

**REPORT TO:** Audit and Governance Committee

**MEETING DATE:** 15 February 2022

**BY:** Chief Executive

**SUBJECT:** Children's Services Risk Register

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## **1 PURPOSE**

- 1.1 To present to the Audit and Governance Committee the Children's Services Risk Register (Appendix 1) for discussion, comment and noting.
- 1.2 The Children's Services Risk Register is 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 Children's Services Local Risk Working Group (LRWG).

## **2 RECOMMENDATIONS**

- 2.1 It is recommended that the Audit and Governance Committee notes the Children's Services Risk Register and in doing so, the Committee is asked to note that:
  - the relevant risks have been identified and that the significance of each risk is appropriate to the current nature of the risk.
  - the total profile of the Children's Services risk can be borne by the Council at this time in relation to the Council's appetite for risk.
  - although the risks presented are those requiring close monitoring and scrutiny over the next year, many are in fact longer term risks for Children's Services and are likely to be a feature of the risk register over a number of years.

## **3 BACKGROUND**

- 3.1 The Risk Register has been compiled by the Children's Services LRWG. All risks have been evaluated using the standard (5x5) risk matrix (Appendix 2) producing an evaluation of risk as either 'low (1-4)', 'medium' (5-9), 'high' (10-19) or 'very high' (20-25).
- 3.2 The Council's response in relation to adverse risk or its risk appetite is such that:

- Very High risk is unacceptable and measures should be taken to reduce, transfer or treat the risk to a more tolerable position;
- High risk may be tolerable providing the Council is assured that adequate and effective control measures are in place;
- Medium risk is tolerable with control measures that are cost effective;
- Low risk is broadly acceptable without any further action to prevent or mitigate risk.

3.3 The current Children’s Services Risk Register includes 1 Very High, 3 High risks, 6 Medium risks and 4 Low Risks. As per the Council’s Risk Strategy only the Very High and High risks are being reported to the Committee.

#### **4 POLICY IMPLICATIONS**

4.1 In noting this report the Council will be ensuring that risk management principles, as detailed in the Corporate Risk Management Strategy are embedded across the Council.

#### **5 INTEGRATED IMPACT ASSESSMENT**

5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy

#### **6 RESOURCE IMPLICATIONS**

6.1 Financial - It is the consideration of the Children’s Services LRWG that the recurring costs associated with the measures in place for each risk are proportionate to the level of risk. The financial requirements to support the Risk Register should be met within the proposed budget allocations. Any unplanned and unbudgeted costs that arise in relation to any of the corporate risks identified will be subject to review by the Corporate Management Team.

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 – Children’s Services Risk Register 2022

7.2 Appendix 2 – Risk Matrix 2022

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<b>DATE</b>	03 February 2022

