East Lothian Council

REPORT TO: Audit and Governance Committee

MEETING DATE: 30 April 2013

BY: Chief Executive

SUBJECT: Education Risk Register

1 PURPOSE

1.1 To present to the Audit and Governance Committee the Education Risk Register (Appendix 1) for discussion, comment and approval.

1.2 The Education Risk Register has been developed in keeping with the Council's Risk Management Strategy and is a live document which is reviewed and refreshed on a regular basis, led by the Education Local Risk Working Group (LRWG).

2 RECOMMENDATIONS

2.1 It is recommended that the Audit and Governance Committee approves the Education Risk Register.

2.2 In doing so, the Audit and Governance Committee is asked to:

- note that the relevant risks have been identified following appropriate consultation with all risk contacts;

- recognise that while this report has been compiled by the Risk Officer, the Risk Register has been compiled by the Education LRWG and the Head of Education has lead responsibility. The Executive Director (Services for People) will speak to it at the Committee;

- note that the significance of each risk is appropriate to the current nature of the risk;

- agree that the total profile of the Education risk can be borne by the Council at this time in relation to the Council's appetite for risk; and,

- recognise that, although the risks presented are those requiring close monitoring and scrutiny throughout 2013, many are in fact longer term risks for Education and are likely to be a feature of the risk register over a number of years.

3 BACKGROUND

3.1 The Council's Risk Management Strategy was established following Audit Scotland's 2008/09 review of the Council when it was recommended that: "The implementation of the risk management framework be expedited and target dates established".

3.2 Responsibility for Risk Management sits within the Corporate Policy and Improvement unit. The Emergency Planning and Risk Manager, supported by a Risk Officer, has implemented the current Risk Management Strategy and set up both an

overarching Corporate Risk Management Group (CRMG) together with LRWGs in service areas such as the Education LRWG.

3.3 The LRWGs meet on a regular basis to discuss their Risk Register which is also included as a topic in team meetings. They also feed information to the CRMG; this Group is fundamental to the delivery of risk management throughout the Council and ensures that risk management remains high on the corporate agenda.

3.4 All LRWG's were revised following the Senior Management and Service restructure of 2012 resulting in 8 Risk Registers/Groups being reduced to 7.

3.5 A copy of the risk matrix used to calculate the level of risk is attached as Appendix 2 for information.

4 POLICY IMPLICATIONS

4.1 In approving the Education Risk Register the Committee will be affirming the process of embedding risk management principles across the Council in support of the Risk Management Strategy.

5 EQUALITIES IMPACT ASSESSMENT

5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

6.1 Financial – It is the consideration of the Education Local Risk Working Group that recurring costs associated with the measures in place for each risk are proportionate to the level of risk.

The financial requirements to support the Education Risk Register for 2013/14 should be met within the proposed budget allocations for 2013/14. Any unplanned and unbudgeted costs that arise in relation to any of the risks identified will be subject to review by the Board of Directors.

6.2 Personnel - There are no immediate implications.

6.3 Other – Effective implementation of this register will require the support and commitment of the Risk Owners identified within the register.

7 BACKGROUND PAPERS

7.1 Appendix 1 – Education Risk Register

7.2 Appendix 2 – Risk Matrix

AUTHOR'S NAME	Scott Kennedy
DESIGNATION	Risk Officer
CONTACT INFO	Ext.7900
DATE	17 April 2013

