

Report

Report to: **Social Work Resources Committee**
Date of Meeting: **6 December 2023**
Report by: **Director, Health and Social Care**

Subject: **Update on the 2022/2023 Risk Register and Risk Control Plan**

1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ provide an update on risk management arrangements and the risk register for Social Work Resources

2. Recommendation(s)

2.1. The Social Work Resources Committee is asked to approve the following recommendation(s):-

- (1) that the contents of the report be noted;
- (2) that the set of top risks for Social Work Resources be approved; and
- (3) that an additional two Social Work risks be approved.

3. Background

- 3.1. The Council's Risk Management Strategy promotes consideration of risk in service delivery, planning and decision-making processes. The Strategy requires resources to record and review risks and control actions regularly. Social Work Resources follow the guidance in developing, monitoring and updating the risk register on an ongoing basis.
- 3.2. The purpose of the risk register is to ensure that Social Work Resources is fully aware of its top risks; that these risks are prioritised; and that controls are in place to eliminate or minimise the impact of the risks.
- 3.3. The Resource scores these risks in accordance with the Council's corporately agreed scoring mechanism, based on likelihood and impact. This results in risks being scored between one and twenty-five (low – very high). Risks are scored on their inherent score (risk if we do nothing) and their residual risk (risk after applying controls). Further detail on the Council's scoring matrix and approach to risk appetite is outlined in appendix 1.
- 3.4. Each Resource has a Resource Risk Management Group which has responsibility for the promotion and management of risk. The Social Work Resources Risk Management Group continues to meet on a regular basis to provide operational oversight of all risks impacting on the delivery of social care services.

3.5. This particular report provides an update to Social Work Resources Committee on a number of interrelated pieces of work that have been undertaken with regards to risk in the context and how these impact on the delivery of social care services. Notably, this report will cover the following areas:

- A reviewed list of top risks impacting on social care as per agreement at Social Work Resources Committee on 27 September 2023
- A review of the Council's top risks for 2023/2024

4. **Review of the Top Risks Impacting on Social Care Services**

4.1. At its meeting of 27 September 2023, Social Work Resources Committee agreed the top five risks impacting on the delivery of social care services. It is evident that these risks continue to have a significant impact and, therefore, remain valid as the agreed top risks.

Table 1 – Social Work Resources Top Risks

	Top Risk	Risk Level
1.	Workforce availability and capacity	Very high
2.	Public Protection and Legislative Duties	Very high
3.	Market and Provider Capacity	Very high
4.	Funding and Budgetary Pressures	Very high
5.	Winter demands and pressures	Very high

4.2. In relation to the risk below, an addition has been made to the risk description to reflect the introduction of new legislation:

- **Failure to comply with or meet the expected standards, scrutiny levels, or improvement as identified by regulatory bodies**

The introduction of the [Health and Care \(Staffing\) \(Scotland\) Act 2019](#) will come into effect from 1 April 2024, and may present additional risk for care services. The Act places duties on those who commission or deliver health and social care services to provide assurance that staffing is appropriate in numbers and skill mix and can support people to achieve their best health and care outcomes.

The Safe Staffing Programme has been established by the Scottish Government to support the social care sector with the implementation of this legislation and to develop a staffing method framework which will assist the assessment and decision-making process on workload and workforce planning. A range of [webinars](#) are planned from October 2023 to March 2024 to support the implementation of the Act.

The Social Work Workforce Plan 2022-2025 will continue to address the demand and workforce challenges facing services and the need to maintain the health and wellbeing of the workforce. An action plan is in place to address these challenges, by maximising available resources through options of service redesign; developing recruitment practices; and ensuring the workforce feel valued and supported.

4.3. A number of factors continue to impact directly on the top risks relating to funding and budgetary pressures and market/provider capacity. Although these do not alter the risk scoring of the others at this stage, they do emphasise further challenges which require to be accounted for in a risk context.

Of note and for information, these additional challenges are related to:

- Ongoing budgetary pressures within the children's element of the Children and Justice budget.
- Financial pressures affecting the stability of the external provider market.

4.4. Appendix 2 provides further detail on each of the top risks, alongside the inherent and residual risk scores and sample controls.

