

Kent County Council

Education, Learning and Skills Directorate Risk Register

December 2012

Education, Learning and Skills

Directorate Risk Register: Summary Risk Profile

| Risk No | Title | Current Risk Rating | Target Risk Rating |
|---------|--|---------------------|--------------------|
| ELS 1 | Support and Intervention to schools | 9 | 4 |
| ELS 2 | SEN Transport Funding | 9 | 6 |
| ELS 3 | SEN Provision and Places | 12 | 6 |
| ELS 4 | Academies Independence from KCC | 9 | 4 |
| ELS 5 | School Provision Planning | 16 | 9 |
| ELS 6 | Schools with potential Deficit Budgets | 15 | 8 |

Risk Rating Matrix

Rag Rating Key

1-6 Green
8-15 Amber
16-25 Red

| | | | | | | | |
|---------------------------|---------------|---|---------------|--------------|--------------|--------------|--------------|
| Likelihood | Very likely | 5 | 5 Low | 10 Medium | 15 Medium | 20 High | 25 High |
| | Likely | 4 | 4 Low | 8 Medium | 12 Medium | 16 High | 20 High |
| | Possible | 3 | 3 Low | 6 Low | 9 Medium | 12 Medium | 15 Medium |
| | Unlikely | 2 | 2 Low | 4 Low | 6 Low | 8 Medium | 10 Medium |
| | Very Unlikely | 1 | 1 Low | 2 Low | 3 Low | 4 Low | 5 Low |
| RISK RATING MATRIX | | | 1 | 2 | 3 | 4 | 5 |
| | | | Minor | Moderate | Significant | Serious | Major |
| RISK RATING MATRIX | | | Impact | | | | |

| Risk ID | ELS 1 | Risk Title | Support and Intervention to Schools | | | |
|---|--------------|---|--|--|---|---|
| Source / Cause of Risk | | Risk Event | Consequence | Risk Owner | Current Likelihood | Current Impact |
| Financial consequence of school restructuring and the impact on schools not significantly improving to good or outstanding | | Schools cannot afford the costs of redundancy payments following restructure. If schools do not become good they will increasingly be required to become a sponsored academy. This has restructure implications for the school and the LA. | Budgetary pressure on KCC as a consequence of redundancy payments. Budget implications for KCC as a result of more sponsored academies. | Corporate Director Education, Learning & Skills | Possible 3 Target Residual Likelihood Unlikely 2 | Possible 3 Target Residual Impact Moderate 2 |
| Control Title | | | | | Control Owner | |
| The potential of restructures resulting from sponsored academy status has been considered | | | | | Corporate director ELS | |
| A school improvement strategy is in place to reduce the risk of schools going into an Ofsted category and to ensure that more schools attain a judgement of good. | | | | | Director of Education, Quality and Standards | |
| Action Title | | | Action Owner | | Planned Completion Date | |
| Consider how to support schools that have been judged in category by Ofsted in the future as LA resources diminish | | | Director - Education, Quality and Standards | | Ongoing | |

| Risk ID | ELS 2 | Risk Title | SEN Transport Funding | | | |
|--|--------------|--|---|--|---|---|
| Source / Cause of Risk | | Risk Event | Consequence | Risk Owner | Current Likelihood | Current Impact |
| A £750k saving in the SEN Transport Budget in 2013/14 and a further £750k in 2014/15 has been identified - to be delivered by personalising budgets and creating behavioural changes in parental practice. | | Insufficient parents chose to manage their own transport arrangements, resulting savings not being realised. | Budgetary pressure on KCC as a consequence of legal requirement to transport named SEN pupils | Corporate Director Education, Learning & Skills | Possible (3) Target Residual Likelihood Unlikely (2) | Significant (3) Target Residual Impact Significant (3) |
| Control Title | | | | | Control Owner | |
| Revision of working practice to develop a parental approach not reliant on LA intervention. | | | | | Head of SEN/Head of Fair Access | |
| Action Title | | | Action Owner | | Planned Completion Date | |
| Engage specialist consultants to work with SEN Teams and parental groups to review and pilot new working practices which will develop behavioural change. Introduce flexibility for parents that enables self help and encourages more pupils, supported by their parents, to develop independent travel skills. | | | Head of SEN / Head of Fair Access | | Ongoing | |

| Risk ID | ELS 3 | Risk Title | SEN Provision and Places | | | | |
|---|-------|--|--------------------------|--|---|-----------------------------------|-------------------------------|
| Source / Cause of Risk | | Risk Event | | Consequence | Risk Owner | Current Likelihood | Current Impact |
| The demand for specialist provision and placement for pupils with Statements of SEN exceeds the availability of places in Kent maintained schools. There are limited alternative placement options other than within the specialist independent sector. | | SEN pupils continue to be placed in the specialist independent sector due to lack of local maintained school places, pressure from parents to place their children in independent schools and an increase in the number of parental appeals to the SEND Tribunal | | Budgetary pressure on KCC as a consequence of legal duty to make specialist provision and continued placement in costly specialist independent schools | Corporate Director Education, Learning & Skills | Likely (4) | Significant (3) |
| | | | | | | Target Residual Likelihood | Target Residual Impact |
| | | | | | | Possible (3) | Moderate (2) |
| Control Title | | | | | Control Owner | | |
| Kent SEN Strategy review and implementation | | | | | Head of SEN | | |
| Action Title | | | | Action Owner | Planned Completion Date | | |
| <p>Increase capacity in Kent's mainstream schools; raise awareness of core standards to increase the number of pupils who can be included in a local mainstream school and develop a pilot for local decision making to reduce requests for assessment.</p> <p>Develop a co-ordinated strategy for outreach to up-skill mainstream school staff and increase retention of pupils with SEN; implement a service level agreement with special schools to deliver school to school support and align this to the work of the specialist teaching service (STS).</p> <p>Implement recommendations of a task and finish group reviewing specialist provision in mainstream schools.</p> <p>Commission additional places in Kent special schools to maximise use of existing accommodation; target capital resources to improving and increasing physical environment and places in special schools..</p> | | | | Head of SEN | March 2014 | | |

