

REPORT TO: AUDIT AND GOVERNANCE COMMITTEE

MEETING DATE: 26 March 2024

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 noting.
- 1.2 The Education 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 Education Local Risk Working Group (LRWG).

2 RECOMMENDATIONS

- 2.1 It is recommended that the Audit and Governance Committee notes the Education 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 Education 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 Education 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 Education 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 Education Risk Register includes 8 High, 6 Medium and 1 Low risks. As per the Council’s Risk Strategy, only the 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 Education 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 – Education Risk Register 2024

7.2 Appendix 2 – Risk Matrix

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DATE	14 March 2024	

Education Service Risk Register 2024

Date reviewed: 11 March 2024

Risk ID	Risk Category	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]			Planned Control Target Date	Evidence held of Regular Review
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E1	Reputation Finance	<p>Additional Support Needs</p> <p>Increased pressure on specialist provision due to a rise in the numbers of children and young people with Additional Support Needs.</p> <p>Potential increase in references to the ASN tribunal through inability to meet demand for ASN specialist placements.</p> <p>Applications for Exceptional Needs has increased in line with national trends whilst the budget available to the service has not increased at the same rate.</p> <p>Increased demand and costs for specialist educational provision out with East Lothian Council.</p> <p>There is therefore increased financial, reputational, legislative and personnel time commitment risks facing East Lothian Council if we are unable to meet and support the requirements of our learners with additional support needs.</p>	<p>Monitoring of demand through the Education Resource Group to target resources effectively.</p> <p>Opening of The Brae at Rosehill Secondary School has provided capacity for young people with severe and complex needs.</p> <p>Regular budget monitoring meetings with Education and Finance officers to understand current and potential risks to the budget.</p> <p>Programme of school reviews to ensure the efficacy of existing ASN process at school level and identification of next steps for improvement.</p> <p>Key policies in place to ensure compliance with national guidance & statutory duties in relation to ASN.</p> <p>CLPL programme in place for school staff to ensure adherence to local and national guidance, legislation and policy.</p> <p>Education Support Officer for Leadership and Professional Learning appointed to provide additional training opportunities and career progression for support staff.</p> <p>The Educational Psychology Service resource allocation model operates across all educational establishments and is targeted at the children and young people with the greatest need.</p> <p>Monthly monitoring of attendance, exclusion and physical restraint data at school level.</p> <p>Local authority stretch aims as part of The Raising Attainment Strategy to increase school attendance and reduce exclusions.</p> <p>Education Support Officer for Children and Young People with Care Experience to track, monitor and support this group of learners.</p> <p>Child Planning Framework promotes early intervention and universal supports for all.</p>	4	4	16	<p>Scoping exercise for an additional class for at least six children at Woodside, Windygoul Primary School.</p> <p>Exceptional Needs working group established to consider review of existing process to be more data led and empower head teachers.</p> <p>Establishment of Child Planning Framework Locality Teams by June 2024 as a continuum of GIRFEC and multi-agency supports.</p> <p>Creation of an Equity and Inclusion Outreach Team through the Strategic Equity Fund to provide bespoke support for vulnerable learners.</p> <p>Additional specialist provision capacity is a key part of the learning estate review. A strategy for specialist provision is under development and will be presented to Executive Management Team for approval.</p> <p>Establishment of a Distressed and Challenging Behaviour working group of school leaders, central staff and union representatives to consider reporting mechanisms for incidents in school and wider family supports.</p>	2	4	8	<p>August 2024</p> <p>June 2024</p> <p>June 2024</p> <p>May 2024</p> <p>April 2024</p> <p>June 2024</p>	<p>Risks reviewed by Education Management Team, February 2024 with current score increased from 12 to 16.</p>

