

REPORT TO: AUDIT AND GOVERNANCE COMMITTEE

MEETING DATE: 14 February 2023

BY: Chief Executive

SUBJECT: Children's Services Risk Register

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 risks 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 and 4 Medium 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 2023

7.2 Appendix 2 – Risk Matrix

AUTHOR’S NAME	Scott Kennedy	
DESIGNATION	Emergency Planning, Risk and Resilience Officer	
CONTACT INFO	skennedy@eastlothian.gov.uk	01620 827900
DATE	02 February 2023	

Children's Services Risk Register 2023

Date reviewed: 02 February 2023

Risk ID	Risk Category	Risk Description (Threat/Opportunity to achievement of business objective)	Risk Control Measures in place) (currently	Assessment of Current Risk			Planned Risk Control Measures Not happened yet and will have an impact	Assessment of Residual Risk [With proposed control measures]			Planned Control Target Date	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	Financial Impact on service objectives Reputational risk	<p>Children's Services Activity Pressures</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>The cost of living crisis and the latent impact of COVID on levels of deprivation and poverty will result in additional vulnerability and demand for Social Work services. Referrals to social work continue to rise with numbers forecasted to reach their highest level of 4,350 by March 2023.</p> <p>The lack of sufficient capacity identified within Education Services to meet the needs of young people with Additional Support Needs and challenging behaviours 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 requirement to meet the increasing demand for Continuing Care placements impacts on foster placement and internal residential capacity and creates further budget pressures.</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>Recruitment challenges preventing full implementation of service redesign (cross-refer to CS5).</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) and the newly established Tracking and Monitoring meeting Implementation of the recommendations of internal audit of Prevent and Return.</p> <p>Introduced comprehensive budget monitoring arrangements.</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>The Transforming Services For Children programme is providing strategic oversight and governance of the joint work streams identified as levers for reducing vulnerability and demand.</p> <p>Investment in preventive services aimed at reducing demand.</p> <p>Increased capacity in the fostering service and the development of an improvement plan is underway to include a review of the role of fees and allowances. A refreshed foster care recruitment campaign is underway</p> <p>Embedding the performance management and quality assurance framework at all levels of service management.</p> <p>Children's services has developed our Kinship care service in partnership with Children 1st to find alternatives to children coming in to foster care from within their own families.</p> <p>Partial implementation of the redesign of children's services aimed at ensuring efficient and effective interventions to CYP and families thereby improving outcomes and workflow and service capacity.</p>	5	4	20	<p>Completion of work streams of TS4C programme including as appropriate the re-alignment and integration of services to deliver preventive interventions and reduce the need for social work interventions.</p> <p>Full implementation of Children's Services redesign.</p> <p>The foster care team is seeking to increase joint working with the communications team in developing new and innovative ways in encouraging potential foster carers to come forward. Implementation of the fostering improvement plan.</p> <p>Continued focus on family group decision making and supporting kinship carers in partnership with Children 1st as alternatives to removing children from their family and community.</p>	4	3	12	<p>June 2023</p> <p>March 2023</p> <p>September 2023</p> <p>March 2023</p>	<p>Risk reviewed by CS Management Team January 2023 with no change to risk scores.</p>

