REPORT TO: Audit and Governance Committee

MEETING DATE: 18 November 2014

BY: Chief Executive

SUBJECT: Education Risk Register

1   PURPOSE

1.1   To present to the Audit and Governance Committee the Education Risk Register (Appendix 1) for discussion, comment and noting.

1.2   The Education Risk Register has been developed in keeping with the Council's Risk Management Strategy and is a live document which is reviewed and refreshed on a regular basis, led by the Education Local Risk Working Group (LRWG).

2   RECOMMENDATIONS

2.1   It is recommended that the Audit and Governance Committee notes the Education Risk Register and in doing so, the Committee is asked to note that:

- the relevant risks have been identified and that the significance of each risk is appropriate to the current nature of the risk

- the total profile of the Education risk can be borne by the Council at this time in relation to the Council's appetite for risk

- although the risks presented are those requiring close monitoring and scrutiny over the next year, many are in fact longer term risks for Education and are likely to be a feature of the risk register over a number of years

- while this report has been compiled by the Risk Officer, the Risk Register has been compiled by the Education LRWG. The Head of Education has lead responsibility and will speak to it at the Committee.

3   BACKGROUND

3.1   In presenting the Education Risk Register to the Committee for discussion, comment and noting, I would wish to draw the Committee's attention to one specific matter. All risks have been evaluated using the standard (5x5) risk matrix which involves multiplying the likelihood of occurrence of a risk (scored 1-5) by its potential impact

(scored 1-5). This produces an evaluation of risk as either 'low (1-4)', 'medium' (5-9), 'high' (10-19) or 'very high' (20-25).

3.2   The Council's response in relation to adverse risk or its risk appetite is such that:

- Very High risk is unacceptable and measures should be taken to reduce, transfer or treat the risk to a more tolerable position;

- High risk may be tolerable providing the Council is assured that adequate and effective control measures are in place;

- Medium risk is tolerable with control measures that are cost effective;

- Low risk is broadly acceptable without any further action to prevent or mitigate risk.

3.3   The current Education Risk Register includes three High risks, eight Medium risks and three low risks.

3.4   A copy of the risk matrix used to calculate the level of risk is attached as Appendix 2 for information.

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   EQUALITIES IMPACT ASSESSMENT

5.1   This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6   RESOURCE IMPLICATIONS

6.1   Financial – It is the consideration of the Education Local Risk Working Group 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 for the year ahead should be met within the proposed budget allocations. Any unplanned and unbudgeted costs that arise in relation to any of the corporate risks identified will be subject to review by the Corporate Management Team.

6.2   Personnel – There are no immediate implications.

6.3   Other – Effective implementation of this register will require the support and commitment of the Risk Owners identified within the register.

