

From: Beverley Fordham, Cabinet Member for Education and Skills
Chris Palmer, Cabinet Member for Integrated Children’s Services
Chirstine McInnes, Interim Corporate Director for Children, Young People and Education.

To: Children, Young People and Education Cabinet Committee –
17 March 2026

Subject: **Risk Management: Children, Young People and Education**

Classification: **Unrestricted**

Past Pathway of Paper: None

Future Pathway of Paper: None

Electoral Division: All

Summary:

This paper presents the strategic risks relating to the Children, Young People and Education Cabinet Committee, comprising of **two** risks featuring on the Corporate Risk Register which fall within the relevant Cabinet portfolios, and for which the Corporate Director is the designated “Risk Owner” on behalf of the Corporate Management Team: plus, a summary of key risks within the directorate.

Recommendation:

The Cabinet Committee is asked to **CONSIDER** and **COMMENT** on the risks presented.

1. Introduction

- 1.1 Risk management is a key element of the Council’s internal control framework and the requirement to maintain risk registers ensures that potential risks that may prevent the Authority from achieving its objectives are identified and controlled. The process of developing the registers is therefore important in underpinning service delivery planning, performance management, and operating standards.
- 1.2 Corporate and Directorate Risks are reported to this Cabinet Committee annually and contain strategic or cross-cutting risks that potentially affect several functions across the Children, Young People and Education directorate

(CYPE), and often have wider potential interdependencies with other services across the Council and external parties.

- 1.3 Children, Young People and Education Directors also lead or coordinate mitigating actions in conjunction with other Directors across the organisation to manage risks featuring on the Corporate Risk Register.
- 1.4 The majority of these risks, or at least aspects of them, will have been discussed in depth at the relevant Cabinet Committee(s) and other forums throughout the year, demonstrating that risk considerations are embedded within core business.
- 1.5 A standard reporting format is used to facilitate the gathering of consistent risk information and a 5x5 matrix is used to rank the scale of risk in terms of likelihood of occurrence and impact. Firstly, the current level of risk is assessed, taking into account any controls already in place to mitigate the risk. If the current level of risk is deemed unacceptable, a residual 'target' risk level is set and further mitigating actions introduced, with the aim of reducing the risk to a tolerable and realistic level. If the current level of risk is acceptable, the target risk level will match the current rating.
- 1.6 The numeric score in itself is less significant than its importance in enabling categorisation of risks and prioritisation of any management actions. Further information on KCC risk management methodologies can be found in the risk management guidance on the 'KNet' intranet site.

2. CYPE-Led Corporate Risks

- 2.1 The Interim Corporate Director for the Children, Young People and Education is the lead, on behalf of the Corporate Management Team, for **two** of the council's corporate risks which are tabled below including summaries and indicators displaying the direction of travel (DOT) the risk profile has taken since February 2025.
- 2.2 These risks were presented to Cabinet along with the entire Corporate Risk Register on 8 January 2026. In addition, the risk register was presented to Governance and Audit Committee for assurance on 28 January 2026.

Full detail of each risk can be seen in Appendix 1.

Risk Reference	Risk Title	Current Rating	Target Rating	DOT
CRR0068	Delivery Against Safety Valve Agreement	High (25)	Medium (12)	↑

Kent County Council entered the DfE Safety Valve programme March 2023 covering the financial years 2022-2023 to 2027-2028. The Council was expected to bring High Needs spending back into balance over the medium term and contribute to repaying the historic deficit.

This risk has been rated High on the Corporate Risk Register since creation. However, with the Council no longer on target to eliminate the in-year deficit, or to clear the accumulated deficit from previous years, by the end of current Safety Valve Agreement in 2027-28, the risk has been raised from 20 to the maximum rating of 25.

The 2026/27 budget risks register highlights that the DSG accumulated deficit at the end of 2025-26 is forecast to be approximately £135m, with an in-year deficit of over £65m.