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E2	Financial Reputation	<p>Management of Devolved School Management Budgets</p> <p>Failure to manage a delegated budget in a fair, equitable and transparent way risks that school's budget is not deployed in accordance with best value principles and risks resources not being used effectively to meet the needs of learners.</p> <p>Failure to adhere to Local Authority procurement arrangements risks non-compliance with policy and best value and potential for large fines.</p> <p>Potential risk of short-term funding i.e. Pupil Equity Fund (PEF and SEF) gives additional budgetary pressure in relation to the retention of staff who could be surplus to requirements when funding ceases.</p> <p>Removal of curriculum charging (parental donations for HE, Art, CDT materials) and removal of Instrumental Music Instruction charging, the SG funding does not cover the cost of delivery of courses placing more pressure on school's budgets or curricular activities needing to be demonstrated rather than experienced directly</p> <p>A budget set annually in April is difficult to manage as it spans two academic years of staffing commitments and makes best value decisions more challenging.</p> <p>Reductions to redesign staffing levels within the Education Service in line with available budget may incur large financial penalties by the SG current policy if staffing numbers cannot be maintained.</p> <p>Risk that probationer teacher quota may not be met if vacancies need to be filled by redeployed teachers. This is being closely managed but cannot guarantee that we will meet our minimum number for the maximum funding threshold.</p>	<p>Updated DSM guidance is in place which is regularly reviewed. Support is provided to Head Teachers (HTs) and Business Managers through Education and Finance colleagues.</p> <p>Financial validations are carried out by Principal Officer – Finance whenever a budget holder or budget administrator leave their role.</p> <p>Internal audit aim to complete one primary and one secondary school audit per academic year.</p> <p>Guidance and support provided from the Council Procurement team and an Education Officer provides clear guidance for all available for budget holders.</p> <p>HTs submit annual proposals on how they intend to use PEF funding, indicating expected impacts/outcomes it will have in relation to closing the attainment gap. Central department officers work collaboratively with HTs to support and challenge, to ensure the proposals are robust. Impact will be monitored throughout the school session.</p> <p>A database of staff appointments held and monitored to identify those funded through PEF as well as additional resources being incurred and the impact they are having in relation to the supports/interventions put in place.</p> <p>Professional development opportunities developed for middle leaders to build their capacity for future leadership responsibilities in managing their resources.</p> <p>Central management information team undertaking data gathering, recording, analysis to inform and measure progress in raising attainment.</p> <p>Additional resources allocated to central Education, HR, Finance and Procurement services to support and implement the effective use of PEF.</p> <p>The annual staff census now informs a process of staff retention, resulting in financial penalties if local authorities do not maintain staff numbers. This is managed centrally through Education, Finance and HR officers.</p>	4	4	16	<p>Budget pressures in 2024/25 require a further DSM review and change to the methodology of the allocation of school budgets. A refreshed Scheme of DSM for 2024/25 to be presented to the Education Committee in June 2024 for approval.</p>	2	4	8	June 2025	Risk reviewed by Service Manager - Education (Strat & Ops) and Head of Service, Feb 2024 with an increased risk resulting in a change to current risk scores from 8 to 16,

