

PHC Consortium

Risk: C00091 - Trustee Lacks Mental Capacity

Risk Snapshot

| Risk ID | Category / Element        | Risk Short Title                           | Description                                                                                                                                                                                           | Desired Outcome                                                                                                                                                                                                                                                    | Current Situation                                                                                   | Proposed Strategy                                                                                                  |
|---------|---------------------------|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| C00091  | C6 Legal / Contract Terms | Trustee Lacks Mental Capacity [Ref-C00083] | One of the current trustees has been declared mentally incapable of continuing their duties. This raises questions about the validity of decisions made during or after the onset of their condition. | <div>Replace the incapable trustee through due process, ensuring governance is restored.</div> <div>What Could Go Wrong?</div> <div>Failure to appoint a replacement trustee may invalidate current or past decisions and expose actions to legal challenge.</div> | Trustees' legal representation has acknowledged the issue and deferred to the group for nomination. | Document timeline of decisions made by the incapacitated trustee<br>Press for expedited appointment of replacement |

| Risk (three-part) Statement  |                                              |                                            | Current Risk |                               |             | Response Type | Manageability | Residual Risk | Risk Owner    | Due Date | Close Date | Last Review Date                                                                                                                                               |
|------------------------------|----------------------------------------------|--------------------------------------------|--------------|-------------------------------|-------------|---------------|---------------|---------------|---------------|----------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cause                        | Risk Event [uncertainty]                     | Consequence                                | Probability  | Impact                        | Score (PxI) |               |               |               |               |          |            | Notes                                                                                                                                                          |
| Cognitive decline of trustee | Trustee continues in role despite incapacity | Governing structure is legally compromised | 4            | 1<br>H-1<br>C-1<br>Q-1<br>S-1 | 4           | Mitigate      | 5             | 3             | Winter, David | 05Apr26  | Open       | 04Aug25<br>It's very important that none of the current owners take over the Trustee role. Owners not to give way on refusal to agree to property development. |

| Mitigating Actions / Response |                                                                                                              |  |  |               |          |            |
|-------------------------------|--------------------------------------------------------------------------------------------------------------|--|--|---------------|----------|------------|
| ID                            | Actions                                                                                                      |  |  | Action Owner  | Due Date | Close Date |
| #1                            | Document timeline for decisions made by the incapacitated trustee.                                           |  |  | Winter, David | 03Oct25  | Open       |
| #2                            | Press for expedited appointment of replacement.<br>[Latest: Meanwhile, property owner prevents development.] |  |  | Winter, David | 03Oct25  | Open       |

Last 10 RM Events (Meetings/Interviews/Workshops).

| Mtg.             | Date | Title / Person / Department | Objective |
|------------------|------|-----------------------------|-----------|
| (0 Events held.) |      |                             |           |

Comments

History

Top Risk

Summary

Trustee Lacks Mental Capacity

Top Risk Mitigation

Document timeline of decisions made by the incapacitated trustee  
Press for expedited appointment of replacement

PHCC Confidential

Print date: 04/08/2025

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