4.5. Whilst these top risks are the primary focus of the Resource in terms of oversight, monitoring and management, there remain 12 other risks rated as high but deemed to be of lesser impact at this point in time. The Resource continues to monitor these risks and contribute to by way of mitigation, some of which are wider organisational risks that require all departments of the Council to respond to by working together corporately. The list below provides some additional detail in this regard:

1. Deliver Strategic Commissioning Plan Outcomes required by IJB
2. Cost of living crisis
3. Business continuity, response and recovery
4. IT developments and functionality
5. Fraud, theft organised crime and cyber attacks
6. National Care Service
7. Sustainable development and climate change objectives
8. Historic Child Abuse
9. Refugee resettlement and asylum seeker dispersal programme
10. Disruption to council services due to industrial action
11. Achieve standards and scrutiny levels identified by regulatory bodies (New)
12. Implications of the SFRS Unwanted Fire Alarm Signals Policy (New)

4.6. From a risk appetite and tolerance perspective, the Council aims to be risk embracing, in that it will accept a tolerable level of risk in seeking service efficiencies and in agreeing control measures. The level of risk facing the Council is measured both before (inherent risk) and after (residual risk) consideration of controls. The Council should never carry a very high residual risk exposure as this would indicate instability, but a low residual risk exposure should also be avoided as this indicates lack of innovation.

4.7. The Council's universal risk tolerance levels are outlined within the Council's Risk Management Strategy 2020, and this is expected to be reviewed over the next year. The current ideal risk profile is defined as:

- ◆ No more than 10 per cent of residual risks at a very high level
- ◆ No more than 15 per cent of risks at a high level
- ◆ Around 50 to 60 per cent of residual risks at a medium level
- ◆ No more than 30 per cent of residual risks at a low level

4.8. The Social Work Resources risk profile is detailed in Table 2, in respect of the 17 risks referred to in sections 4.1 and 4.5. The profile currently exceeds the ideal universal risk exposure levels defined by the Risk Management Strategy detailed above; however, it is reflective of the environment which the service currently operates within and mirrors the highest level risks currently facing the Council.

Table 2 - Top risks risk profile

Risk category	Risk rating	Number of risks	Percentage of risks
1	Very high	8	47%
2	High	9	53%
3	Medium	0	-
4	Low	0	-

- 4.9. Risk will remain a standing item on Social Work Resources Committee and the risk register and reporting of risk will be a dynamic process, with Committee receiving updates on any changes to levels of risk or new risks which may evolve over time.

5. Reviewing the Council's Top Risks for 2023/2024

- 5.1. The Year End Risk Management Report (2022/2023) and Review of Council's Top Risks (2023/2024) were presented to Risk and Audit Scrutiny Committee on 31 October 2023.
- 5.2. The annual review of the Council's top risks began in April 2023, with views sought from Heads of Service, Senior Managers, Elected Members and Trade Unions. The review supports the systematic identification and assessment of top risks and cross cutting themes across the Council which will be monitored through individual resource risk registers.
- 5.3. New risks added to the Council Risk Register reflect those within the Social Work risk register and include:
- ◆ implications of the Scottish Fire and Rescue Service Unwanted Fire Alarm Signals Policy within the Council's non-domestic estate
 - ◆ failure to comply with or meet the expected standards, scrutiny levels, or improvement as identified by regulatory bodies
 - ◆ third and private sector market capacity
- 5.4. Updates to other relevant risks to Social Work Resources, include:
- ◆ the risk description on 'Funding' highlights continued pressures, which will require significant change and consideration of risk appetite, if we are required to manage services and demand with a diminishing resource
 - ◆ the 'National Care Service Bill' risk score has reduced from 16 to 12 due to the extension to debate the Bill until next year and agreement reached for National Care Service staff, buildings and delivery of services to remain with councils.
 - ◆ the 'health, safety and wellbeing of employees' risk card removes reference to the increased requirements due to the pandemic.

6. Major projects, partnerships, or change

- 6.1. Within Social Work Resources, 13 partnerships have been identified. Highlighted risks for partners include the current unprecedented financial challenges and workforce pressures faced by health and social care.
- 6.2. The South Lanarkshire Integration Joint Board (IJB) has an approved risk management strategy and a risk register which details the organisation's approach to risk and how it will identify and manage risks to mitigate against subsequent impact.

6.3. The risk register has been revised and refined to focus on those very high and high strategic risks directly impacting on the business of the IJB. The risks within the revised register are proposed as follows (scores below reflect risk scoring after mitigation):

- Financial sustainability – very high
- Workforce availability and capacity – very high
- Winter pressures – very high
- Failure to meet public protection and legislative requirements – high
- Performance Reporting does not capture performance across the whole health and social care system – high

6.4. Audit Scotland's recently published report [The Scottish Government's workforce challenges](#) reiterates the scale of public sector workforce reform which will be required to deliver sustainable public services for the future.