7   BACKGROUND PAPERS

7.1   Appendix 1 – Education Risk Register

7.2   Appendix 2 – Risk Matrix

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DATE	6 November 2014	

Risk ID No.& Status S/C/N (same, changed, new)	Risk Description (Threat/Opportunity to achievement of business objective)	Risk Control Measures (currently in place)	Assessment of Current Risk			Planned Risk Control Measures	Assessment of Residual Risk [With proposed control measures]			Risk Owner	Timescale for Completion/ Review Frequency	Single Outcome Agreement Outcome Number Link	Evidence held of Regular Review
			Likelihood (Probability)	Impact (Severity)	Risk Rating		Likelihood (Probability)	Impact (Severity)	Residual Risk Rating				
			L	I	L x I		L	I	L x I				
ED 1	Failure to raise the standards of educational attainment for all will lead to a reduction in opportunities for young people such as entrance to Further and Higher Education with the consequence of parental dissatisfaction and damage the reputation of individual schools and the education service as a whole.	Each school has a School Improvement Plan with target setting for attainment. Quality Improvement Officers monitor and evaluate schools while HMIE have a schools inspection programme. Curriculum for Excellence continues to be developed. Education communicates with individual schools on best practice, new guidelines and policies. School strategies are in place for increasing expectations of pupils and families (including tackling the barriers to improving achievement and ensure pupil attendance). Targeted support for schools and early year's providers is provided where a need is identified. A 5 year ICT strategy across schools is in place, identifying the required level of support and intervention within the authority and schools. Short-life working groups set-up to focus on raising attainment in Literacy, Numeracy and HWB. A broad range of performance data is used to create local action plans in order to prioritise areas for funding, support and intervention. Clusters have developed plans. Cluster Data profiles distributed to Head Teachers who are responsible for identifying areas of priority. Coherent strategy for data analysis developed to improve Education outcomes at authority, cluster and school level.	4	4	16	The SMEB will develop a four year Strategy and Service Plan. Continue to develop a learning environment for S1/S2 pupils which builds on their educational experience from P6/P7 and improve the transition of young people from mainstream education to work, training, further and higher education through working with secondary schools. Develop an authority wide model for the Senior Phase that incorporates all elements of the curriculum. Work has started with partners to develop an on-line learning environment for all students Create ethos of self-evaluation and intelligent use of data to improve outcomes for children and young people. Identify future priorities from data for QIOs to work within schools. Develop a suite of data to highlight KPIs, share with schools and agree performance improvement.	3	3	9	Head of Education Quality Improvement Officers	December 2014 for Strategy and Service Plan to be approved All other measures dependent upon approval of Strategy and Service Plan.	2 3 4	Refreshed August 2014 with current risk score increased from 6 to 16 and residual risk score increased from 4 to 9.

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ED 2	There is a nationwide shortage of supply teachers which is impacting on East Lothian. In practice this means that classes are being covered by Management. Changes have been made to the supply system to improve efficiency of processes however this is having little impact on the number of supply vacancies filled. This is impacting on the quality of learners experience also on the availability of management to undertake their leadership role.	Procedures for supply staff have been changed and it is hoped this will lead to a reduction in unfilled posts.	4	4	16	Continue to advertise and recruit to supply list. Encourage returners to the profession through local advertising and consider 'fast-track' return to teaching course.	2	3	6	Service Manager – Education (Strategy & Ops)	February 2015	2 3 4	New risk created August 2014.
ED 3	School Estate Management Failure to maintain up-to-date information on the Condition and Suitability of the schools' estate may result in having insufficient data to inform planned maintenance budgets and essential building works. Failure to provide adequate financial and staffing resources to maintain the school estate to the required standard. Failure to make timeous responses to planning applications, identifying the impact of proposed development on the Education estate, resulting in delays to determining applications and potential claims from applicants. Risk to uncertainty with forward planning for the expansion of a small number of schools where pupil roll numbers may increase faster than projected. Risk of Project cost overruns.	Condition and Suitability surveys for the Primary schools are refreshed annually to report SPI data. Property Inspectors and the Asset Team identify priorities on a 3 year rolling programme and implement within available budgets. Work is prioritised on a risk management basis, addressing statutory compliance matters first (fire safety, electrical, safety DDA etc). Education and Strategic Asset Management teams work closely to analyse the data and identify requirements arising as a direct result of proposed developments. S75 process identifying responsibilities prepared for the range of Council departments. An enhanced and more robust school roll projection and class organisation system is in place which is key to determining the future capacity needs of schools. An enhanced process for managing S75 contributions is in place. Monthly monitoring is in place in Strategic Asset and capital Plan Management to review programme for school requirements. Changes which may impact on capital investment are escalated to Education and Finance for consideration. The Schools Estate Asset Management Plan provides the annual update on the programme for works needed within the school estate, including expansion.	3	4	12	Condition and Suitability surveys for the Primary schools will be updated on a rolling 5 year programme using in- house staff and external consultants as necessary. Option Appraisal for procuring and carrying out Condition Surveys to be prepared by end September 2014. Reports to Corporate Asset Group will highlight risks which cannot be managed and may impact on the operation or safety of the school estate. Quarterly review meetings to be held with Education and Strategic Asset and Capital Plan Management to review school development programmes and projects. Minutes and Actions to be circulated to Corporate Asset Group. Project Planning process to be formalised and reported to Corporate Asset Group	2	4	8	Depute Chief Executive – Resources and People Services	March 2015		Risk transferred from Corporate Risk Register May 2014 then refreshed July 2014.