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E3	Legislation & Regulatory	<p>Statutory Requirements - Education</p> <p>Failure to deliver legislative requirements may put a child at significant risk or result in children and young people not receiving their entitlement to early learning and childcare/ school education.</p> <p>There would be an associated risk to reputation.</p> <p>This failure could be due to:</p> <ul style="list-style-type: none"> Scottish Govt requirements e.g. ASL, pupil/ practitioner ratio, delivery of 1140 hours early learning and childcare due to a lack of resources (financial, services or staffing) <p>Gradings of weak from Care Inspectorate and Education Scotland.</p> <ul style="list-style-type: none"> Uptake of training failure to act in areas where demand outweighs supply non-compliance with procedures/guidance failing to intervene early enough. 	<p>Annual budget allocation is prioritised for statutory duty when allocating resources.</p> <p>A publicly published Scheme of Devolved School Management determines allocation at school level and transparent methodology.</p> <p>Regular review of Education policies takes place to ensure compliance with all appropriate legislation. This is coordinated by an officer in the S&O Team to review and prompt managers annually.</p> <p>Budget planning measures and monthly monitoring in place with finance colleagues, Service Managers and Head Teachers.</p> <p>Staffing is continually monitored to ensure the required pupil/practitioner ratio at is met.</p> <p>SEEMIS records kept up to date to ensure accurate information is held</p> <p>Additional Support Needs, Inclusion Policy, External Placement and GIRFEC processes are all in place and regularly monitored and reviewed by Education and Children's Services.</p> <p>Current work between the Early Years Team and the Scottish Government Improvement Service to assess supply and demand for Early Learning and Childcare continues to shape the service delivery.</p>	3	4	12	<p>Modelling and consultation are taking place to establish a best fit and affordability of primary management structures and ASN allocations and these will be incorporated into the Scheme of DSM if approved by the Education Committee in June 2024.</p> <p>An Early Years Service Review will lead to improved Quality assurance in Early Years settings.</p>	3	3	9	<p>June 2025</p> <p>August 2024</p>	<p>Risks reviewed by Education Management Team, February 2024 with no changes to risk scores.</p>
E4	Legislation & Regulatory	<p>Failure to Raise Attainment and Achievement</p> <p>There is a risk to the outcomes for learners living in Quintiles 1 and 2 through failure to close the poverty related attainment gap, and appropriately utilising Pupil and Strategic Equity Funding.</p> <p>Risk of not receiving positive inspections as there is insufficient evidence of impact on closing the attainment gap evaluated under QI 3.1 – Ensuring wellbeing, equality and inclusion. This could lead to increased scrutiny by external scrutiny bodies such as Education Scotland.</p> <p>Curriculum review and development – led by SEIC QIO. There is a risk that the national winding down of RI funding will lead to the removal of this post. This will create a capacity gap within Quality Improvement Team to continue with this work.</p> <p>Education Reform.</p> <p>The Scottish Government are considering the outcome of education reports, including the Hayward Review. The outcome of this has the potential to require a significant change to the</p>	<p>Each school has a School Improvement Plan, guided by the annual Education Progress and Improvement Plan with stretch aims set for raising attainment at authority and individual school level.</p> <p>More rigorous and robust approaches for quality assuring school performance have been implemented and consider new national guidance e.g. Pupil Equity Fund and National Improvement Framework.</p> <p>Raising Attainment Strategy has been updated to align with Core and Core Plus Stretch Aims. Each school has access to a monthly equity tracker to support self-evaluation of impact of equity interventions.</p> <p>Curricular group (SCOT) has been established (led by SEIC QIO) and involving Head Teachers.</p> <p>Recruitment taken place for four Family Support Workers for the four primary schools with the highest number of children living in Quintile 1, to ensure removal of barriers to attending school and holistic support for these children and their families.</p>	3	4	12	<p>Continue to develop an authority wide model for the Senior Phase that incorporates all elements of the curriculum.</p> <p>Continue to develop partnership arrangements with QMU and Edinburgh College to broaden the curriculum as part of the Developing Young Workforce recommendations.</p> <p>To maintain staffing levels of Pedagogy Team at a minimum of 3.0FTE.</p> <p>Strategic leadership of curriculum provision development will support EL Works and schools to sustain existing provision and respond to the potential impact of education reform.</p>	3	3	9	<p>June 2025</p> <p>June 2025</p> <p>August 2024</p> <p>August 2024</p>	<p>Risks reviewed by Education Management Team, February 2024 with no changes to risk scores.</p>