Education Risk Register

Date reviewed: 11 April 2013

Risk ID No.& Status S/C/N (same, changed, new)	Risk Description (Threat/Opportunity to achievement of business objective)	Risk Control Measures (currently in place)	Assessment of Current Risk			Planned Risk Control Measures	Assessment of Residual Risk [With proposed control measures]			Risk Owner	Timescale for Completion/ Review Frequency	Single Outcome Agreement Outcome Number Link	Evidence held of Regular Review
			Likelihood (Probability)	Impact (Severity)	Risk Rating		Likelihood (Probability)	Impact (Severity)	Residual Risk Rating				
			L	I	L x I		L	I	L x I				
ED 1	There is ongoing uncertainty as to the Departments future position both within Services for People and with the Council. This means that effective long term planning is difficult due to the likelihood of change.\n\nThe continued temporary sharing of Director with Midlothian means the Management Team resource is reduced.\n\nThere will also be unknown impact when the Director leaves his post July 2013. Depending on arrangements made there may be lack on education experience in the management of the education department.	Management are aware of the potential for future changes.	3	3	9	If and when changes take place consultation with all stakeholders during the process ensuring that all views and needs are taken into account\n\nChanges will be well planned and managed effectively and timeously with good communication with staff	1	2	2	Executive Director (Services for People)\n\nHead of Education	This will be kept under review.\n\nTimescales outwith ELC control.	2 3 4	
ED 2	The failure of a PPP contractor may result in short or long term unavailability of the buildings and services leading to ELC possibly stepping in to take back the financial risks.	The risk is addressed by the current contract in place which states that:\n• If FES cease to trade Innovate must find a replacement;\n• If Innovate cease to trade then Barclays Special Projects must find a replacement or sell the project back to ELC at a previously agreed price.\n\nRegular meetings take place with the PPP contractor and any potential issues will be picked up early while in the short term the failure of the contractor will not render any schools unavailable for use.\n\nMaintain a continuous awareness of the economic climate and the contractor viability and if there is any reason for concern then take the appropriate action.	2	4	8		2	4	8	PPP Manager	Monthly reviews held with PPP contractor.	2 3 4	
ED 3	Posts are not being replaced, in particular non-teaching staff e.g. administration, support staff, playground staff etc both in schools and in JMH. This could lead to a reduced service with non-essential tasks potentially not being carried out\n\nImmediate risks e.g. health & safety and pupils not getting support will be covered but this may be at the expense of other tasks or by remaining staff working increased hours, normally unpaid.	Each post is considered and a case put forward to the Board of Directors.\n\nUse of staff resources is carefully managed to ensure essential tasks are covered although this may be at the expense of desirable tasks.	4	2	8	Schools and JMH are looking at ways to achieve the same results with less resource. This may include for example better use of computer systems, up-skilling staff in place to increase the range of tasks they can cover or more flexible hours for staff.	4	1	4	Executive Director (Services for People)\n\nEducation Management Team	Ongoing\n\nReview June 2013		

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ED 4	Failure to effectively manage Health & Safety and adhere to Health & Safety Duties may lead to: • Injury to persons or damage to property • Enforcement Action taken by Health & Safety Executive and the associated costs. • Insurance claims and other Financial implications • Reputational Damage	The following are in place as control measures: • Departmental Policy On H&S • H&S Committee Structure • Support for Head Teachers to manage H&S • Risk Assessment Programme • Incident reporting, recording and investigation • H&S Arrangements for Educational Excursions, Work Experience and Road Safety • Inspection and Auditing by Dept. H&S Implementation Officer • Internal H&S inspections by schools • Robust system in place for managing and authorising Off-site Excursions. A new computer based system has further improved this.	2	4	8	Education Safety Action Plan to be rolled out which includes increased emphasis on incident investigation. A new computer system to improve the management of Educational excursions.	1	4	4	Education Management Team Dept. H&S Implementation Officer	Rolled out by June 2013 Reviewed at JHSC and JCG9	2 3 4	
ED 5	A failure to meet our statutory requirements and other targets due to budget constraints or conversely overspending our budget in order to meet said statutory requirements and targets.	The annual budget allocation is prioritised and monitored while the Scheme of Devolved School Management determines the allocation at School level.	2	4	8	Review and revise our funding mechanisms for Devolved School Management to increase efficiency through greater local allocation of spend to meet local priorities. Ongoing Review of Services and of processes to ensure more efficient use of resources and improve service delivery.	1	4	4	Head of Education Educational Management Team	Review June 2013 in line with Service Improvement Framework.	2 3 4	
ED 6	If our School Premises are not properly safeguarded then unauthorised persons could gain entry and cause damage (fire, vandalism etc.) to property or to persons which could lead to buildings or parts of buildings being unavailable for use and/or in need of repair. These incidents may also lead to adverse publicity particularly if staff or pupils are injured as a result.	Security and safety risk assessments are carried out regularly at all Education premises. Each school has its own individual security arrangements such as fencing, building access etc. Business Continuity Plans and a School Estate Asset Management Plan in place. Insurance Renewal Programme in place.	2	4	8	Security policy for school estate to be drafted and agreed, this requires input from both Education and Property.	1	4	4	Education Management Team Property Dept. H&S Implementation Officer	Policy to be agreed June 2014 Review June 2013 in line with Service Improvement Framework.	2 3 4	

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ED 7	There is a risk that a teacher is appointed who does not meet required standards of competence or that we will fail to attract a sufficient calibre of candidates. We are also allocated between 50 and 100 probationers annually by the General Teaching Council for Scotland and have no influence over the calibre of these teachers. Poor quality teaching staff will impact on the academic and social achievement of the pupil population. There is a nationwide shortage of supply teacher which is impacting on East Lothian. In practice this means that classes are being covered by Management	Recruitment and Selection process and Terms and Conditions of Employment in place. Policy and Guidance on effective learning, teaching and achievement. Monitoring and evaluation process of teachers' performance and staff development, including the PRD and CPD processes. Monitoring of probationers as well as the probationer mentoring and development programme. Work with Quality Improvement Officers to address the performance of poor quality teachers. A working group has been set up to look at how we can improve the situation. This has produced a committee paper	3	2	6	Ensure that Professional Development programmes are focused upon our identified actions for raising attainment, partnership working, inclusion and equality. Review of professional development processes in light of information and reports coming from the General Teaching Council Scotland (GTCS).	2	2	4	Education Management Team	Review June 2013 in line with Service Improvement Framework.	2 3 4	
ED 8	The Department handles a large amount of sensitive data relating to both individuals and groups. There is a risk of this information being provided to individuals not entitled to have it and also of 'loss' of information e.g. memory sticks.	All employees have received training in Data Protection. Procedures are in place for all operations involving Data Handling. Secure e-mail addresses have been set up for communicating with schools.	2	3	6	Data Protection to be discussed at team meetings and staff reminded of the importance and procedures.	1	3	3	Education Management Team	Next team meeting By June 2013		

