

Report

Report to: Education Resources Committee

Date of Meeting: 19 January 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. Committee is asked to approve the following recommendation(s):-
 - (1) that the contents of the Resource Risk Register are 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 the 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 2020.
- 3.6. The Council's top risk register and risk control plan has been reviewed. This work was completed in October 2020.
- 3.7. The Central Risk Management team annually review Resource compliance with the Risk Management Strategy. The outcome of the 2020/2021 review identified that Education Resources achieved 100 per cent compliance, scoring 42 out of a possible 42.

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 and ensuring that the register reflected the Resource planning process.

5. Risk Register

- 5.1. Work has been completed to finalise the review of the Resource Risk Register. This considered risks at both Service and Council strategic levels.
- 5.2. The Resource Risk Register will be monitored on an ongoing basis to allow new risks to be added and for the control measures and scores of the existing risks to be reviewed in light of new information.
- 5.3. Risks can result from internal or external influences e.g. the impact of projected funding cuts or legislative changes.
- 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:
 - The introduction of risks associated with the Covid 19 Pandemic
 - Risks associated with the impacts of severe service disruption have increased
 - Risks associated with the national expansion of Early Years provision have decreased
 - Risks associated with pupil: teacher ratios have decreased
 - All risks have been rescored in line with the revised 5x5 risk scoring matrix. The scoring matrix was changed from a 3x3 matrix, following a review of the Council's Risk Management Strategy at the start of the year. The revised 5x5 scoring matrix and definitions for likelihood and impact is shown at Appendix 1.
- 5.6. 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 be monitored to ensure that they continue to be adequately managed.
- 5.9. The Committee is asked to note the contents of the Resource Risk Register.

6. Insurance Hotspots

6.1. As part of the work that is currently being undertaken in connection with the ongoing Insurance Fund Review, the Council's insurers were approached and asked to carry out an analysis of our claims experience for the last five years for Public Liability, Employers' Liability, motor and property claims, with a view to identifying areas where

- a number of similar types of claim or high value claims were originating, through claims reports.
- 6.2. The first stage of the analysis has been completed, and insurers have now been asked to provide their opinion on mitigating measures that can be implemented by the Council to prevent future reoccurrence of the identified insurance hotspot areas. The outcome of this hotspot review will be reported as part of the Insurance Fund Review recommendations.

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 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

Iabi	e i - i op Kisks	. Heat Map						
	5							
	Almost Certain							
	4							
	Likely							
	3							
σ	Possible							
8	2							
Likelihood	Unlikely							
<u>\$</u>	1							
=	Rare							
		1	2	3	4	5		
		Negligible	Minor	Moderate	Major	Catastrophic		
		Impact						
			_	_	_	_		

Table 2 - Top Risks: Education Risk Profile

Risk Category	Risk Rating	Number of risks	Number of residual risks	Percentage of residual risks
1	Very high	15	3	18%
2	High	2	12	70%
3	Medium	0	2	12%
4	Low			

- 7.5. It should be noted that whilst the profile shown in Table 2 appears outwith 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. A direct comparison of risk scores for this year compared to last year is not possible, given the change in the scoring matrix, along with the addition of a new very high risk rating.
- 7.7. Like all parts of the Council, the work of Education Resources has been significantly 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. Where further control measures are required, these are included within the Resource risk control plan.

8. Risk Control Actions

- 8.1. There were no risk control actions due for delivery between April and October 2020
- 8.2. 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.
- 8.3. 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 school 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. There are no climate change, sustainability and environmental implications arising from this report.

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 Resources' reputation.

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.
- 15.2. Consultation on the content of this report has been undertaken with members of the Education Resources' Risk Management Group.

Tony McDaid Executive Director (Education Resources)

15 December 2020

Link(s) to Council Objectives, Improvement Themes and Values

♦ Accountable, effective, efficient and transparent

Previous References

♦ Education Resources Committee – 10 December 2019

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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2020 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

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/me dia 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

	5									
	Almost Certain	5	10	15	20	25				
poor	4 Likely	4	8	12	16	20				
Likelihood	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 2020/2021 – (Very High and High Risks)

Risk Description	Inherent Risk Score	Sample Controls	Residual Risk Score	Service
Failure to provide adequate response to the Covid-19 Pandemic The Council does not provide an adequate response to the pandemic; maintaining critical services; delivering emergency response commitments as a Category One Responder; and protecting wellbeing of employees and service users as far as reasonably practicable. Responding to the pandemic will impact on everything else the Council does. Education Resources is unable to meet statutory obligations in relation to the provision of education and other services for children and young people and their continuous improvement. Council Top Risk	25	Strong links with NHS Incident Management Team, 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 Covid 19 transmission in educational establishments including Risk Assessment, SSOW and PPE provision. Group set up to consider concerns raised by all relevant agencies, including Police Scotland, in relation to children and families deemed to be at potential 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 local Childcare Hubs for children of key workers and 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, physical resources/stationery.	20	All

Risk Description	Inherent Risk Score	Sample Controls	Residual Risk Score	Service
Reduction in available funding and income. The financial pressures placed on budgets, including those as a result of Covid 19 restrictions, and the impact of efficiency measures place a risk on the delivery of core services. Council Top Risk	25	Continuous financial monitoring will take place in line with good governance arrangements. Planned regular meetings with Corporate Finance will assist in reviewing, monitoring and identifying further solutions and help ensure a balanced budget. Senior Officers have contributed to Corporate Services efficiency groups and the Resource is represented on the Corporate Procurement Group. A number of review groups have been established within the Resource to look at more effective service delivery models in light of budget reductions including the possible impacts of the pandemic. Separate tracking of additional costs connected to Covid 19 and any national funding allocated. 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
The Council is significantly affected by the impact of the UK leaving the European Union The UK leaving the EU could have significant impacts on: • Funding and Finance • Workforce and employment • Procurement • Legislation Council Top Risk	20	Education Resources works closely with Finance and Corporate Resources on an ongoing basis to help assess the impacts of Brexit on our financial and workforce planning including those in relation to procurement and recruitment. The Resource works closely with Heads of Establishment to maximise the additional funding made available from the Scottish Government to tackle the poverty related attainment gap.	20	All

