward within the Insolvency Service and Gabriel Lynch from Central Procurement Directorate is providing guidance on the tender process. A visit to the Accountant in Bankruptcy in Scotland took place on 28 May 2015 to learn from their experiences. TUS has registered a formal disagreement about the</p>	Dec 2015	ER (BRD)

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		<p>Solicitor.</p> <p>Forecasting of future staffing levels and early engagement with DHR.</p> <p>Operational plan targets and activities for 2014/15 have been amended to clarify the reporting of IS targets relating to disqualification of directors.</p> <p>A system is in place to identify directors' previous involvement in corporate insolvencies to inform the disqualification process.</p> <p>Training Officer, in liaison with unit management, has developed a training plan for new staff.</p> <p>Review of DDU skills and resourcing requirement and development of resource management strategy has been discussed with DHR and a business case prepared for the DETI Resources Committee. Process of filling outstanding SO vacancies agreed with DHR.</p> <p>A standard target period for case investigations to be completed has been introduced.</p> <p>Review of workflows, workloads, resource allocation, and impact on risk across Insolvency Service to ensure all cases are investigated in time to allow disqualification proceedings to be</p>			<p>proposals and referred the matter to the Departmental Whitley Committee in line with formal processes. The target date has been revised to take account of the disagreement.</p>		
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			<p>pursued, where appropriate, within the statutory timeframes.</p> <p>A new system has been introduced to ensure that all investigation cases are regularly reviewed and reviews recorded to keep investigations focussed.</p> <p>The DDU is fully staffed.</p>					
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