SOUTH LANARKSHIRE COUNCIL

Report

Report to:	**Education Resources Committee**
Date of Meeting:	**9 November 2021**
Report by:	**Executive Director (Education Resources)**

Subject:	**Update of the Education Resources Risk Register and Risk Control Plan**

1. Purpose of Report

1.1. The purpose of the report is to:-

♦ present an update on the Risk Register and Risk Control actions for Education Resources.

2. Recommendation(s)

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

(1) that the contents of the Education Resources Risk Register and Control Plan be noted.

3. Background

3.1. The Council's Risk Management Strategy, which was reviewed in April 2020, 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. Education Resources follows Council guidance in developing, monitoring and updating a risk register on an ongoing basis.

3.2. The purpose of the register is to ensure that the Resource is fully aware of its top risks and that these risks are prioritised and controls are in place to eliminate or minimise their impact.

3.3. The Resource scores risks in accordance with the Council scoring mechanism, based on likelihood and impact. This results in risks being scored between one and twenty five (low – very high).

3.4. Risks are scored on their inherent score (risk if we do nothing) and their residual risk (risk after applying controls).

3.5. The last update of the Education Resources Risk Register was reported to the Education Resources Committee in January 2021.

3.6. The Council's top risk register and risk control plan has been reviewed. This work was completed in September 2021.

3.7. The Central Risk Management team annually reviews Resource compliance with the Risk Management Strategy. The outcome of the 2020/2021 review identified that Education Resources achieved 100 per cent compliance, scoring 45 out of a possible 45.

4. Resource Risk Management

4.1. Each Resource has a Resource Risk Management Group which has responsibility for the promotion and management of risk.

4.2. The Education Resources Risk Management Group continues to meet on a quarterly basis as part of the Resource Health and Safety Partnership Working Group.

4.3. The work of the group over the last year has focused on the review and update of the Resource Risk Register taking account of the impacts of the global pandemic, and ensuring that the register is reflected in Resource planning and improvement processes.

5. Risk Register

5.1. An annual review of the Resource Risk Register has been carried out. This considered risks at operational and strategic levels.

5.2. The Resource Risk Register will continue to be monitored on an ongoing basis to allow new risks to be added and for the control measures and scores of existing risks to be revised as required.

5.3. Risks can result from internal or external influences e.g. the impact of projected funding cuts or legislative changes or the Covid-19 pandemic.

5.4. The development process for the Resource Plan requires a risk assessment process to be undertaken as appropriate resulting in some actions within the Resource Plan having a corresponding risk identified within the risk register.

5.5. The main changes to the register for 2021 are:
- **Global Pandemic** - A watchful refocus of the risks associated with Covid-19 from management to recovery;
- **Failure to adequately prepare for the national expansion in early years education and child care provision -** As a result of an extended national deadline introduced due to the pandemic, Education Resources have continued to work on increasing the Early Years qualified workforce, expand physical assets and strengthen formal partnerships with private and third sector providers. As a result of this work, the Resource is confident that places have been offered to all eligible groups in line with the national expansion by the deadline of August 2021. This risk has been removed from the council's top risk register.
- **Failure to maintain the required pupil/teacher ratio.** This risk relates to the Council being unable to successfully recruit teachers to maintain the pupil/teacher ratio set by the Scottish Government. Failure to meet the ratio could result in a potential fine and reputational damage to the Council. Education Resources have managed this risk for several years with strong controls in place to mitigate against any possible financial penalty imposed by the Scottish Government and any gaps in service delivery. More recently, the Resource has used additional funding provided by the Scottish Government to further strengthen these controls by increasing the number of teachers in our schools. Given the current status of this risk, it has been removed from the top risk register.

5.6. The scoring matrix for all risks is shown at Appendix 1. Risks scored 15 to 25 are considered to be very high risks and risks scored eight to 12 are considered to be high risks. Very high and high risks are monitored closely. The top risks identified for the Resource i.e. those that are residually scored as being very high and high, are attached at Appendix 2.

5.7.   A clear link has been made to the Council's top risks.

5.8.   Risks evaluated residually as being medium or low risk will continue to be monitored to ensure that they are adequately managed.