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		service objectives, education provision and measures. This would require a significant re-orientation of service priorities and resources to meet this national requirement.	The SEIC QIO and EL Works are working with school leaderships teams to review curriculum provision development, along with partner agencies, to ensure programmes are sustainable and meet learner needs.									
E5	Reputation	<p>Condition of the School Estate and impact of Changing Demographic</p> <p>Significant refresh and investment in the existing school estate is required to bring our learning and teaching facilities up to standard and improve suitability.</p> <p>Failure to invest in the school estate impacts negatively on learning and teaching and leads to minor repairs/maintenance becoming major repairs/maintenance costs.</p> <p>Our school estate needs to be fit for purpose for the delivery of a modern curriculum, and therefore needs to change to reflect education reform and to ensure we are equipped to raise attainment and offer a wide breadth of curriculum choice to meet the needs of all learners.</p> <p>Proposed LDP housing development, population growth and subsequent need to expand the schools' estate risks failure to provide suitable school provision or sufficient capacity available in the short term.</p> <p>Risk to uncertainty with forward planning for new establishments where house development completion rates are slower than expected delaying the start date for new school buildings.</p>	<p>A working group was formed in October 2023 to identify priorities for capital bids and lower-level refresh that may be able to be met from existing revenue.</p> <p>Agreement has been reached with finance to provide a small maintenance budget for Primary schools along with a small bid budget for larger items.</p> <p>Strategic Asset and Capital Plan Management (SACPM) is responsible for the managing and planning for the Learning Estate and has a Schools' Estate Planning Officer to support this responsibility. Education feed into this activity by preparing pupil roll projections and class organisation profiles.</p> <p>Regular monitoring in place via the Learning Estate Implementation Board and in SACPM to review programme for school requirements. Changes which may impact on capital investment escalated to Education & Finance to consider.</p> <p>Effective communication links with parent councils and wider parent forums.</p> <p>Regular Education Asset Management meetings are held to manage the impact of potential housing development on the schools' estate.</p>	3	4	12	<p>A review of our methodology for calculating school capacity is currently in progress. Stage one has been completed to review the capacity of Primary schools and engagement is planned with other Local Authorities to develop a proposed methodology for a review of Secondary School capacity. This will be presented to the LEPT and LEPB for comment and approval. We propose to formally introduce a policy for adding headroom to our capacity calculation to provide more flexibility this will be incorporate as part of the Learning Estate Improvement Plan.</p> <p>A subgroup of the LEPB has been developed to consider if any process improvements are required following the publication of the Audit Scotland report on Renfrewshire Council Dargavel Village.</p> <p>C Morris convened a Learning Estate Working Group from all service areas to consider priorities and stakeholder views and solutions. Work is continuing to identify gaps, priorities, and associated cost for the development of capital bids.</p> <p>The Council is making provision for significant capital expenditure to provide sufficient capacity for the expansion of the schools' estate. A capital programme of circa. £150 Million is identified for the period to 2024, funded by S75 contributions from new housing development.</p> <p>A Learning Estate Strategy was created to reflect the Council's aspirations with a resulting improvement plan being created to set out a plan for the future sustainability and management of the whole School Estate.</p> <p>Additional specialist provision capacity is a key part of the learning estate review. A strategy for specialist provision is under development and will be presented to Executive Management Team for approval.</p>	3	3	9	<p>August 2024</p> <p>June 2024</p> <p>June 2025</p> <p>April 2024</p> <p>April 2024</p>	<p>Risks reviewed by Education Management Team, February 2024 with no changes to risk scores.</p> <p>Risk refreshed by Service Manager – Strategic Asset & Capital Plan Management January 2023 with current risk score remaining high until Learning Estate Review concluded and approved by Council.</p>