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		Cost planning and financial monitoring processes are in place. Change control process manages approvals process for additional budget arising from client changes to project. PPP invoice processes have been reviewed by consultants to confirm soundness of approach.											
ED 4	The failure of a PPP contractor may result in short or long term unavailability of the buildings and services leading to ELC possibly stepping in to take back the financial risks.

The PPP team have been moved to sit within Property. It is possible that this will lead to a reduction in communication and Education influence on decisions made. | The risk is addressed by the current contract in place which states that:
• If FES cease to trade Innovate must find a replacement;
• If Innovate cease to trade then Barclays Special Projects must find a replacement or sell the project back to ELC at a previously agreed price.

Regular meetings take place with the PPP contractor and any potential issues will be picked up early while in the short term the failure of the contractor will not render any schools unavailable for use.

Monthly reviews take place between PPP team and FES.

Maintain a continuous awareness of the economic climate and the contractor viability and if there is any reason for concern then take the appropriate action.

Monitored by Corporate Asset Management Group. | 2 | 4 | 8 | Although on an informal basis communication continues, formal systems need to be put in place to ensure that the previous level of education service input is maintained in the PPP process

Strategic PPP Management Group meets 3 times a year, chaired by Chief Exec, attended by Finance, Legal etc.

Quarterly meetings between Education and Property to take place. | 2 | 4 | 8 | Head of Education

PPP Manager | March 2015 | 2 3 4 | Risk refreshed July 2014 |
| ED 5 | If our School Premises are not properly safeguarded then unauthorised persons could gain entry and cause damage (fire, vandalism etc.) to property or to persons which could lead to buildings or parts of buildings being unavailable for use and/or in need of repair.
These incidents may also lead to adverse publicity particularly if staff or pupils are injured as a result. | Security and safety risk assessments are carried out regularly at all Education premises.

Each school has its own individual security arrangements such as fencing, building access etc.

Business Continuity Plans and a School Estate Asset Management Plan in place.

Insurance Renewal Programme in place. | 2 | 4 | 8 | Security policy for school estate to be drafted and agreed, this requires input from both Education and Property and will be lead by Education. | 1 | 4 | 4 | Head of Education