Government has recently pledged to cover 90% of historic SEND deficits accrued to the end of 2025/2026, subject to the Government agreeing to Kent’s SEN reform plan, and effectively replacing the Safety Valve Programme. However, a similar commitment has not been made for 2026-27 or future years, where currently grant funding has been frozen at 2025-26 levels and costs are continuing to rise. The lack of further detail around the treatment of future year in-year deficits means SEND spending continues to pose a significant and live risk to the Council, when the statutory override ends in April 2028 and any residual deficit will form part of the Council’s Accounts.

This risk item will remain under continual review as further information becomes known.

Risk Reference	Risk Title	Current Rating	Target Rating	DOT
CRR0067	SEND Delivery Improvement	Medium (8)	Medium (8)	↓

The risk focuses on the sufficiency of improvement by KCC in areas identified by Ofsted in previous inspections and the demonstration of continued progress against the Accelerated Progress Plan (APP).

The council has been making continued progress in this area, which has been acknowledged by the Department for Education who are monitoring Kent’s improvement journey. Therefore, the risk has been reduced to its ‘target’ residual level.

3. Children, Young People and Education Directorate Risk Profile

- 3.1 The CYPE risk register contains **ten** risks, a summary of these is shown below.
- 3.2 The register has been reviewed and amended during the year with quarterly reporting into the Directorate Management Team, with the most recent review and discussion taking place on 14 January 2026.
- 3.3 Since Spring 2025, two risks have been added to the CYPE Directorate Risk Register; CY0050 Out of county EHCP LAC payments and CY0051 Capacity to

- accommodate and care for Unaccompanied Asylum-Seeking (UAS) Children.
- 3.4 Two risks have been withdrawn from the CYPE Directorate Risk Register since Spring 2025; CY0030 Management of the CYPE Directorate in year budget and CY0049 Providers struggling to achieve Supported Accommodation registration with Ofsted.

Risk Reference	Risk Title	Current Rating	Target Rating	DOT
CY0045	Growing demand and limited supply of affordable accommodation – Children’s Services	High (25)	Medium (9)	↑
<p>This risk highlights challenges relating to increasing demand, changing needs and limited placement choice, with the potential for affordable demand to outweigh supply, particularly children with high complexity.</p> <p>The risk of insufficient provision available for individuals can then result in higher costs for placements or young people moving outside the County.</p> <p>KCC is working with partners to identify areas for collaboration and joint commissioning. Risk rating revised from Medium to High Q2 2025/26 to reflect the material budget pressure this risk poses at present.</p>				

Risk Reference	Risk Title	Current Rating	Target Rating	DOT
CY0040	Availability of Specialist providers for Disabled Children and Children with Complex Needs	High (16)	Medium (12)	↔
<p>There is a risk there will be insufficient specialist (Ofsted registered) providers and services to meet the needs of children and young people, and personalised care and support for families to live as independently as possible.</p> <p>This is a multiple provider, complex supply market, however, the number of providers is extremely limited, and the costs associated with this level of care and support continues to rise year on year.</p> <p>This risk is being mitigated through several actions including the development of in-house children’s residential placements.</p>				

Risk Reference	Risk Title	Current Rating	Target Rating	DOT
CY0048	Safeguarding – protecting vulnerable children	Medium (15)	Medium (15)	↔
<p>Risk rating was reduced to its target medium rating in 2022, and a recent inspection of children’s services reported practitioners demonstrate a strong understanding of children who may be at risk of exploitation or posing a risk to others.</p> <p>It is recognised that there is a significant level of risk inherent in this area, and it has therefore been agreed the risk is reported at Directorate level, with escalation to the Corporate register if required.</p>				

Risk Reference	Risk Title	Current Rating	Target Rating	DOT
CY0050	Out of county EHCP LAC payments	Medium (12)	Medium (12)	↓
<p>Risk item escalated from Education Divisional Risk Register to CYPE Directorate Risk Register June 2025.</p> <p>It has been accepted practice for most Local Authorities to recoup education and transport costs from the responsible LA for Looked After Children (LAC) pupils with an EHCP. However, ambiguity within associated High Needs Funding guidance allowed a different interpretation by some LAs resulting in these costs being passed to KCC for out of county LAC.</p> <p>Proposed revisions to regulation will end this varied application of funding instruction and reduce the risk profile. KCC has issued a positioning statement to reaffirm its cost recoupment process to relevant LAs.</p>				

