



Title of Report	CHILDREN & EDUCATION DIRECTORATE RISK REGISTER - COVERING REPORT
For Consideration By	Audit Committee
Meeting Date	June 21st 2023
Classification	Open
<u>Ward(s) Affected</u>	All Wards
<u>Group Director</u>	Jacque Burke, Group Director of Children and Education Services

1. GROUP DIRECTOR'S INTRODUCTION

- 1.1 This report updates members on the corporate risks for the Children and Education Directorate as at March 2023. It also identifies how risks within the directorate are identified and managed throughout the year and our approach to embedding risk management.

2. RECOMMENDATION

- 2.1 There are no specific recommendations from this report. The Audit Committee is asked to note the contents of this report and the attached risk registers and controls in place.

3. REASONS FOR DECISION

- 3.1 Risk management is fundamental to effective business management and it is vitally important that we know, understand and monitor the key risks and opportunities of the Council. Officers and members are then able to consider the potential impact of such risks and take appropriate actions to mitigate those as far as possible. Some risks are beyond the control of the Council but we nevertheless need to manage the potential impact or likelihood to ensure we deliver our key objectives to the best of our ability. For other risks, we might decide to accept that we are exposed to a small level of risk because to reduce that risk to nil is either impossible or too expensive. The risk management process helps us to make such judgements, and as such it is important that the Audit Committee is aware of this.

4. BACKGROUND

- 4.1 The current Directorate risk profile was reviewed by the Directorate of Children and Education Services Management Team in March 2023. Detailed risk registers for Children's Services and Hackney Education have been prepared and were reviewed by the Management Team and the high-level Directorate risks highlighted and included at Appendix one.

4.2 Policy Context

All risk-related reporting is in line with the Council's Risk Policy, ratified biennially by the Audit Committee, and also fully supports the framework and ideology set out in the Risk Strategy.

4.3 Equality Impact Assessment

For the purposes of this report, an Equality Impact Assessment is not applicable, although in the course of Risk Management (and

associated duties) all work is carried out in adherence to the Council's Equality policies.

4.4 **Sustainability**

This report contains no new impacts on the physical and social environment.

4.5 **Consultations**

In order for Risk Registers to progress to Audit Committee, they will already have been reviewed by the relevant Senior Management Team within the corresponding Directorate. Any senior officer with any accountability for the risks will have been consulted in the course of their reporting.

4.6 **Risk Assessment**

The Risk Register is attached at Appendix one to this report.

5. **DIRECTORATE RISK REVIEW**

- 5.1 The Directorate Risk Register comprises those that represent the most significant risks faced by the Directorate. Separate risk registers for Children's Services and Hackney Education are maintained and sit beneath the Directorate Risk Register and are available for review on Pentana.

Children and Education Risks

- 5.2 Further to the publication of the Local Child Safeguarding Practice Review relating to Child Q, a new directorate-wide risk was added to the risk register last year and remains on the register. This risk was added under the *management of partnership agencies in ensuring the well-being of children*. A range of controls in place include taking a safeguarding first approach - with clear anti-racism values and identification training and a 'my child' mindset.

Children and Family Risks

- 5.3 There has been no overall change to the profile of most risks for Children and Families compared to those set out in the report to Audit Committee last year. One risk (C&E DR 005 Cyber Attack impact on CFS service delivery) has reduced in response to the Mosaic system being implemented in April 2022.

New risks:

- **Delays responding to Subject Access Requests:** The impact of the cyber attack in October 2020 has meant that care leavers have

continued to experience delays in receiving their records. Additional processes have been put in place with the Information Management Team to better identify children who have been/are open to the Children and Families Service so that they can be supported when they make Subject Access Requests and we can advocate for their requests to be escalated if needed.

- **Reduction of the use of residential placements:** While it is difficult to predict the full impact of the cost of living and fuel crisis, it is likely that placement providers will seek additional uplifts for placements than in previous years. While we will always have a need for some high-cost placements, a forensic review of these placements is underway to ensure that provision remains suitable and children's needs are being fully met as contracted.