Service Manager - Strategic Asset & Capital Plan Mgmt

Dept. H&S Implementation Officer

Head Teachers | Policy to be agreed March 2015 | 2 3 4 | Refreshed July 2014 |

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ED 6	Failure to effectively manage Health & Safety and adhere to Health & Safety duties both at our schools and during off-site activities may lead to injury to persons or damage to property and resulting enforcement action taken by Health & Safety Executive. This could also lead to possible insurance claims and associated costs/financial implications as well as damage to the Councils reputation.	Departmental Policy On H&S, including Committee Structure.\n\nSupport for Head Teachers to manage H&S\n\nH&S Arrangements for Educational Excursions, Work Experience and Road Safety including incident reporting, recording, investigation and a Risk Assessment Programme.\n\nInternal H&S inspections by schools and inspection and auditing by Dept. H&S Implementation Officer\n\nRobust system in place for managing and authorising Off-site Excursions. A new computer based system has further improved this.	2	4	8	Education Safety Action Plan to be rolled out which includes increased emphasis on incident investigation.\n\nHead of Establishment Guidance to be issued to all Heads of Establishment detailing responsibilities.	1	4	4	Head of Education\n\nDept. H&S Implementation Officer\n\nHead Teachers	December 2014\n\nReviewed at JHSC and JCG	2 3 4	Reviewed and refreshed July 2014.
ED 7	A failure to meet our statutory requirements and other targets due to budget constraints or conversely overspending our budget in order to meet said statutory requirements and targets.	The annual budget allocation is prioritised and monitored while the Scheme of Devolved School Management determines the allocation at School level.\n\nDetailed budget planning measures are in place together with monthly monitoring and validation.	2	4	8	Review and revise our funding mechanisms for Devolved School Management.\n\nThe Groups set up to carry out the review have met and developed proposals for consultation.\n\nManagement to increase efficiency through greater local allocation of spend to meet local priorities.\n\nOngoing Review of Services and of processes to ensure more efficient use of resources and improve service delivery.	1	4	4	Head of Education\n\nService Manager – Education (Strategy & Ops)	March 2015	2 3 4	Refreshed July 2014.
ED 8	Failure to respond to the changing demographics of the East Lothian population such as unexpected or unpredicted fluctuations in the make-up of the population e.g. the number of pupils with Additional Support Needs.\nThis may lead to not having suitable school provision available and a consequent impact on children's education.\n\nThe Principal Officer – Strategic Planning post was not filled following retirement of the post holder and this role now sits within property. There is a risk that education fail to have sufficient input into and information from the processes.	Property is responsible for the School Estate Management Plan. Education feed into this plan\n\nProvision of the pupil role related information is provided to Property.\n\nStrong communication links with parent and governing bodies.\n\nEducation is involved in key related Council decisions such as planning applications.	2	4	8	Processes for input into School Estate Management plan should be formalised.\n\nQuarterly meeting to take place between education and property.\n\nMeetings take place relating to:\n• Pupil roll projections and future number of classes needed;\n• Strategic education issues relating to development.\n\nRecruitment underway – applications received and being assessed.	1	4	4	Service Manager – Education (Strategy & Ops)\n\nPrincipal Officer – Strategic Planning	March 2015	2 3 4	Refreshed August 2014.

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ED 9	The Director was not replaced and the department now reports to a Deputy Chief Executive. This means that there is a reduction in the level of management in the team and responsibility has been delegated to the Head of Service. There is a risk that strategic decision making may be delayed resulting in reduction in performance due to demands on the service.	QIO team to focus on key priorities. Regular meetings take place between HT's and the Head of Service which allows support and challenge. Regular meetings of department management team plus meetings of direct reports with Head of Service. Senior Management Education Board (SMEB) chaired by Head of Education set up. Six teachers and specialists sit on it.	2	4	8	Consideration to utilising existing budget to focus on attainment. Consultation with HT's will be undertaken during the process of developing the four year strategy and service plan which is currently being undertaken. Draft Local Improvement Strategy is being developed for consultation.	1	3	3	Deputy Chief Executive Head of Education	December 2014 Dependent upon approval of Strategy and Service Plan.	2 3 4	New risk created July 2014.
ED 10	The Service handles a large amount of sensitive data relating to both individuals and groups. There is a risk of this information being provided to individuals not entitled to have it and also of 'loss' of information e.g. memory sticks.	All employees have recently received training in Data Protection. Procedures are in place for all operations involving Data Handling. Secure e-mail addresses have been set up for communicating with schools. Data Protection is discussed at team meetings and staff are reminded of the importance and the procedures.	2	3	6		2	3	6	Service Manager – Education (Strategy & Ops)			Refreshed July 2014.
ED 11	Failure to address social exclusion and inequality in the EL education system could lead to non-provision of the additional support required for some young people, either on an individual or group basis, to access education. This could in turn result in poor achievement of those affected and our failure to meet legislative requirements.	All schools operating in accordance with the Equality Act 2010. Additional Support for Learning Procedures are provided along with provisions for alternatives to school based education. We target support and resources on the areas of greatest need through the predictable and exceptional needs budgets and specialist and outwith placements moderation panels. A one-door inter-agency policy for assessment, planning and intervention for vulnerable and looked-after children is in place. Strategies (e.g. Equality & Fairness, Accessibility strategies, Buddying / Mentoring) are in place to address the performance of pupils with the lowest attainment levels and the outcomes of these are monitored. Our resource allocation is targeted at deprived areas and young people with the greatest need. The Psychological Services Policy addresses this area.	2	3	6	Accessibility Strategy 2014-2016 is currently being developed. Establish benchmark across East Lothian with which to measure added value by utilising the Early Development Instrument. There is a need to develop an overall strategy and practice framework to support young people with complex needs across early years, primary, secondary and transition into adult services including management, staffing, curriculum, life skills, accommodation, lead officer responsibilities etc. Review our 3-18 support systems for children and young people with social, emotional and behavioural needs and identify locally based solutions to maximise their educational outcomes and positive destinations. Review is underway of our SEBN Provision. Autism Strategy being developed.	2	2	4	Service Manager - Education (ASN & Early Years) Principal Inclusion & Equality Officer Professional Working Group	December 2014 Dependent upon approval of Strategy and Service Plan. January 2015 for Autism Strategy	2 3 4	Refreshed July 2014