Risk Description	Inherent Risk Score	Sample Controls	Residual Risk Score	Service
Decommissioning of a range of SEEMIS supported IT functions by 2021. 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 teachers bookings and co-ordination of ASN transport.	25	Dedicated Officer time to assist in fully identifying the elements of support being removed and assessing the level of impact on service delivery. Cross Resource working e.g. Finance, Personnel and IT to consider the level of impact and mitigating actions necessary, including timescales and resources required to do so. Also working with other local authorities to gain shared solutions where possible, design in-house systems or purchase IT products. Impact analysis on cover teacher bookings, ASN transport planning and co-ordination, recording of certain pupil information, processing of supplier payments, temporary teacher payments, budgeting and commitment recording for financial management.	12	All
Impact of severe service disruption caused by major or emergency events. Failure to fulfil emergency response commitments befitting the Council's status as a Category One (emergency) responder. Lack of tested business continuity plans can seriously and immediately impact on service delivery and have the potential to disrupt all aspects of learning and teaching. Whilst the need can arise from a number of emergency situations e.g. health epidemic, fire or weather, the outcome is most likely to be a breakdown of service delivery. Further consequences can arise in relation to the impact on individual, families and the wider community. Council Top Risk	25	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. Pandemic/health and contingency plans are in place (other than covid19 which is identified as a separate risk). The Resource follows all counter terrorism measures and advice.	12	Support Services

Risk Description	Inherent Risk Score	Sample Controls	Residual Risk Score	Service
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 the priority 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 initiatives as well as other community learning activities.	25	This is a national issue with schools and establishments to take 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 focus at the moment being health and wellbeing and continuity of learning during the backdrop of Covid 19. 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.	12	All
Failure to promote positive relationships and understand distressed behaviours. Failure to promote positive relationships and understand distressed behaviours can lead to continued behaviour 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 strategies in relation to children and young people can lead to serious physical or psychological injury as well as creating barriers to learning, affecting Council reputation and increasing the risk of litigation. An extended lockdown period may increase distressed behaviours on return to school.	20	The 'Promoting Positive Relationships and Understanding Distressed Behaviour' Resource has been launched across the Resource for all establishments and will be supported by a learn-online module providing CPD for all staff. Additional specialist training is made available where required (Pivotal MAPA). New and improved procedures for clear recording of incidents, including those reported as violent incidents are also available – Operating Procedure A30. 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.	12	Inclusion Services

Risk Description	Inherent Risk Score	Sample Controls	Residual Risk Score	Service
		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. SEEMIS system now available to record bullying incidents. Working group established to consider the provision of a counselling service across primary, secondary and special schools.		
Failure to adequately prepare for national expansion in early years education and childcare provision The Scottish Government is committed to increasing the Early Learning and Childcare (ELC) entitlement to 1140 hours for all 3 and 4 year olds in addition to eligible 2 year olds (based on FME) by August 2020. This represents a significant expansion of services within the Council requiring considerable capital and revenue resources. The Council is likely to face challenges in acquiring the necessary physical assets and staffing levels with the added impact of the pandemic. A failure to meet these levels could affect both quality and availability of services for service users in South Lanarkshire. Council Top Risk	16	All arrangements under continuous review following the Scottish Government announcement that the deadline for expansion in early years has been moved to August 2021. Consultations with parents under 'Together we can, and we will' completed. Review of estimate numbers of children and existing accommodation undertaken. Requirements of major extensions and new builds identified and approved at Executive Committee. Building works progressing Workforce planning underway including apprenticeships and on-going recruitment campaigns Discussions with partner providers including availability of places within their establishments, confirmation on the rate of pay per nursery place, introduction of new procurement procedures and quality standards required.	9	Early Years, School Estate

Risk Description	Inherent Risk Score	Sample Controls	Residual Risk Score	Service
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 non-attendance 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 Click and Go is known. 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 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. During lockdown and through periods of Covid 19 self-isolation work undertaken to provide continued support to our most vulnerable children and families.	9	Inclusion Services
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
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.	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 3 rd party apps in use within schools.	9	All
Failure to meet legislative requirements in relation to Health and Safety 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 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. Headteachers and managers are supported in their management of risk by Support Co-ordinators.	9	Support Services

Risk Description	Inherent Risk Score	Sample Controls	Residual Risk Score	Service
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. Council Top Risk	20	The Resource Learning & Development Board plans effective and efficient employee development across all sectors. 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. 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.	9	All
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. 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.	9	Support Services / CQIS
Failure to meet commitments to meet teacher numbers and pupil/teacher ratios The Scottish Government and the Council has made a commitment to protect teacher numbers and the pupil: teacher ratio. An estimated increase in pupil numbers and potentially inadequate numbers of teachers across the national education system may pose a threat in meeting the numbers required and maintaining the existing ratio.	20	Planning for projected increases in pupil numbers is ongoing taking account of changes to provision as a result of the pandemic. Regular workforce monitoring meetings take place, chaired by the Executive Director, to give early consideration to teacher staffing requirements and effective recruitment methods.	8	Education/ Finance/ Personnel

Risk Description	Inherent Risk Score	Sample Controls	Residual Risk Score	Service
This could result in possible financial penalty and increasing reputational risk, as well as disruption to service delivery.		An evaluation of staff absence and therefore likely cover requirements are also considered.		