5.9.   The Committee is asked to note the contents of the Resource Risk Register.

6.   Insurance Hotspots

6.1.   The council's insurers have been undertaking an analysis of the public liability, employer's liability, motor and property claims experiences for the last two years, with a view to identifying areas where a number of similar types of claim or high value claims were originating. This work was delayed due to the pandemic and is now due to be completed by the end of 2021. Action plans will be agreed with Resources to mitigate against hotspot areas. Education Resources continue to work closely with the Council's risk and insurance team to prevent recurrence of any identified hotspots. The introduction of new and revised procedures within the Resource in relation to Promoting Positive Relationships and Understanding Distressed Behaviours, supporting employees involved in violent incidents and an agreed programme of mandatory training targeting high risk areas as active preventative measures has helped keep cost exposure comparatively low.

6.2.   In addition, the Resource has taken steps which has seen a significant increase in online employee learning around higher risk areas such working at height, cyber security and slips, trips and falls.

6.3   The Resource has also worked with the Council's risk and insurance team to successfully claim almost £600,000 lost by families as a result of school trips and excursions being cancelled due to the pandemic. Schools were supported in recovering a further £500,000 directly from suppliers. It should be noted at this time that our insurer has advised that the same level of cover will not necessarily apply to Covid-19 cancellations.

7.   Scope and Appetite for risk

7.1.   South Lanarkshire Council aims to be risk embracing, that is it will accept a tolerable level of risk in seeking service efficiencies and in agreeing control measures.

7.2.   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 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.

7.3.   The Council's universal risk tolerance levels were recently updated as part of the review of the risk management strategy this year, with the ideal risk profile 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

7.4.   Table 1 below shows the top risks heat map, i.e. it details the total number of top risks for each individual residual risk score. Table 2 below notes the overall risk profile for the top risks.

Table 1 – Top Risks: Heat Map

Likelihood		1 Negligible	2 Minor	3 Moderate	4 Major	5 Catastrophic
	5 Almost Certain					
	4 Likely				2	
	3 Possible			8	2	
	2 Unlikely					
	1 Rare					
		1 Negligible	2 Minor	3 Moderate	4 Major	5 Catastrophic
				Impact		

Table 2 –Top Risks: Education Risk Profile

Risk Category	Risk Rating	Number of residual risks	Percentage of residual risks
1	Very high	2	17
2	High	10	83
3	Medium	0	0
4	Low		

7.5.   It should be noted, that whilst the profile shown in Table 2 appears out with the ideal universal risk exposure defined by the Risk Management Strategy, the risks shown relate only to those at the highest level currently being faced by the Resource and do not include low risk numbers, the inclusion of which would bring the profile within that of the Council average.

7.6.   Like all parts of the Council, the work of Education Resources continues to be impacted by the Covid-19 pandemic. This has increased our levels of risk across multiple areas. The Resource has ensured, however, that all inherent risks scored at a high level have well-informed, costed, practicable and necessary control measures in place and that a clear and workable recovery strategy has been adopted. Where further control measures are required, these are included within the Resource risk control plan.

8.   Risk Control Actions

8.1.   Progress with completion of Resource Risk Control Actions is monitored on a monthly basis by the Central Risk Management team. This is also reviewed by the Resource Risk Group. There are no risk control actions for Education Resources due for delivery.

8.2.   Any actions to mitigate risks within the Risk Control Plan will be progressed by the relevant officers within Education.

9.   Major Projects, Partnerships or Change

9.1.   Education Resources operates within a number of high level partnerships including those in relation to school transport, early learning and schools estate.

9.2.   Appropriate risk management arrangements are in place for these high level partnerships.

10.   Next steps
10.1. The Resource Risk Management Group will continue to meet on a quarterly 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 to Committee on an annual basis.

11.   Employee Implications
11.1. Time will be required by the Resource Risk Management Group in the management of the Resource Risk Register and Risk Control Plan.

12.   Financial Implications
12.1. 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, including additional costs stemming from Covid-19. Where this is the case, the appropriate controls and actions have been included in the risk control cards and progress will be monitored.

13.   Climate Change, Sustainability and Environmental Implications
13.1. 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'.