Ongoing risks:

- **Child or young person suffers significant harm, injury or death:** The CHSCP have robust measures in place to ensure that statutory safeguarding requirements are met across the partnership. Supervision arrangements are in place for staff to ensure there is regular management oversight of children's cases and this data is reported and scrutinised regularly by the Director of Children and Families. Children and Families Service returned to a new version of Mosaic on 4th April 2022. This means that the service is better placed with live reporting on our performance to drive improvement in what we achieve for children.
- **Cyber attack:** The cyber attack in October 2020 has meant that there are significant challenges for the Children and Families Service in terms of accessing historical information about children. The attack meant that CFS lost access to Mosaic, the social care database which holds all records about children and families. The Children and Families Service returned to a new version of Mosaic on 4 April 2022 and the risk score has been reduced to reflect this. Work continues on recovering some historical information that is still to be restored and this impacts records on both Mosaic and ChildView.
- **No Recourse to Public Funds:** Hackney, like many local authorities, has a number of individuals living within its boundaries who are subject to immigration controls as defined by the Immigration & Asylum Act 1999. Such individuals are excluded from access to welfare benefits, public housing and Home Office asylum support and are collectively known as having No Recourse to Public Funds (NRPF). This group includes individuals who have overstayed their visa entitlement in the UK, and those who have leave to remain without recourse including EU Nationals. Hackney's approach is effective in protecting resources and avoiding costs. In order to ensure the service is able to undertake

comprehensive assessments of children's needs in a complex environment of law relating to housing, immigration, human rights and child safeguarding, the service works closely with other services including the UKBA, legal services, government embassies and anti-fraud to ensure that services are appropriately provided to those that are entitled to them and need them. This joined-up approach robustly mitigates against the risk of children in Hackney being exploited or trafficked for services. In August 2020, the Home Office commissioned beds at the Old Street Holiday Inn to disperse asylum seekers, some of whom applied to be age assessed as children. Due to their location, the duty to assess falls on Hackney. Since then, the Home Office has commissioned three other hotels in Hackney to accommodate asylum seekers. Over time, a significant number of young people living in these hotels have disputed the Home Office assumption that they are adults and requested additional assessments of their age from the UASC team. Where the UASC assessments similarly conclude that these young people are adults, we have experienced a number of challenges of our decision-making through the judicial process. The costs of each legal challenge can be very significant.

- **Demand exceeding resources:** The number of looked after children has increased over recent years, with some fluctuation over the Covid-19 pandemic. The profile of looked after children has also changed significantly over the past five years with more adolescents presenting complex behaviours and needs entering the care system and subsequently receiving support as care leavers. The change in profile of looked after children is placing increased pressure on the placement budget with a need for more specialised placements and is also making placement stability more difficult to achieve. Young people aged 16+ will have additional needs that correspond to the associated risks for their age group, including exploitation. The shortage of in-house foster carers for these older young people adds to the cost pressure and the numbers of young people requiring more expensive residential placement has increased. There has been a slight decrease in the number of looked after children per 10,000 during 2022/23, bringing Hackney in line with 2022 statistical neighbours and the national average.

Hackney Education Risks

5.7 Key on-going risks to Hackney Education

- 5.7.1 Outlined below are the risks identified that continue to present a particular challenge to Hackney Education's continued effectiveness and are reported on the attached register:

- **SEND** - The 3 risks relating to SEND remain high: meeting the statutory requirements of the Children & Families Act; escalating budget pressures; and insufficient provision to meet growing demand for SEND services. Mitigations include
 - Positive improvements to meet the statutory 20 week EHCP needs assessment deadline;
 - Restructure of the SEND service; implementation of the recent SEND review to create an integrated SEND service is underway and expected to be in place by September 2022. This aims to ensure more coordinated, timely and robust discharge of statutory duties outlined in the Children and Families Act 2014 and SEND Code of Practice
 - Ongoing work to develop plans/strategies to address the significant overspend; SEND trends are monitored by the Corporate Leadership Team, to ensure cross council support. Additionally, the Education Estates Strategy and review of the SEND Transport service are 2 workstreams focused on creating more in-borough provision and relieving the budget pressures across the service.
 - Being a part of the Department for Education's Better Value Programme, which the council joined in January 2023, to agree an action plan for the deficit, the statutory override which allows us to carry this deficit in our accounts has been extended to March 2026.
 - Implementation of a SEND Provision Plan, to address rising demand for SEND services.
 - The SEND Improvement Plan is in place, focusing on the 7 specific priorities underpinning the SEND Strategy and aiming to make continued efficiency improvements.

- **Traded Services** - The long term viability of trading continues to be a significant risk, in relation to revenue spend and generation of surplus; this is particularly impacted by falling rolls across schools in Hackney, which can potentially lead to a long term decline in traded services. The team is still undergoing a restructure; in light of this, new objectives and a focus will need to be established for the service. Additionally, the refreshed strategic goals and vision will need to be communicated across the organisation.

- **Serious safeguarding failure in schools & settings** - A failure of safeguarding systems and processes, through a lack of coordination between partnership-wide services or professionals, could contribute to a serious safeguarding issue, which would impact negatively on Hackney Education's reputation. Following publication of the CHSCP report into Child

Q, Hackney Education issued local guidance to schools regarding searches on school sites. However, the DfE has now issued revised guidance on searches on school sites, which supersedes our local guidance. There is continued work to address anti-racist practices, with an action plan which is monitored by the CHSCP. In addition, SIP processes are being refined to ensure clear tracking of areas of concerns with identified schools being offered additional support.