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				L	I	L x I		L	I	L x I		
CS2	Business continuity Impact on service objectives	<p>Workforce Recruitment and Retention</p> <p>Lack of a skilled, sufficiently qualified and experienced staff resource or the unexpected loss of a key employee or employees could result in</p> <ul style="list-style-type: none"> Increased caseloads that reduce staff capacity to assess and manage risk and need to children at risk of harm A reduction in line management capacity to provide safe oversight of risk management Statutory duties not being met; Inability to fully implement the service redesign and deliver the strategic priorities of the service improvement plan. <p>East Lothian Council is failing to attract experienced and high calibre qualified social worker applicants to advertised posts. Whilst there is a national pressure on recruitment of social work staff, we are unable to compete with neighbouring authorities due to variance in starting salaries. The result is that children's services is carrying a level of vacancies that is impacting on the safe and efficient functioning of the service and on staff resilience and morale. Newly qualified and inexperienced staff require enhanced supervision, management and oversight which further impacts on line management capacity.</p> <p>The continued reliance on agency staff adds to the budget overspend and is not in line with the principles of the promise.</p>	<p>Recruitment and selection procedures adhered to and enhanced to attract more external applicants, with regular professional salary benchmarking.</p> <p>Professional Development Programme and commitment to a practice of Growing our Own" (promoting staff from within) and a Learning Culture while all policy and guidance documents are checked and refreshed regularly.</p> <p>Engagement in recruitment and retention working group chaired by Head of Corporate Services to identify solutions to current barriers.</p> <p>Partnering with the NHS to provide wellbeing sessions for staff.</p> <p>Working closely with communications to support our adverts with additional press and media coverage.</p>	4	4	16	<p>Workforce plan is under development.</p> <p>HR and Financial options are being considered to promote the attractiveness of ELC as an employer and to encourage staff to remain with the Council.</p> <p>Actively encouraging the Growing our Own agenda by trying to increase the number of students from universities and supporting family support staff to undertake the Open University Social Work qualification.</p>	3	4	12	<p>March 2023</p> <p>March 2023</p> <p>Monitored during 2023 and long term</p>	<p>Risk reviewed by Head of Children's Services, January 2023 with residual score increased from 8 to 12.</p> <p>Risk reviewed by Head of Service October 2022 with current risk score increased from 8 to 16 due to current and predicted recruitment challenges.</p>
CS3	Impact on people Legal and regulatory Reputational	<p>Failure to meet duty of care to public and meet statutory requirements for service delivery</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>The Council has a legal responsibility to address concerns that may require a child protection response. It should be noted that by the very nature of the work involved in child protection this is a high risk business even with all the controls and measures in place.</p> <p>A failure to secure efficient and effective child protection arrangements may see the Council being unable to fulfil its statutory duties/duty of care which could contribute to a service user suffering harm/death or detriment. This would in turn result in reputational damage to and increased scrutiny of the Social Work services.</p> <p>This failure could be due to a lack of resources (financial, services or staffing), poor practice,</p>	<p>Multi-agency policies and procedures that support the effective identification and management of risk.</p> <p>Well established quality assurance and control measures such as the eIRD review group that provide assurance about safe practice.</p> <p>The EMPPC and supporting sub-groups provide leadership and strategic oversight of public protection activity and performance.</p> <p>Annual budget allocation is prioritised and monitored.</p> <p>Redesign of children's services is completed and partially implemented with the primary aim of improving how the service delivers better outcomes for children and young people and meets its statutory requirements.</p>	3	4	12	<p>Transforming Services to Children programme is aimed at reducing the need for children to require social work interventions and thereby increase the capacity of the service to effectively deliver its statutory duties to those at greatest risk.</p> <p>Commitment to finalise the care leavers' protocol with housing services. Work is underway to agree what is required 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> <p>A new MOSAIC system has been procured and will be implemented in April 2023.</p>	3	3	9	<p>March 2024</p> <p>February 2023</p> <p>June 2023</p> <p>April 2023</p>	<p>Risk reviewed by Head of Children's Services, January 2023 with no change to risk scores.</p>

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		<p>lack of training, a failure to prioritise, non-compliance with procedures/guidance or failing to intervene early enough.</p> <p>Factors that impact on this include the impact of the Covid-19 pandemic, on the mental and emotional wellbeing, and coping mechanisms of children, young people and their families, and their access to supports, where their needs are not reaching the threshold for statutory intervention. Access to and availability of earlier intervention supports and services are likely to continue to impact on vulnerable children and families.</p> <p>There are increasing requirements from the Government e.g.</p> <ul style="list-style-type: none"> Continuing Care Implementing the Promise the Scottish Child Abuse Inquiry Scottish Child Interview Model SDS Age of Criminal Responsibility Keeping Brothers and Sisters together New National Child Protection Guidance <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 who become homeless results in the use of unregulated B&B /commercial accommodation. Young people having to stay in B&B over extended periods is a breach of our statutory duties.</p> <p>There is a risk that external regulatory inspections identify significant weaknesses and risks to service users leading to reputational damage and impact on staff.</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> <p>Joint work with housing services to develop the housing strategy for care leavers and consider solutions for the lack of appropriate emergency accommodation options.</p> <p>Systematic approach to preparation for inspections (used as a learning tool) and joint improvement planning in response to findings which is then reviewed and adopted.</p> <p>A proactive approach to regulatory requirements.</p> <p>Regular Self Evaluation and improvement Planning e.g. PSIF and HGIOC.</p> <p>Policy officer has been recruited to take on the role of inspection co-ordinator. Responses to consultations on proposed legislative and policy changes ensure potential impacts are captured.</p> <p>East Lothian is committed to keeping the Promise and has recruited a Promise Officer who reports to the Corporate Parenting Board. The Promise Officer post has been extended until December 2024.</p> <p>Officers engage in national networks to ensure best and innovative practice around statutory requirements is considered within East Lothian.</p>									
CS4	<p>Impact on people</p> <p>Impact on service objectives</p> <p>Legal and regulatory</p>	<p>Inability to meet safe standards of professional social work practice</p> <p>This failure could be due to a lack of resources (financial, services or staffing), poor social work 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>Failure to fill social worker vacancies impacts on safe standards of practice as it has a detrimental impact on the current workforce to have bigger caseloads allocated. This increases stress levels and the ability to have time to reflect and consider risk. Social work vacancies also lead to an inability to allocate statutory children and families work.</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>	3	4	12	<p>The Signs of Safety Practice model is being re-launched with a comprehensive staff learning and development programme and associated changes to MOSAIC. Quality assurance monitoring will assess and demonstrate compliance and impact on practice.</p> <p>Completion of the improvement plan following the death of a service user addressing key aspects of staff training and development.</p> <p>A workforce plan is under development in children's services.</p>	3	3	9	<p>March 2023</p> <p>March 2023</p> <p>March 2023</p>	<p>Risk reviewed by CS Management Team January 2023 with no change to risk scores.</p>