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		Currently the Inclusion and Equality service is under-resourced following the departure of one of the two Inclusion and Equality Officers and an Educational Psychologist. Although these posts will be filled there will be a period when service levels cannot be maintained.											
ED 12	There is a risk that a teacher is appointed who does not meet required standards of competence or that we will fail to attract a sufficient calibre of candidates.\n\nWe are also allocated between 50 and 100 probationers annually by the General Teaching Council for Scotland and have no influence over the calibre of these teachers.\n\nPoor quality teaching staff will impact on the academic and social achievement of the pupil population.	Recruitment and Selection process and Terms and Conditions of Employment in place.\n\nPolicy and Guidance on effective learning, teaching and achievement.\n\nMonitoring and evaluation process of teachers' performance and staff development, including the PRD and CPD processes.\n\nChanges to procedures required by the changes to GTCS for Professional update have been implemented and Validated by GTCS.\n\nMonitoring of probationers as well as the probationer mentoring and development programme.\n\nWork with Quality Improvement Officers to address the performance of poor quality teachers.\n\nA Staff Development Officer is in post.	2	2	4	Ensure that Professional Development programmes are focused upon our identified actions for raising attainment, partnership working, inclusion and equality.\n\nDevelop leadership strategies and opportunities at local level to build capacity and to rationalise workload and resource allocation.\n\nContinue to identify leaders of learning.	2	2	4	Service Manager – Education (Strategy & Ops)\n\nPrincipal Officer (Staffing)	December 2014	2\n3\n4	Risk refreshed and Current Risk Score reduced from 6 to 4 July 2014.\n\nRisk split to create separate risk relating to Shortage of Supply Teachers.
ED 13	Failure to meet service performance and standards requirements, including as a result of changes to legislation, could lead to legal enforcement action and penalties being taken against us and damage to the service's reputation.	Implementation of directives and other guidance as appropriate.\n\nContinual monitoring of changes to legislation and the implementation of these changes as they occur.	1	3	3	Business planning & measurable performance objectives to be put in place by the development of a four year strategy and action plan.	1	3	3	Service Manager – Education (Strategy & Ops)	December 2014\n\nDependent upon approval of Strategy and Service Plan.	2\n3\n4	Refreshed July 2014.

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ED 14	A failure to communicate and respond to local people and other stakeholders and to take account of their views may lead to public dissatisfaction, an increase in parental complaints and reputational damage.	A meeting timetable is in place with all key internal and external bodies. ELC has a Corporate Communications Strategy as well as a Feedback and Complaints process. Communication arrangements in place between LEA and schools, other bodies and relevant parties (e.g. parents). A formal structure is in place for consultation with parents, while all parents/carers form part of each school Parent Forum which then elects the Parent Council to represent it. The Head of Education and Principal Officer meet with members of The East Lothian Association of Parent Council Members on a regular basis [normally two meetings per term]. Encouraging schools to adopt a more outward facing perspective in order to meet the needs of the community. Supporting, encouraging and establishing more formal negotiated partnerships with Stakeholder groups, especially Parent Councils, Community Councils, Student Councils and Cluster school groups. This clarifies the role and respective responsibilities of various partner groups. Promoting the student voice in schools by encouraging and supporting the UN Convention's Rights of the Child.	1	2	2		1	2	2	Education Management Team		2 3 4	Refreshed July 2014.