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E6	Psychological Impact Reputation	<p>Single Point of Access (SPA)</p> <p>The SPA operational team and related services/interventions are funded through short-term, non-guaranteed funding streams (SG Community and MHWB Supports and Services Grant and funding from CAMHS). There are strategic aims to enhance and develop the SPA and its services. The numbers of RFAs for CYP have increased significantly, and subsequently waiting lists and waiting times are increasing.</p> <p>This means that CYP are waiting longer for interventions to support their MHWB, increasing the likelihood of emotional distress and dysregulation. This may also lead to the CYP requiring a more intensive or sustained intervention.</p>	<p>The SPA is based on the SG Community MHWB Supports and Services Framework. The Governance of the SPA sits with the Children's Strategic Partnership. The MHWB sub-group of the CSP has responsibility for strategic planning for the SPA,</p> <p>The SPA collects, monitors and shares data on its performance to comply with SG funding requirements and to provide stakeholders and service users with information.</p> <p>The SPA utilises its multidisciplinary team to monitor and explore ways to ensure efficiency and improvement through regular meetings to both triage cases and development work.</p> <p>The PEP and Co-ordinator MHWB link with the national forum and events managed by SG to share good practice and ensure connection with national developments.</p>	3	4	12	<p>The PEP and Co-ordinator MHWB will further develop the SPA self-evaluation framework to enhance the impact data.</p> <p>The SPA/MHYW team are engaged in the Belonging to East Lothian WG looking to streamline provision for vulnerable children and young people who are at risk of harm.</p> <p>The PEP and Co-ordinator MHWB will promote the EL SPA model and its performance at a local and national level.</p>	2	4	8	<p>December 2024</p> <p>January 2025</p> <p>January 2025</p>	New risk created February 2024.
E7	Assets	<p>School Premises Security</p> <p>If our School Premises are not properly safeguarded there is a risk that unauthorised persons could gain entry and cause damage to children, young people and staff as well as property. This could lead to loss of lie in the most extreme cases. There is also a risk of assets being unavailable for use, facing potential closure and re-provision of care/teaching in alternative locations at increased cost to the Council and/or in need of repair in turn leading to adverse publicity.</p> <p>There are currently significant issues regarding school boundaries which require to be addressed.</p>	<p>Security and safety risk assessments are carried out regularly at all Education premises while each school has its own individual security arrangements such as fencing, building access, CCTV etc.</p> <p>Business Continuity Plans in place.</p> <p>Insurance Renewal Programme in place.</p> <p>Head Teachers briefed on importance of their role as Head of Establishment to ensure security of buildings and that business continuity plans are up to date.</p>	3	4	12	<p>School building security plans are under review by Education.</p> <p>The Learning Estate working group is developing an audit template outlining security requirements throughout the learning estate to allow us to identify priorities and associated costs to improve security.</p>	2	4	8	<p>August 2024</p> <p>September 2024</p>	<p>Risks reviewed by Education Management Team, February 2024 with no changes to risk scores.</p> <p>Risk reviewed by Head of Service - Education, Head of Service - Infrastructure and Service Manager – SA & CPM, January 2023 with no changes to risk scores.</p>
E8	Business Continuity	<p>Business Continuity</p> <p>There is a risk that service provision may be disrupted by a major event such as fire, flood, pandemic leading to loss of buildings and /or reductions in staffing levels etc. as well as disruption to pupils and staff and negative publicity/reputational damage.</p>	<p>Business Continuity Plans within BC Software (Continuity²) in place which include alternative service locations and priority service operations that may be utilised in response to an emergency and are tested and reviewed annually.</p> <p>Contingency plans are in place throughout the Council to deal with a variety of emergencies.</p> <p>Continue to use learning from training, incidents and testing to inform the Plan.</p> <p>Each school has their own BC plan while Business Continuity discussions take place with schools and each school's BC Plan is updated following these.</p> <p>BC is discussed at Learning Estate meeting.</p>	3	4	12	<p>Risk Officer has received Secondary Schools BC plans for review. Plans have been migrated to the BC software with Business Managers trained on the software.</p> <p>The risk from prolonged loss of Wi-Fi impacting SQA courses and the inability to provide sufficient teacher absence cover need highlighted to schools to make sure robust planning is in place</p> <p>Primary Schools will be expected to refresh their BC Plans before being migrated to the BC software.</p> <p>Primary schools need to incorporate robust plans for nursery settings unable to maintain staffing ratios or other potential risk of closure.</p>	2	2	4	<p>June 2024</p> <p>June 2024</p> <p>June 2024</p> <p>June 2024</p>	<p>Risk reviewed by Service Manager - Education (Strat & Ops), February 2024 with current score increased from 8 to 12 until BC plans addressed across school estate.</p>