**Children's Services Risk Register v7** Date reviewed: 01 February 2022

Risk ID	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	Evidence held of Regular Review
			Likelihood	Impact	Risk Rating		Likelihood	Impact	Residual Risk Rating			
			L	I	L x I		L	I	L x I			
CS1	<p><b>Children's Services Activity Pressures</b></p> <p>Service Activity pressures see demand for services outstrip available budgetary and staffing resources leading to unmet client need and risk to client safety and independence, potentially generating reputational risk for the Council as well as failing to meet statutory responsibilities.</p> <p>There is a current issue in relation to the lack of capacity to meet the needs of those with Additional Support Needs in schools. This is contributing to the need to place children out with East Lothian for care and education resulting in significant financial pressures in the External Residential Care and Education budget.</p> <p>Internal fostering resources are unable to meet the current demand. External foster placements are considerably more expensive. The addition of new foster carers to the fostering pool is being compromised by the attrition rate in existing carers. Foster care recruitment is a national challenge and ELC campaigns are resulting in reduced levels of interest.</p> <p>The dispersal of asylum seeking children throughout the UK transfer scheme will result in more UASC being settled in East Lothian which will place further pressure on the Aftercare service accommodation and support budget.</p>	<p>Work continues to accurately forecast trajectory of need and our capacity to meet legislative requirements and inform service development and financial planning.</p> <p>Strengthened scrutiny of decision making and access to resources for individual children and young people through Senior Officer's Resource Group (SORG).</p> <p>Education and Children's services are working more collaboratively to support Early Intervention and prevention for our most vulnerable children and young people to mitigate against children and young people requiring to be placed externally at a later date.</p> <p>Introduced comprehensive budget monitoring arrangements.</p> <p>Investment in preventive services aimed at reducing demand.</p> <p>Foster care recruitment campaigns are underway with a review of the most effective approaches.</p> <p>Implementing a performance management and quality assurance framework.</p> <p>Phase One of the review of services to vulnerable children has been completed and actions have been progressed.</p>	5	4	20	<p>Wider collaboration between Council and Partner Services and operational teams to develop new systems and processes and deliver core services within budget.</p> <p>Children's Services is undergoing a service redesign.</p> <p>Phase Two of the review of services to vulnerable children has now become a Transformation Programme looking at services to all children in East Lothian and aimed at prevention and early intervention.</p> <p>The foster care team is seeking to increase capacity and joint working with the communications team in developing new and innovative ways in encouraging potential foster carers to come forward.</p> <p>Children's services is developing our Kinship care service in partnership with Children 1st in an attempt to find alternatives to children coming in to foster care from within their own families.</p> <p>Having strengthened the Kinship Care service we are going out to procure the kinship care support service.</p>	4	3	12	<p>Executive Director for Education and Children's Services</p> <p>Head of Children's Services</p>	<p>December 2022</p> <p>March 2022</p> <p>March 2022</p> <p>March 2022</p> <p>March 2022</p> <p>March 2022</p>	<p>Risk reviewed by Children's Services Management team January 2022 with no change to risk score.</p>
CS2	<p><b>Statutory Requirements – Children's Services</b></p> <p>Failure to deliver the duties of Children's Social Work Legislation may put a child at significant risk of harm or result in children and young people not receiving their entitlement to supports and services from the council.</p> <p>This failure could be due to a lack of resources (financial, services or staffing), poor practice, lack of training, a failure to prioritise, non-compliance with procedures/guidance or failing to intervene early enough. This could result in poor outcomes, for example being unable to provide services that would enable a child to remain within their family) reputational damage and an impact on budgets and staff morale.</p>	<p>Annual budget allocation is prioritised and monitored.</p> <p>Redesign of children's services is underway with the primary aim of improving how the service delivers better outcomes for children and young people and meets its statutory requirements.</p> <p>Detailed budget planning measures are in place together with monthly monitoring and validation.</p> <p>Strategy to increase local Fostering capacity is being implemented and Kinship Care policy and approach is being reviewed and strength. Regulated care services are inspected regularly resulting in improvement plans.</p>	3	4	12	<p>Implementation of phase 2 of the vulnerable children's project is being carried into the Transforming Services to Children programme in order to address the broader strategic recommendations that will support the service to deliver statutory requirements within budget.</p> <p>A capital investment bid for IT has been submitted for the replacement of Mosaic and IIE. A steering group has been established to take forward the tender specification. A project risk register has been developed for the next three years for the transition to a new system.</p> <p>Commitment to finalise the care leavers' protocol with housing services (March 2022). Joint session</p>	3	3	9	<p>Executive Director of Education and Children's Services</p> <p>Executive Director of Council Resources</p> <p>Head of Finance</p> <p>Head of Children's Services</p> <p>Head of Housing</p>	<p>September 2022</p> <p>March 2024</p> <p>March 2022</p>	<p>Risk reviewed by Children's Services Management team January 2022 with no change to risk score.</p> <p>New Children's Service specific Risk created by CS Managers December 2020.</p>