14.   Other Implications
14.1. Failure to demonstrate that risk is actively considered and managed can not only lead to avoidable financial loss but could also affect delivery of services and could affect the Resource's reputation.

14.2. There are no implications for sustainability in terms of the information contained in this report.

15.   Equality Impact Assessment and Consultation Arrangements
15.1. 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.

Tony McDaid
Executive Director (Education Resources)

13 October 2021

Link(s) to Council Values/Ambitions/Objectives
♦   Accountable, effective, efficient and transparent

Previous References
♦   Education Resources Committee – 19 January 2021

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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2021 Risk scoring matrix and likelihood and impact definitions   Appendix 1

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

		1 Negligible	2 Minor	3 Moderate	4 Major	5 Catastrophic
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

Education Resources Top Risk Register 2021/2022 – (Very High and High Risks)

Risk Description	Inherent Risk Score	Sample Controls	Residual Risk Score	Service
1. Reduction in available funding and income. The financial pressures placed on our budgets combined with an increased demand for our services will make any further efficiency savings difficult. **Council Top Risk**	25	Continuous financial monitoring will take place in line with good governance arrangements, including tracking of additional Covid related costs e.g. cleaning and hygiene products, increased heating levels due to ventilation practices. Regular meetings with Corporate Finance assist in reviewing, monitoring and identifying solutions and helping ensure a balanced budget. Senior Officers contribute to corporate efficiency groups and the Resource is represented on the Corporate Procurement Group. Review groups within the Resource continue to look at more effective service delivery models linked to national frameworks and our strategic and operational plans. Have had additional education recovery funding allocated to allow dealing with change and/or increase in demand. Estimated inflationary levels for employee pay award and PPP contracts, the two largest areas of spend, are built into the Council's annual budget.	20	All
2. Impacts of severe service disruption to communities caused by a major or emergency event, including global pandemic illness, should the council not provide an adequate response. Failure to maintain critical services; provide support to the community, educational establishments and businesses; deliver emergency response commitments as a Category One Responder; and protect the wellbeing of employees and service users as far	25	Strong links with NHS Incident Management Teams, SLC Covid Working Group, Local Resilience Partnership and relevant government agencies. Regular liaison with all Headteachers and other stakeholders to provide up to date information on continuity planning, revised curriculum delivery and robust health and safety arrangements to minimise infection transmission in educational establishments including Risk Assessment, SSOW, CO_2 monitoring and PPE provision. Working Group in place to consider concerns raised by all relevant agencies, including Police Scotland, in relation to children and families deemed to be at potential risk.	16	Support Services

Risk Description	Inherent Risk Score	Sample Controls	Residual Risk Score	Service
as reasonably practicable will have significant impact on children, young people and families. **Council Top Risk**		Specialist support and advice from Educational Psychologists to children, young people and employees. Frequent and ongoing support for Headteachers and other managers in providing up to date and consistent information to parents and learners. A range of approaches to ensure safe and compliant continuity of learning including aspects of remote learning and support for vulnerable children. Provision of welfare services and products to learners e.g. free school meal payments, other welfare payments, sanitary products, IT devices, internet access, and physical resources/stationery. Clear processes for Fire Inspection and property maintenance audits are in place in all establishments. Incident reports are analysed monthly in partnership with HTR (break-in, fire and vandalism). Schools have fire sprinkler or suppressor systems. The Resource follows all counter terrorism measures. PREVENT training is mandatory.		
3. **Failure to improve educational achievement and attainment and meet the aims of the National Improvement Framework.** Improvement in attainment particularly in literacy and numeracy, closing the poverty attainment gap, promoting health and wellbeing and improving positive school leaver destinations are priorities for all schools. The availability of resources, curricular changes, standards of leadership and wider socio-economic issues can affect levels of attainment and achievement. This applies also to adult literacy and numeracy	25	Clear and comprehensive pandemic recovery plans in place across all Services and establishments. This is a national issue with schools and establishments taking forward priorities within the National Improvement Framework, (including using PEF and SAC funding) in order to raise attainment in literacy and numeracy, close the equity gap and provide more positive destinations. Continuous improvement remains an overarching aim of Education Resources with a current focus on health and wellbeing, continuity of learning during the pandemic and recovery as we move forward. Additional resources have been made available.	12	All