| Risk ID | ELS 4 | Risk Title | Academies independence from KCC | | | |
|--|-------|---|---|---|-----------------------------------|-------------------------------|
| Source / Cause of Risk | | Risk Event | Consequence | Risk Owner | Current Likelihood | Current Impact |
| The Academies Act 2010 enabled schools to become independent from KCC. | | Schools seek to covert to Academy status without a 3 way Commercial Transfer Agreement. | Budgetary pressure on KCC as a consequence of liabilities left with Kent. | Corporate Director Education, Learning & Skills | Possible (3) | Significant (3) |
| The transfer arrangements require the completion of Commercial Transfer Agreement (CTA) but DfE guidance does not require schools and Academy Trusts to include KCC in that. To date with 100 conversions we have negotiated a 3 way CTA involving Kent for all bar a handful of schools. | | | | | Target Residual Likelihood | Target Residual Impact |
| | | | | | Unlikely (2) | Moderate (2) |
| Control Title | | | | | Control Owner | |
| The potential implications of the Act have been identified and mapped | | | | | Corporate Director ELS | |
| Commercial Transfer Agreement (CTA) templates have been devised (the DfE “model” version is not adequate) that limit KCC’s liability, although these are subject to individual negotiation with converting schools and their legal advisers – as we need to avoid the position where schools convert without a CTA – which schools can do with DfE support | | | | | Director - School Resources | |
| Action Title | | | Action Owner | | Planned Completion Date | |
| Continue constructive dialogue with the DfE regarding the rationale for Kent’s CTA template and maintain our position on Kent’s requirement to be party to a 3 way agreement. | | | Director - School Resources | | Ongoing | |

| Risk ID | ELS 5 | Risk Title | School Provision Planning | | | |
|--|-------|--|--|--|---|-------------------------------|
| Source / Cause of Risk | | Risk Event | Consequence | Risk Owner | Current Likelihood | Current Impact |
| A significant expansion of schools is required to accommodate major population growth in the short to medium term (primary age) and long term (secondary age). | | The “Basic Need” capital grant from DfE is insufficient to fund the expansion required | The expansion required may not be delivered, putting KCC at risk of not fulfilling its duty to provide sufficient school places. | Corporate Director, Education, Learning and Skills | Likely (4) | Serious (4) |
| | | | | | Target Residual Likelihood | Target Residual Impact |
| | | | | | Possible (3) | Significant (3) |
| Control Title | | | | | Control Owner | |
| The Kent Commissioning Plan contains the forecast expansion numbers and locations. A school expansion programme has been mapped and costed | | | | | Director, Education Planning and Access | |
| The school expansion programme is under member scrutiny and review by relevant Education and Property programme boards/forums/committees | | | | | Director, Education Planning and Access | |
| Action Title | | | Action Owner | | Planned Completion Date | |
| A new Director Level Basic Need Programme Board has mapped and costed the school expansion in detail to 2019 and is exploring more cost effective delivery solutions | | | Director - Education , Planning and Access | | On-going | |

| Risk ID | ELS 6 | | | | | Risk Title | Schools with potential deficit budgets | |
|--|--|--|--|-----------------------------------|-------------------------------|--------------------------------|---|--|
| Source / Cause of Risk | Risk Event | Consequence | Risk Owner | Current Likelihood | Current Impact | | | |
| The third year of a “flat cash” DSG settlement for schools coupled with major national changes to school funding and the formula will put serious pressure on the budgets of a number of schools – especially those with falling rolls – in the short to medium term | More schools will move into a potentially deficit budget position. | There will be pressure on school budgets with knock-on consequences as they make budget savings to balance the budget. There will be increased pressure on the central redundancy budget and also increased demands upon Schools Financial Services. There may also be a negative impact upon standards in some schools. | Corporate Director ELS | 5 | 3 | | | |
| | | | | Target Residual Likelihood | Target Residual Impact | | | |
| | | | | 4 | 2 | | | |
| Control Title | | | Control Owner | | | | | |
| The potential implications of all the changes to school funding have been identified and DfE have been lobbied. Indicative revised budgets for 2013/14 were issued to schools in September 2012 and the issues raised at all subsequent Headteacher and Bursar meetings. | | | Director, School Resources | | | | | |
| Action Title | | | Action Owner | | | Planned Completion Date | | |
| We continue to raise the issues with the DfE, Schools and Governors. Joint work is underway with school improvement colleagues to identify those schools at most risk as a result of the financial changes so that we can develop a joint Finance/School Improvement approach to supporting these schools. | | | Director - School Resources Director – Education, Quality and Standards | | | Ongoing | | |