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	<p>There are increasing requirements from the Government e.g.</p> <ul style="list-style-type: none"> <li>Continuing Care</li> <li>Implementing the Promise</li> <li>the Scottish Child Abuse Inquiry</li> <li>Scottish Child Interview Model</li> <li>SDS</li> <li>New National Child Protection Guidance</li> </ul> <p>The dispersal of asylum seeking children throughout the UK transfer scheme will result in more UASC being settled in East Lothian.</p> <p>Lack of suitable accommodation for care experienced young people requires the use of unregulated B&amp;B /commercial accommodation. Young people having to stay in B&amp;B over extended periods is a breach of our statutory duties.</p>	Additional Support Needs, Inclusion Policy, External Placement and GIRFEC processes are being reviewed by Education and Children's Services.				<p>completed with the Rock Trust, children's services and housing services. Work is underway to increase the capacity of appropriately regulated emergency accommodation that care leavers can access.</p> <p>A further review of all children's services policies and procedures will be carried out in line with new national strategy including The Promise and UNCRC.</p>						
CS3	<p><b>Safe Professional Social Work Practice</b></p> <p>Failure to fulfil our duty of care could result in the death, serious harm or detriment to a person. This could in turn result in prosecution, having to pay compensation and a negative impact on the reputation of the Council.</p> <p>This failure could be due to a lack of resources (financial, services or staffing), poor practice, a failure to prioritise or non-compliance with procedures/guidance and a failure to resource learning and development function within Children's Services and Public Protection Committee.</p> <p>Children's lives and safety put at risk due to a failure by staff to record or access salient information which may be due to a lack of understanding of the functions of Mosaic and E-IRD or the failure to share appropriate chronologies and risk information with partner agencies. Currently Olivebank staff are unable to access Mosaic.</p> <p>Risk to case transfers from other LAs failing to provide the appropriate information on the child/family.</p>	<p>Prioritise maintenance of adequate staffing levels for Child Protection and other work with vulnerable children</p> <p>Briefing sessions, specialist training and support are in place.</p> <p>Regular formal supervision in place for all staff including completion of PRD's focusing on specific and agreed development needs.</p> <p>Services comply with required professional registration standards for all staff e.g. SSSC.</p> <p>"Safer Recruitment" practices and PVG Checks embedded.</p> <p>Monthly monitoring of staffing levels.</p> <p>Public Protection Office and Committee oversee core elements of Child Protection performance, improvement, policy and procedure.</p> <p>Regular monitoring and learning from incidents including through initial and significant case reviews.</p> <p>Children's Services practice guideline standards have been refreshed and are being rolled out.</p> <p>The Safe and Together domestic violence support model continues to be embedded and rolled out to new employees.</p>	3	4	12	<p>A workforce development plan with Education has begun.</p> <p>The Signs of Safety Practice model is being reviewed and implemented further across the service.</p> <p>Working with IT to move the server from Education to Corporate to allow access to Mosaic.</p>	3	3	9	Chief Social Work Officer	<p>December 2022</p> <p>March 2022</p> <p>March 2022</p>	Risk reviewed by Children's Services Management team January 2022 with no change to risk score.

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		<p>All Regulated Services inspected, improvement plans produced with regular quality assurance review meetings.</p> <p>A quality assurance framework has been developed and implemented.</p> <p>A three year rolling programme of file audits has been implemented.</p> <p>Leadership training has been rolled out to team leaders and senior practitioners. This includes the promotion of resilience.</p>										
CS4	<p><b>Impact of Increased Levels of Poverty on Children's Services</b></p> <p>There is an anticipation that following the lifting of COVID restrictions and the removal of the UC uplift, the ending of the furlough scheme and the projected higher levels of unemployment that more families will require social work support.</p> <p>Our existing at risk families will require remedial action from Children's Services at the Recovery stage due to more families being in poverty, from children not attending school and increased demand from these groups as the situation progresses.</p> <p>The increase in referrals for domestic abuse will see more children suffering trauma and further impacted due to poverty if moving from the family home.</p>	<p>The Council has a Recovery and Renewal Group in place with a range of supporting activities including Poverty Strategy.</p> <p>Head of Children's Services attends the Recovery and Renewal Group and will progress any Children's Services specific issues.</p> <p>Children's Services has received some ring-fenced COVID funds and is bidding for Scottish Government Winter COVID funds where relevant and appropriate.</p>	4	3	12	<p>The Transforming Services for Children Programme will be a whole systems (Council Wide) approach and the redesign of Children's Social Work Service is aimed at ensuring all services are preventive and support early intervention to reduce need.</p>	3	3	9	Head of Children's Services	September 2022	Risk reviewed by Children's Services Management team January 2022 with no change to risk score.