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ED 9	Failure to raise the standards of educational attainment for all will lead to a reduction in opportunities for young people such as entrance to Further and Higher Education with the consequence of parental dissatisfaction and damage the reputation of individual schools and the education department as a whole.	The Education Department has a Service Improvement Plan which helps raise the standards along with target setting for attainment and annual reporting on National Performance Measures.

Quality Improvement Officers monitor and evaluate schools while HMIE have a schools inspection regime.

Education is currently developing the Curriculum for Excellence including various Initiatives.

Departmental policies are reviewed in order to improving them and if need be implementing new policies.

The Education department regularly communicates with individual schools on best practice, new guidelines and departmental policies.

School strategies are in place for increasing expectations of pupils and families (including tackling the barriers to improving achievement and ensure pupil attendance at school).

To develop local action plans and prioritise areas for funding, support and intervention through intelligent use of performance data.

Establish the added value provided by all schools using a broad range of data.

Provide appropriate support and intervention to secondary school subject departments whose performance does not meet expectations.

Identify and target intervention at those schools whose assessment and moderation processes require improvement.

Support and challenge schools and early years providers who have not raised the performance of children and young people who are at most risk of failing to achieve their potential, through the use of a broad range of data.

Identify issues, create solutions and implement actions for Looked After | 2 | 3 | 6 | Develop a 5 year ICT strategy across schools and identify the required level of support and intervention within the authority and schools.

Ongoing work with partners to develop an on-line learning environment for all students.

Continue to develop a learning environment for S1/S2 children that builds on their educational experience from P6/P7.

Continue to develop and improve the transition of young people from mainstream education to work, training, further and higher education through working with secondary schools.

Develop an authority wide model for the Senior Phase that incorporates all elements of the curriculum, from SQA qualifications to Get Ready for Work. | 2 | 2 | 4 | Educational Management Team

Quality Improvement Officers | Review June 2013 in line with Service Improvement Framework. | 2 3 4 | |

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		Children based on analysis of performance data.											

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ED 10	Failure to address social exclusion and inequality in the EL education system could lead to non-provision of the additional support required for some young people, either on an individual or group basis, to access education. This could in turn result in poor achievement of those affected and our failure to meet legislative requirements.	All ELC Schools are currently operating in accordance with the Equality Act 2010. Additional Support for Learning Procedures is provided along with provisions for alternatives to school based education. A one-door interagency policy for assessment, planning and intervention for vulnerable and looked-after children is in place. Strategies (e.g. Equality & Fairness, Accessibility strategies, Buddying/Mentoring) are in place to address the performance of pupils with the lowest attainment levels and the outcomes of these strategies are monitored. Our resource allocation is targeted at deprived areas and young people with the greatest need. The Psychological Services Policy addresses this area. Local provisions are made within communities and specialist support, systems and procedures are in place to promote inclusion in schools.	2	3	6	The Accessibility Strategy 2008-2011 is currently under review and a new plan developed going forward. To continue to target support and resources on those areas of greatest need and to establish a benchmark across East Lothian with which to measure added value by utilising the Early Development Instrument. To develop a common strategy and practice framework for our support to young people with complex needs across early years, primary, secondary and transition into adult services. To develop an "all through" strategy for children with severe and complex needs including management, staffing, curriculum, life skills, accommodation, lead officer responsibilities etc. To review our 3-18 support systems for children and young people with social, emotional and behavioural needs and identify locally based solutions which will maximise their educational outcomes and positive destinations.	2	2	4	Education Management Team	Review June 2013 in line with Service Improvement Framework.	2 3 4	

Original date produced (Version 1)	1st March 2012			
File Name	Education Risk Register		**Risk Score**	**Overall Rating**
Original Author(s)	S Kennedy		**20-25**	**Very High**
Current Revision Author(s)	S Kennedy		**10-19**	**High**
Version	**Date**	**Author(s)**	**Notes on Revisions**	**5-9**	**Medium**
Original	1st March 2012	S Kennedy		**1-4**	**Low**
2	19/11/12	S Kennedy	Updated following update to Risk Strategy		
3	08/01/13	S Kennedy	Updated with Education Risk Group's updates.		
4	11/04/13	S Kennedy	Updated with Education Risk Group and Management Team's updates.		