- **Risks posed to children not in school, particularly those attending unregistered schools and settings** - Safeguarding considerations for those pupils who are not registered at a school – Electively Home Educated (EHE) pupils, children missing from education (CME), children attending unregistered settings, children who are yet to be allocated a school place etc. remains an area of high importance. There are effective processes in place, which enable HEd to effectively carry out duties in relation to EHE, CME and pupils attending UES. The risks associated in these areas, continue to carry high reputational risks for the borough, with limited options to mitigate. Collaboration with agencies continues through the UES protocol; however, there is still no take-up of the safeguarding offer by unregistered settings. Due to the cancellation of the schools bills in which this was to be addressed and the DfE subsequently not pursuing additional powers, there is limited scope for progression for the LA.
- **Exclusion from school** - This remains a high profile area where rates of exclusion from schools continue to be relatively high when compared nationally. The Reducing Exclusions Executive Board leads on a number of initiatives designed to support schools to reduce their exclusions; one of these initiatives include the new Education Early Help system, which aims to increase the use of managed moves, avoiding the need for exclusion; this will be implemented in the next academic year. Following an in-depth review of the position for young people on the verge of permanent exclusion and provision for them following permanent exclusion, the CYP Scrutiny published a report setting out key recommendations; the service responded to the review and the response was approved by Cabinet. The Action Plan is now being updated accordingly and there is on-going work in line with this, to support continued reduction of exclusions across Hackney.
- **Outcome of the SEND Local Area Partnership Ofsted inspection shows widespread/systemic failings, leading to**

significant concerns about Hackney CYP with SEND - On the 13th June 2022 Ofsted and the Care Quality Commission consulted on a new inspection framework to reflect the changing landscape of the SEND system. It is expected that Hackney Local Area will be inspected in 2023, six years since its last inspection. To “pass” the new framework the local area must demonstrate that the last inspection findings have been discharged and the new framework focusing on impact on children, young people and families has been met. Subgroups of the SEND Local Area have been established to lead and monitor the 3 year action plan. It is likely that further controls will need to be put in place to monitor progress against the action in the context of the imminent inspection.

5.8. School Performance (4 Ofsted judgements)

5.8.1 School Standards and Improvement manages the following risks:

- Performance and/or quality of provision in nursery and primary school
- Performance and/or quality of provision in secondary schools
- Performance and/or quality of provision in special schools
- Performance and/or quality of provision in Pupil Referral Units

5.8.2 School Performance and Improvement teams continue to provide support to schools. The current controls in place remain appropriate and the risk rating remains unchanged.

5.9 School Place Planning

- **Primary Surplus places** - With the planned reductions of 120 places from September 2023, the projected surplus is expected to reduce from 16% in 2022 to 13% in 2023. The reduction of places continues to be addressed via the School Place Planning Group and reflected in the work of the Education Estates and Sufficiency Strategy. A paper was presented to SLT, providing a framework for decision making going forward, to manage the increasing surplus places. A comprehensive school place planning and sufficiency report was presented to the Estate's Strategy executive group. A mandate to engage with selected schools was not given; further work has been requested on the possible use of school sites post closure/amalgamation. This work is led by the property asset management team.
- **Projected surplus secondary school places** - The risk associated with primary surplus places, will inevitably impact secondary schools in the next 4 years. This will result in financial pressure on secondary schools and threaten their long-term

viability. The School Place Planning Group and Senior Leadership team continue to review data and monitor this risk.

6. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 6.1 Effective risk management is a key requirement for good financial management and stability. This becomes more significant as funds available to the Council are reduced and budget reductions are made.
- 6.2 The Directorate seeks to mitigate risks as they are identified. In some instances, where there are volatile external factors and uncertainty, this will be through seeking access to reserves maintained by the Group Director of Finance and Corporate Resources.
- 6.3 There are no direct costs arising from this report.

7. COMMENTS OF THE DIRECTOR OF LEGAL, DEMOCRATIC AND ELECTORAL SERVICES

- 7.1 This report recommends that the Audit Committee note the contents of this report with the attached appendices. In accordance with Article 9.1.2 of the Council's constitution, the Audit Committee is responsible for assisting the Council in discharging its functions in relation to its risk management framework. The Accounts and Audit Regulations 2011 also require the Council to have a sound system of control which includes arrangements for the management of risk. This report is part of those arrangements and is designed to ensure that the appropriate controls are effective.
- 7.2 There are no immediate legal implications arising from this report.

APPENDICES

Appendix one – Children & Education risk register.

BACKGROUND PAPERS

In accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012 publication of Background Papers used in the preparation of reports is required

None

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