East Lothian Council Risk Matrix

Likelihood Description

Likelihood of Occurrence	Score	Description
Almost Certain	5	>90% chance of occurring
Probable	4	70%-90% chance of occurrence
Possible	3	30-70% chance of occurring
Unlikely	2	10-30% chance of occurring
Rare	1	<10% chance of occurring

Impact Description

Impact of Occurrence	Score	Description							
		Impact on Service Objectives	Financial Impact	Physical and/or Psychological Impact on People	Impact on Time	Impact on Reputation	Impact on Assets	Business Continuity	Legal & Regulatory
Catastrophic	5	Catastrophic failure in service delivery and key service standards are not met, long-term catastrophic interruption to operations, several major partnerships are affected	Severe impacts on budgets (emergency Corporate measures to be taken to stabilise Council Finances. Consideration should be given as to whether this is an insured or uninsured risk and whether there may be reliance on reserves. The Council is expected to hold a reserve to budget ratio of 2%.	Single or Multiple fatality and or physiological impact, within council control, leading to 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. Prolonged regional and national condemnation.	Significant disruption to building, facilities, vehicles or equipment (Loss of building, vehicles, rebuilding required, temporary accommodation required, vital equipment lost without replacement capability available resulting in services being unable to be delivered).	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, including substantial involvement from regulators.
Major	4	Major impact to service quality, multiple service standards are not met, long-term disruption to operations, multiple partnerships affected.	Major impact on budgets (need for Corporate solution to be identified to resolve funding difficulty). Consideration should be given as to whether this is an insured or uninsured risk and whether there may be reliance on reserves.	Number of extensive injuries (major permanent harm) or major physiological impact to employees, service users or public.	Major - between 1 & 2 years to recover pre-event position.	Serious negative national or regional criticism and publicity.	Major disruption to building, facilities, vehicles or equipment (Significant part of building unusable for prolonged period of time, alternative accommodation required, equipment or vehicles unavailable to provide significant elements of service delivery and no appropriate contingency arrangements in place).	Significant impact on service provision or loss of service.	Legal, regulatory, or contractual breach, severe impact to Council, fines and regulatory action publicly enforced.
Moderate	3	Significant fall in service quality, major partnership relationships strained, serious disruption in service standards.	Moderate impact on budgets (can be contained within overall directorate budget).	Serious injury requiring medical treatment or moderate physiological impact 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.	Adverse national media public attention with elected members becoming involved.	Moderate disruption to building, facilities, vehicles or equipment (loss of use of building for medium period, loss of equipment or vehicles requires contingency arrangements to be employed and has moderate impact on overall service delivery).	Security support and performance of service/system borderline.	Legal, regulatory, or contractual breach, moderate impact to Council, regulator action and or improvement required of the Council .
Minor	2	Minor impact to service quality, minor service standards are not met, short-term disruption to operations, minor impact on a partnerships	Minor impact on budgets (can be contained within service head's budget).	Non life changing injury or physiological impact to staff or member of the public requiring treatment.	Some - between 2 and 6 months to recover.	Minor adverse local, public or media attention and complaints.	Minor disruption to building, facilities, vehicles or equipment (alternative arrangements in place and covered by insurance, equipment or vehicles unavailable for small period of time minor impact on service).	Reasonable back-up arrangements, minor downtime of service/system.	Legal, regulatory, or contractual breach, minor impact to Council, regulator advice and improvement requested of the Council.
Minimal	1	No impact to service quality, limited disruption to operations.	Minimal impact on budgets (can be contained within unit's budget).	Minor injury or minor physiological impact to employee, service user or public.	Minimal - Up to 2 months to recover.	Public concern restricted to local complaints and of no interest to the media.	Minimal disruption to building, facilities, vehicles or equipment (alternative arrangements in place, equipment or vehicles alternative quickly available to replace or substitute).	No operational difficulties, back-up support in place and security level acceptable.	Legal, regulatory, or contractual breach, negligible impact to Council, regulator suggested improvements requested.

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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