7. Next steps

7.1. The Resource Risk Management Group will continue to meet on a regular basis. The risk register will be reviewed on an ongoing basis by the group to ensure that risks remain valid for the appropriate service areas and to identify new areas of risk that affect the Resource. An update report will be provided regularly to Committee.

7.2. Moreover, future reports and proposals brought before Social Work Resources Committee will show the correlation and read across with the top risks to assure Committee that such proposals are geared towards providing further levels of mitigation.

8. Employee Implications

8.1. Time will be required for the Resource Risk Management Group to manage the Resource risk register and risk control plan.

9. Financial Implications

9.1. There are no direct financial implications associated with the Resource's top risks. There are a number of proposed risks which are classified under the heading of financial. Where this is the case, the appropriate controls and actions have been included in the risk control cards and progress will be monitored.

10. Climate Change, Sustainability and Environmental Implications

10.1. Sustainable development issues are included within the Council's top risk register through being linked directly to the Council Plan objective 'make communities safer, stronger and sustainable'

11. Other Implications

11.1. Failure to demonstrate that risk is actively considered and managed cannot only lead to avoidable financial loss but could also affect delivery of services and the reputation of the resource.

12. Equality Impact Assessment and Consultation Arrangements

12.1. This report does not introduce a new policy, function or strategy or recommend a change to existing policy, function or strategy and therefore, no impact assessment is required.

12.2. Consultation on the content of this report has been undertaken with the Resource Management Team.

Professor Soumen Sengupta
Director, Health and Social Care

7 November 2023

Link(s) to Council Values/Priorities/Outcomes

- ◆ Accountable, effective and efficient and transparent

Previous References

- SW Committee – 27 September 2023

List of Background Papers

- None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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Appendix 1 – Risk scoring matrix, likelihood and impact definitions

Likelihood

Score	1	2	3	4	5
Description	Rare	Unlikely	Possible	Likely	Almost certain
Likelihood of occurrence	1 in 10 years	1 in 3 years	1 in 2 years	Annually	Monthly
Probability of occurrence	The event may occur in certain circumstances	The event could occur	The event may occur	The event will probably occur	The event is expected to occur or occurs regularly

Impact

	Reputation	Financial	Service delivery/ Time to recover	Compliance	Safety
1 Negligible	Public concern restricted to local complaints	<£50,000 per annum	No impact to service quality; limited disruption to operations.	No external interest	Minor injury – no lost time
2 Minor	Minor adverse local/public/media attention and complaints	£50,000-£250,000 per annum	Minor impact to service quality; minor service standards are not met; short term	Very minor attention from legislative/regulatory body	Minor injury – resulting in lost time
3 Moderate	Adverse national media Public attention	£250,000 to £500,000 per annum	Significant fall in service quality; major partnership relationships strained; serious disruption in service standards	Short-term attention from legislative/regulatory body	Major injury or ill health resulting in lost time
4 Major	Serious negative national or regional criticism	£500,000 to £1million per annum	Major impact to service delivery; multiple service standards are not met; long term disruption to operations; multiple partnerships affected	Medium-term attention from legislative/regulatory body	Fatality; Or injuries to several people
5 Catastrophic	Prolonged international, regional and national condemnation	>£1million per annum	Catastrophic fail in service quality and key service standards are not met; long term catastrophic interruption to operations; several major partnerships are affected	National impact with rapid intervention of legislative/regulatory body	Multiple fatalities; Or injuries to large number of people

The assessments for impact and likelihood combine to provide an overall inherent risk score on the scale of between 1 and 25, using the council's recognised risk matrix.

Risk matrix

Likelihood	5 Almost Certain	5	10	15	20	25
	4 Likely	4	8	12	16	20
	3 Possible	3	6	9	12	15
	2 Unlikely	2	4	6	8	10
	1 Rare	1	2	3	4	5
		1 Negligible	2 Minor	3 Moderate	4 Major	5 Catastrophic
		Impact				

The risk score is calculated as follows:

Likelihood score x Impact score = Risk Score

Risks scored 15 to 25 are considered to be very high risks and risks scored 8 to 12 are considered to be high risks. Very high and high risks are monitored closely.