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Original date produced (Version 1)	1st March 2012												
File Name	Education Risk Register											**Risk Score**	**Overall Rating**
Original Author(s)	S Kennedy											20-25	Very High
Current Revision Author(s)	S Kennedy											10-19	High
Version	**Date**	**Author(s)**	**Notes on Revisions**									5-9	Medium
Original	1st March 2012	S Kennedy										1-4	Low
2	19/11/12	S Kennedy	Updated following update to Risk Strategy										
3	08/01/13	S Kennedy	Updated with Education Risk Group's updates.										
4	11/04/13	S Kennedy	Updated with Education Risk Group and Management Team's updates.										
5	May 2014	S Kennedy	Risks refreshed by Education and Corporate Risk on School Estate Management Added										
6	August 2014	S Kennedy	Risks refreshed (including former risk on post replacements being removed and new risks added) by Richard Parker and Liz McLean for Property involvement then checked and further updated by Darrin Nightingale.										

Appendix 2
East Lothian Council
Risk Matrix

Likelihood Description

Likelihood of Occurrence	Score	Description
Almost Certain	5	Will undoubtedly happen, possibly frequently >90% chance
Likely	4	Will probably happen, but not a persistent issue >70%
Possible	3	May happen occasionally 30-70%
Unlikely	2	Not expected to happen but is possible <30%
Remote	1	Very unlikely this will ever happen <10%

Impact Description

Impact of Occurrence	Score	Description						
		Impact on Service Objectives	Financial Impact	Impact on People	Impact on Time	Impact on Reputation	Impact on Property	Business Continuity
Catastrophic	5	Unable to function, inability to fulfil obligations.	Severe financial loss (>5% budget)	Single or Multiple fatality within council control, fatal accident enquiry.	Serious - in excess of 2 years to recover pre-event position.	Highly damaging, severe loss of public confidence, Scottish Government or Audit Scotland involved.	Loss of building, rebuilding required, temporary accommodation required.	Complete inability to provide service/system, prolonged downtime with no back-up in place.
Major	4	Significant impact on service provision.	Major financial loss (3-5% budget)	Number of extensive injuries (major permanent harm) to employees, service users or public.	Major - between 1 & 2 years to recover pre-event position.	Major adverse publicity (regional/national), major loss of confidence.	Significant part of building unusable for prolonged period of time, alternative accommodation required.	Significant impact on service provision or loss of service.
Moderate	3	Service objectives partially achievable.	Significant financial loss (2-3% budget)	Serious injury requiring medical treatment to employee, service user or public (semi-permanent harm up to 1yr), council liable.	Considerable - between 6 months and 1 year to recover pre-event position.	Some adverse local publicity, limited damage with legal implications, elected members become involved.	Loss of use of building for medium period, no alternative in place.	Security support and performance of service/system borderline.
Minor	2	Minor impact on service objectives.	Moderate financial loss (0.5-2% budget)	Lost time due to employee injury or small compensation claim from service user or public (First aid treatment required).	Some - between 2 and 6 months to recover.	Some public embarrassment, no damage to reputation or service users.	Marginal damage covered by insurance.	Reasonable back-up arrangements, minor downtime of service/system.
None	1	Minimal impact, no service disruption.	Minimal loss (0.5% budget)	Minor injury to employee, service user or public.	Minimal - Up to 2 months to recover.	Minor impact to council reputation of no interest to the press (Internal).	Minor disruption to building, alternative arrangements in place.	No operational difficulties, back-up support in place and security level acceptable.

Risk	Impact				
Likelihood	None (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	5	10	15	20	25
Likely (4)	4	8	12	16	20
Possible (3)	3	6	9	12	15
Unlikely (2)	2	4	6	8	10
Remote (1)	1	2	3	4	5

Key

Risk	Low	Medium	High	Very High