## East Lothian Council Risk Matrix

### Likelihood Description

Likelihood of Occurrence	Score	Description
Almost Certain	5	Will undoubtedly happen, possibly frequently >90% chance
Likely	4	Will probably happen, but not a persistent issue >70%
Possible	3	May happen occasionally 30-70%
Unlikely	2	Not expected to happen but is possible <30%
Remote	1	Very unlikely this will ever happen <10%

### Impact Description

Impact of Occurrence	Score	Description							
		Impact on Service Objectives	Financial Impact	Impact on People	Impact on Time	Impact on Reputation	Impact on Property	Business Continuity	Legal
Catastrophic	5	Unable to function, inability to fulfill obligations.	Severe impacts on budgets (emergency Corporate measures to be taken to stabilise Council Finances)	Single or Multiple fatality within council control, fatal accident enquiry.	Serious - in excess of 2 years to recover pre-event position.	Highly damaging, severe loss of public confidence, Scottish Government or Audit Scotland involved.	Significant disruption to building, facilities or equipment (Loss of building, rebuilding required, temporary accommodation required).	Complete inability to provide service/system, prolonged downtime with no back-up in place.	Catastrophic legal, regulatory, or contractual breach likely to result in substantial fines or other sanctions.
Major	4	Significant impact on service provision.	Major impact on budgets (need for Corporate solution to be identified to resolve funding difficulty)	Number of extensive injuries (major permanent harm) to employees, service users or public.	Major - between 1 & 2 years to recover pre-event position.	Major adverse publicity (regional/national), major loss of confidence.	Major disruption to building, facilities or equipment (Significant part of building unusable for prolonged period of time, alternative accommodation required).	Significant impact on service provision or loss of service.	Legal, regulatory, or contractual breach, severe impact to Council.
Moderate	3	Service objectives partially achievable.	Significant impact on budgets (can be contained within overall directorate budget)	Serious injury requiring medical treatment to employee, service user or public (semi-permanent harm up to 1yr), council liable.	Considerable - between 6 months and 1 year to recover pre-event position.	Some adverse local publicity, limited damage with legal implications, elected members become involved.	Moderate disruption to building, facilities or equipment (loss of use of building for medium period).	Security support and performance of service/system borderline.	Legal, regulatory, or contractual breach, moderate impact to Council.
Minor	2	Minor impact on service objectives.	Moderate impact on budgets (can be contained within service head's budget)	Lost time due to employee injury or small compensation claim from service user or public (First aid treatment required).	Some - between 2 and 6 months to recover.	Some public embarrassment, no damage to reputation or service users.	Minor disruption to building, facilities or equipment (alternative arrangements in place and covered by insurance).	Reasonable back-up arrangements, minor downtime of service/system.	Legal, regulatory, or contractual breach, minor impact to Council.
Minimal	1	Minimal impact, no service disruption.	Minimal impact on budgets (can be contained within unit's budget)	Minor injury to employee, service user or public.	Minimal - Up to 2 months to recover.	Minor impact to council reputation of no interest to the media (Internal).	Minimal disruption to building, facilities or equipment (alternative arrangements in place).	No operational difficulties, back-up support in place and security level acceptable.	Legal, regulatory, or contractual breach, negligible impact to Council

Risk	Impact				
Likelihood	Minimal (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	5	10	15	20	25
Likely (4)	4	8	12	16	20
Possible (3)	3	6	9	12	15
Unlikely (2)	2	4	6	8	10
Remote (1)	1	2	3	4	5

### Key

Risk	Low	Medium	High	Very High
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