Appendix 2

Social Work Resources Risk Register (August 2023) Extract of risks with residual score category of Very High

				Sample of Controls			
	Risk Category	Key Risk	Inherent risk score	1st line of defence: Operational management	2nd line of defence: Corporate functions (not internal audit) that oversee or who specialise in compliance or the management of risk (CMT)	3rd line of defence independent assurance (internal/external audit and any other scrutiny or regulatory body)	Residual Risk Score
1	1 Very High (15-25)	Workforce Availability and Capacity Description <ul style="list-style-type: none"> Lack of capacity and skills to meet increased service demands. National shortage of skilled workforce across all sectors Recruitment, selection, and retention of Social Care Staff challenging Growing demographic and post pandemic service demands Workforce profile shows an ageing workforce within social care Competition with other industry sectors and Local Authorities Implication of the Health and Care (Staffing) (Scotland) Act 2019 	25	Prioritising workloads, raising concern within management team Social Care and Social Work Critical Functions Framework Care at Home social media recruitment campaign	Workforce Monitoring reports to SWC Personnel targeted recruitment campaigns Increase use of social media to recruit Care Academy	Workforce Strategy for Health and Social Care Scotland SSSC (Scottish Social Services Council) registration requirements	20

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2	1 Very High (15-25)	Meeting Public Protection and Legislative Duties Description <ul style="list-style-type: none"> Ability to meet increased demands and risks with regards Public Protection (Child Protection, Adult Support and Protection, MAPPA and Gender Based Violence) Meeting all legislative duties pertaining to assessment, support planning and reviews 	25	SwisPlus system records legislative rationale for intervention. Improve reports on legislative timescales targets being met ASP decision making support tool for staff. Wellbeing portal for all staff to access. Risk Assessment for Service Users PPE support to all who require	A risk assessment is part of care management function. Mandatory training and LOL courses for all staff, specific legislation LOL's available. Workforce updates to all SW Committee Meetings. Serious Incident recording and action	Previous inspections reports by CI: SDS, Children's Services and ASP inspection. All registered care services have oversight by Care Inspectorate Other inspection: Mental Welfare Commission reviews	20

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3	1 Very High (15-25)	Market and Provider Capacity Description <ul style="list-style-type: none"> The market has insufficient capacity and choice to meet demand Risks of Providers not being able to sustain their business models/supply chain issues Providers are able to maintain compliance with national standards and quality of service delivery Future arrangements with regards to the National care Home Contract and rates agreed 	25	Quality Assurance & Commissioning Team in place Procurement Network Oversight meetings in place Mapping tool developed in support of care at home service	Oversight of all SL based registered care services maintained Social Work Scotland Care Market intelligence shared. Market facilitation plan	Care Inspectorate regulation of all care services Scottish Care support of independent, private, voluntary care providers.	20

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4	1 Very High (15-25)	Funding and Budgetary Pressures Description <ul style="list-style-type: none"> Risk that services have to re-prioritised as a result of reductions in budgets Reduction in early intervention and prevention activity as a result of having to respond to statutory duties such as public protection 	25	Budget holder responsibility and monitoring. Care Packages linked to finance module Voluntary Sector commissioned services can lever additional funding to the area	Revenue and Capital budget monitoring reports to SW Committee Four weekly monitoring and reporting of financial performance to CMT	COSLA role in support of LA's and links to Scottish Government Audit Scotland reports and briefings	20

5	1 Very High (15-25)	Winter Demand Pressures Description <ul style="list-style-type: none"> Increased service demand beyond normal levels as a result of the impact of seasonal Flu, other respiratory conditions and increased unwellness in the population Impact on workforce availability due to potential increases in sickness/absence Impact of adverse weather on service delivery 	25	<p>Planning for Winter 2023/2024 commenced in July 2023</p> <p>All health and social care staff offered flu and COVID 19 vaccines.</p> <p>Covid and Flu Vaccine Programme for public</p>	<p>GP and Pharmacy Opening</p> <p>Maximising Planned Date of Discharge, Discharge Without Delay and Home First</p> <p>Multi-agency approach across NHS Lanarkshire, the two H&SCPs/IJBs, North and South Lanarkshire Councils together with the respective supports. NHS 24 etc.</p>	<p>NHS Scotland, Public Health Scotland, Healthier Scotland driving forward Winter 2022 Vaccines programme.</p> <p>Overall Resilience Planning</p>	20
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