Risk Description	Inherent Risk Score	Sample Controls	Residual Risk Score	Service
initiatives as well as other community learning activities.		Trend data is available for analysis. Positive strides have been made in enhancing analytic skills within schools. Progress is monitored continuously at primary and secondary levels and required actions taken.		
4. Failure to promote positive relationships and understand distressed behaviours. Failure to promote positive relationships and understand distressed behaviours can lead to continuing behaviours which can disrupt effective teaching and learning. It can affect school and individual performance, lower employee morale and divert resources from front line provision. Failure to proactively understand distressed behaviour and continue to seek positive strategies in relation to children and young people can to lead serious physical or psychological injury as well as creating barriers to learning, affecting Council reputation and increasing the risk of litigation. Extended lockdown or isolation periods may increase distressed behaviours on return to school.	20	The 'Promoting Positive Relationships and Understanding Distressed Behaviour' Resource is now embedded across the Resource for all establishments and supported by a learn-online module providing CPD for all staff. Additional specialist intervention training is available where required. New and improved procedures for clear recording of incidents, including those reported as violent incidents are also in place along with additional supports for those employees affected by violence. Multi agency planning processes based on a staged intervention approach facilitate information sharing and robust assessment and planning responses. Continued use of anti-bullying guidance 'Treat me well' developed and launched in partnership with Respect Me, the national organisation for anti-bullying. Schools now using this as a basis when considering the introduction of a variety of supports such as peer mentors, mediation, health ambassadors and other initiatives to support the messages of anti-bullying, respect and the importance of positive mental health and wellbeing. Robust recording a monitoring of incidents in place. Pupil counselling services in place.	12	Inclusion Services
5. Decommissioning of a range of SEEMIS supported IT functions. Withdrawal of elements of the current SEEMIS suite of ICT support which currently contributes to the recording, managing and monitoring of data essential for service delivery such as cover	25	Dedicated Officer time to assist in fully identifying the elements of support being removed, project slippage and assessing the level of impact on service delivery. Cross Resource working on risk mitigation. Work with other local authorities to gain shared solutions where possible, design in-house systems or purchase IT products.	9	All

Risk Description	Inherent Risk Score	Sample Controls	Residual Risk Score	Service
teachers bookings and co-ordination of ASN transport.		Impact analysis on area such as temporary teacher payments, budgeting and commitment recording for financial management, ASN transport planning and co-ordination, recording of certain pupil information, processing of supplier payments, cover teacher bookings Where systems have now been decommissioned, follow up work is ongoing to deal with small snagging/improvements to the new systems.		
6. Failure to meet Child Protection and other care and wellbeing legislation. Failure to meet Child Protection requirements can result in significant harm to children and young people. Failure to provide appropriate levels of care and welfare within school can lead to harm, injury, isolation and create barriers to learning. Failure to progress a Healthy Lifestyle agenda can lead to poor eating habits, lack of exercise and poor health as well as challenging behaviours, disruption and poor engagement. Failure to manage nonattendance can result in increased risks for children, lower attainment and achievement, disengagement with key services, poor results for schools and damage to Council reputation.	25	Our Child Protection procedures are firmly embedded in all schools and services. The importance of reporting and recording arrangements on our management information systems is well established. All schools have a policy on notification of unauthorised pupil absence. GIRFEC is an Improvement Priority within Resource and Establishment planning. Child Protection training is mandatory for all employees. Effective participation in the multi-agency Children's Services planning process External validation on care and welfare practices is in place via HMIe / Care Inspectorate inspections. A range of supports was available to our most vulnerable children and families during isolation / lockdown. Emphasis on supporting vulnerable families within our recovery planning.	9	Inclusion Services
7. Reduced levels of staffing and employee development. A significant reduction in appropriately trained and competent employees as a result of budgetary reduction can result in poor performance, ineffective change management, reduced levels of provision, establishment closures, unsafe working practices, low morale and stress.	20	The Resource Learning, Development and Workforce Planning Board provide clear strategic direction on employee development linked directly to corporate and Resource planning. A Resource Learning and Development Plan is in place. Workforce planning and succession planning procedures are well established. Staff undertake a range of mandatory courses to ensure compliance with essential relevant training requirements. There is effective partnership working with Trade Unions on outcomes from wide scale consultative processes such as the Employee Survey.	9	All