Risk Reference	Risk Title	Current Rating	Target Rating	DOT
CY0051	Capacity to accommodate and care for Unaccompanied Asylum-Seeking (UAS) Children <i>(De-escalated from Corporate register)</i>	Medium (12)	Medium (12)	↔
<p>Significant progress has been made over time to reduce the level of risk faced by the Council, working in partnership with external agencies such as the Home Office and Department for Education.</p> <p>Funding agreements are in place, reception accommodation is actively receiving those coming into our care, and improvements have been made in the operation of the National Transfer Scheme (NTS).</p> <p>This risk has been at its target level for over twelve months, and the latest review highlighted that the situation continues to be managed. Therefore, the risk has been de-escalated from the Corporate risk register to CYPE directorate level for future monitoring. It is recognised that certain factors e.g. volumes arriving in Kent and ongoing effectiveness of NTS, remain outside of the Council's direct control and will therefore require continued vigilance.</p>				

Risk Reference	Risk Title	Current Rating	Target Rating	DOT
CY0009	Children not in full time education not receiving a suitable education	Medium (12)	Low (6)	↔

This risk relates to the duty for the local authority to make arrangements to enable it to establish (so far as it is possible to do so) the identities of children in the area who are not receiving a suitable education and monitor those identified, the risk being that the relevant professionals involved are not aware of such children.

The Bill to create a national register for children not in school remains under consideration.

Risk Reference	Risk Title	Current Rating	Target Rating	DOT
CY0032	Information Governance. Management of personal data	Medium (9)	Low (6)	↔
<p>While the CYPE directorate faces significant inherent Information Governance (IG) risk given the volume of personal data held across operations and systems, there is an established suite of controls and processes to mitigate its exposure.</p> <p>Work continues to reduce data breaches including the application of record retention schedules to key systems.</p>				

Risk Reference	Risk Title	Current Rating	Target Rating	DOT
CY0034	Business Continuity and Resilience	Medium (8)	Low (4)	↔
<p>The CYPE Directorate must ensure its services have robust contingency plans to reduce the impact of high impact incidents and emergencies that take place in the County. A directorate resilience group is well established and has coordinated comprehensive reviewing and refreshing of service continuity plans, with representation from corporate functions to consider interdependencies.</p> <p>KCC's Business Continuity Management System has been introduced to hold all contingency plans, CYPE plan owners are currently working to ensure all plans are loaded to the system. Post-completion of this action it is anticipated to positively impact this risk profile to its target rating.</p>				

Risk Reference	Risk Title	Current Rating	Target Rating	DOT
CY0042	Home to School Transport Cost Pressures	Medium (8)	Medium (8)	↓

The combined effect of high numbers of children and young people with EHC Plans and a greater number of these children attending non-local schools have contributed to increased eligibility for home to school transport, leading to budget pressures.

Measures taken over time have mitigated this risk to its target position of Medium; however, the risk remains under regular review.

Risk Reference	Risk Title	Current Rating	Target Rating	DOT
CY0046	Quality in Care – Children’s	Low (6)	Low (6)	↓
<p>There is a risk poor Ofsted outcomes or the raising of quality concerns requiring an immediate response could lead to rapid placement changes for children, potentially resulting in sub-optimum provision and unplanned costs from using alternative providers.</p> <p>The risk is being mitigated by a number of controls including established protocols and provider risk assessments.</p>				

3.5 WITHDRAWN RISKS

CY0030: Management of the CYPE Directorate in year budget

Risk withdrawn March 2025 as the CYPE Directorate budget was under management.

CY0049: Providers struggling to achieve Supported Accommodation registration with Ofsted

Risk withdrawn August 2025 after being incorporated into CY0045 *Growing Demand and Limited Supply of Affordable Accommodation*, given the risk of providers failing OFSTED registration is a material causal factor of that associated risk.

4. Recommendation

Recommendation:

The Committee is asked to **CONSIDER** and **COMMENT** on the risks presented in this report.

5. Background Documents

5.1 KCC Risk Management Policy and associated risk management toolkit on KNet intranet site: [Link to KCC Risk Management Toolkit](#)

6. **Report Authors**

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