

**REPORT TO:** AUDIT AND GOVERNANCE COMMITTEE

**MEETING DATE:** 26 March 2024

**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 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, 2 Medium risks and 1 Low risk. 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 2024

7.2 Appendix 2 – Risk Matrix

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# Children's Services Risk Register 2024

Date reviewed: 29 February 2024

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><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. <b>There are not always suitable resources to manage increasing complexity of need of the children referred to children's services which increases the risk of an external provision being required.</b></p> <p>Internal fostering resources are unable to meet the current demand. External foster placements are considerably more expensive.</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 has resulted in more UASC being settled in East Lothian which will place pressure on the Aftercare service accommodation and support budget.</p> <p><b>Children's Services have had no alternative but to use internal fostering and residential resources to provide accommodation for UASC. This has resulted in other children being placed in an external resource.</b></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 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><b>Investment in preventive services aimed at reducing demand.</b></p> <p><b>Deliver preventive interventions (Families Together East Lothian) and reduce the need for social work interventions.</b></p> <p>Education and Children's services are working more collaboratively to support Early Intervention and prevention to mitigate against children and young people requiring to be placed externally at a later date.</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.</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. children's services aimed at ensuring efficient and effective interventions to CYP and families thereby improving outcomes and workflow and service capacity.</p> <p><b>Continued focus supporting kinship carers in partnership with Children 1<sup>st</sup> as alternatives to removing children from their family and community.</b></p>	5	4	20	<p>Completion of work stream <b>aftercare, commissioning a part</b> of TS4C programme including as appropriate the re-alignment and integration of services</p> <p><b>Services are exploring how to increase capacity in internal fostering and residential provision and are working with housing and finance to progress this work.</b></p> <p><b>Plans are in development to improve our support and financial offer for East Lothian foster carers. This will hopefully bring more people into fostering in East Lothian.</b></p>	4	3	12	September 2024  December 2024  April 2024	Risk reviewed by CS Management Team December 2023 with no change to risk scores.

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CS2	<b>Business continuity</b>  <b>Impact on service objectives</b>	<p><b>Workforce Recruitment and Retention</b></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"> <li>Increased caseloads that reduce staff capacity to assess and manage risk and need to children at risk of harm</li> <li>A reduction in line management capacity to provide safe oversight of risk management</li> <li>Statutory duties not being met;</li> <li>Inability delivers the strategic priorities of the service improvement plan.</li> </ul> <p>Newly qualified and inexperienced staff require enhanced supervision, management and oversight which further impacts online management capacity.</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.</p> <p>Additional support and mentoring in place for newly qualifies workers from their team leader and team colleagues</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>	4	4	16	<p>Updated workforce plan is under development.</p> <p>Newly Qualified Social Worker post will be implementing a supported first year programme (March 2024-March 2025).</p>	3	4	12	<p>July 2024</p> <p>March 2025</p>	<p>Risk reviewed by CS Management Team December 2023 with no change to risk scores.</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>

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CS3	Impact on people  Legal and regulatory  Reputational	<p><b>Failure to meet duty of care to public and meet statutory requirements for service delivery</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 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. 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 harm/death of child or detriment. This would in turn result in reputational damage to and increased scrutiny of the Social Work services.</p> <p>Factors that impact on this include <b>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.</b> 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"> <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>Age of Criminal Responsibility</li> <li>Keeping Brothers and Sisters together</li> <li>New National Child Protection Guidance</li> <li><b>UASC transfer scheme</b></li> </ul> <p>Lack of suitable accommodation for care experienced young people who become homeless results in 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> <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>Multi-agency policies and procedures that support the effective identification and management of risk. <b>Revised child protection procedures have been implemented.</b></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 with the primary aim of improving how the service delivers better outcomes for children and meets its statutory requirements.</p> <p>Detailed budget planning measures are in place together with monthly monitoring and validation.</p> <p>Kinship Care policy and approach is being reviewed and strength is being strengthened.</p> <p>Regulated care services are inspected regularly resulting in improvement plans.</p> <p>Joint work with housing services to develop the aftercare pathway 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 <b>and regular self-evaluation and improvement planning.</b></p> <p>East Lothian is committed to keeping the Promise and has recruited a Promise Officer who reports to the Corporate Parenting Board.</p> <p>Officers engage in national networks to ensure best and innovative practice around statutory requirements is considered.</p>	3	4	12	3	3	9	September 2024  September 2024  June 2025	Risk reviewed by CS Management Team December 2023 with no change to risk scores.	

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CS4	<p><b>Impact on people</b></p> <p><b>Impact on service objectives</b></p> <p><b>Legal and regulatory</b></p>	<p><b>Inability to meet safe standards of professional social work practice</b></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 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>A failure to meet safe standards of professional social work practice 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>Following the death of a service user we have been informed this will be the subject of a Fatal Accident Enquiry.</p> <p>Risk to case transfers from other LAs failing to provide the appropriate information on the child/family.</p> <p>A gap in social care resources to support children with disabilities.</p> <p><b>The development of a new National social work agency may unsettle the workforce. There is uncertainty around what this will mean and it could result in significant changes for staff and service delivery.</b></p>	<p>Prioritise maintenance of adequate staffing levels for Child Protection and other work with vulnerable children</p> <p><b>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.</b></p> <p><b>Completion of the improvement plan following the death of a service user addressing key aspects of staff training and development.</b></p> <p>Briefing sessions, specialist training and support are in place.</p> <p>Regular formal supervision in place 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>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> <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 and 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>	3	4	12	<p>Updated workforce plan is under development.</p> <p>A practice standard for Children's Social Work is also to be developed.</p>	3	3	9	<p>July 2024</p> <p>September 2024</p>	<p>Risk reviewed by CS Management Team December 2023 with no change to risk scores.</p>