Risk Description	Inherent Risk Score	Sample Controls	Residual Risk Score	Service
Council Top Risk		Where budget savings have reduced the number of employees within a service, a review of priorities and tasks is completed to ensure change is planned and the impact on all stakeholders is minimised. Education has seen a significant increase in online employee learning and agreed a formal partnership with TUs on future mandatory training. Training improves practice and provides effective risk control.		
8. Failure to meet sustainable development and climate change objectives Failure to meet local objectives will limit the Council's ability to meet organisational objectives. This can increase cost, damage reputation and affect health and wellbeing. **Council Top Risk**	20	Close working with other Resources to reduce energy usage and non-recyclable waste within educational establishments. Ventilation guidance in schools may affect energy usage reduction levels. Also close work with schools on promoting the environmental aspects of the curriculum and encouraging pupil ownership of local targets. Membership of the Council's Climate Change and Sustainability Steering Group. We will seek to share experiences and knowledge with colleagues from the West Partnership. Creation of Youth Forum to raise awareness, share information and influence behaviour change. Through Glasgow University, a number of young people are being allowed the opportunity to report live from the COP26 conference.	9	Support Services / CQIS
9. Procurement practice fails to meet statutory requirements Failure to meet statutory procurement requirements can result in poor contract management, poor value for money, legal challenge and financial penalty **Council Top Risk**	25	Representation on the Corporate Procurement Review Groups. Regular meetings with procurement colleagues on issues arising and planning for contract requirements and contract renewals. Working with the Central Procurement Team to ensure an effectively targeted PEF spend while still ensuring procurement compliance.	9	All

Risk Description	Inherent Risk Score	Sample Controls	Residual Risk Score	Service
10. Failure to meet legislative requirements in relation to public protection; Health, Safety and Wellbeing Failure to comply with current Health and Safety legislation and guidance can result in injury or death to employees and service users. The Council would be liable for such occurrences and as such at risk of prosecution. **Council Top Risk**	20	All educational establishments use the Corporate Occupational Health and Safety Management System. Detailed Employee Health and Safety risk assessments and SSOW for all sectors and curricular areas. All properties are inspected regularly in line with Fire and Workplace Health and Safety regulations. A Health and Safety Training Matrix and Resource Health and Safety Strategy Group are operational. Regular liaison with the council's Health and Safety Team. Headteachers and managers are supported in their management of risk by Support Services Co-ordinators. All grade 5 Managers and above will complete IOSH accredited training.	9	Support Services
11. ICT and other data rich processes in Education fail to meet service user, employee and legislative requirements. Failure to have an effective strategy and mechanisms in place to manage and protect the data we hold can increase the risk of fraud, theft, organised crime and cyber-attacks as well as leading to loss of trust with stakeholders and damage to the reputation of the Resource and Council. Failure to comply with legislative requirements associated with information governance and data management (including GDPR sharing data, systems failure, virus attack, loss of confidential or sensitive information, outdated equipment, inappropriate access, mis-use of email and on line protection) will have adverse consequences for the Council. **Council Top Risk**	20	Mandatory information governance training/GDPR. Information sharing protocols and revised data transfer procedures are in place. Operating Procedure providing guidance on the use of electronic devices. As part of the school ICT managed service contract, virus protect software is updated and downloaded regularly, and workstations and servers are also refreshed regularly. Appropriate Privacy Impact Assessments in place for all 3rd party apps in use within schools. Data breaches, such as email errors, are reported and recorded and any necessary actions taken to prevent re-occurrence.	9	All

Risk Description	Inherent Risk Score	Sample Controls	Residual Risk Score	Service
12. The Council is significantly affected by the impact of the UK leaving the European Union Despite agreement on a trade deal, there remains some uncertainty over the long-term impacts likely to affect the council and the wider economy. **Council Top Risk**	20	Education Resources works closely with Finance and Corporate Resources on an ongoing basis to help assess impacts on our financial and workforce planning including those in relation to procurement and recruitment. The Resource works closely with Heads of Establishment to maximise any additional funding made available from the Scottish Government.	9	All