

**From:** Richard Long, Cabinet Member for Education and Skills  
Sue Chandler, Cabinet Member for Integrated Children's Services  
Matt Dunkley, CBE, Corporate Director of Children, Young People and Education

**To:** Children's, Young People and Education Cabinet Committee – 11 March 2020

**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 five risks featuring on the Corporate Risk Register 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(s):**

The Children's, Young People and Education 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.
- 1.2 Directorate risks are reported to this Cabinet Committee annually and comprise of strategic or cross-cutting risks that potentially affect several functions across the Children, Young People and Education directorate, and often have wider potential interdependencies with other services across the Council and external parties.
- 1.3 Corporate 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) 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, considering any controls already in place to mitigate the risk. If the current level of risk is deemed unacceptable, a 'target' risk level is set, and further mitigating actions introduced with the aim of reducing the risk to a tolerable and realistic level.
- 1.6 The numeric score in itself is less significant than its importance in enabling categorisation of risks and prioritisation of any management action. Further information on KCC risk management methodologies can be found in the risk management guide on the KNet intranet site.

## 2. CYPE-led Corporate Risks

- 2.1 The Corporate Director for the Children, Young People and Education directorate is the lead Director for five of the council's corporate risks. A brief summary of changes over the past year are outlined below, with full details contained in the risk register attached at appendix 1.

Risk reference	Risk description	Current score	Target score
<b>CRR0001</b>	Safeguarding – protecting vulnerable children	15 (Medium)	15 (Medium)
<p>The risk remains at its 'target' residual level and while there are numerous controls in place, this remains an inherently challenging area of risk. Recruitment and retention of permanent social workers remains key, with continued campaigns in order to 'over-recruit' newly qualified social workers.</p> <p>The Kent Safeguarding Children Multi-Agency Partnership (KSCMP) has replaced the previous Kent Safeguarding Children Board and these arrangements are being embedded, including a scrutiny and assurance framework.</p> <p>A Safeguarding and Quality Assurance Unit conducts audits, reviews of practice, identifies themes and patterns for accountable managers to respond to, providing challenge where required.</p> <p>Mechanisms are in place to ensure awareness of processes and procedures associated with the "Prevent" duty, in order to safeguard children from radicalisation or extremism.</p>			
<b>CRR0007</b>	Resourcing implications arising from Children's Services demand	15 (Medium)	12 (Medium)
<p>The risk was changed this year to exclude SEND issues which are now specifically covered in two corporate risks (see CRR0044 and CRR0047 below). This led to the risk level for this risk being reduced during the year from red to amber, along with previous adjustments to the children's social work budget to compensate for additional demand.</p> <p>However, there are particular financial pressures arising from the increasing costs of supporting both children in care and care leavers, with young people increasingly</p>			

being placed in more costly external placements due to a lack of suitable alternatives. While work is progressing to reverse this trend, it has had a significant impact on the CYPE directorate budget, as referenced in more detail in directorate risk CY0030 in section 3 of this report.

The Government has stated its intention to reform unregulated provision for children in care and care leavers to ensure this provision is being used appropriately and meets the needs of the young people placed there. The potential implications are being assessed as part of a response to the consultation.

In addition, the *Change for Kent Children* Programme is working to ensure that vulnerable families can access the right support through intensive work in Early Help Units and Step-Down panels, open access services or through targeted casework. Phase 2 workstreams are progressing.

<b>CRR0016</b>	Delivery of new school places is constrained by capital budget pressures and dependency upon the Basic Need allocation and the Education and Skills Funding Agency (ESFA)	20 (High)	12 (Medium)
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The risk score increased during the past year, as the council continues to await confirmation of the Basic Need Funding allocation from the 2018 round (for places needed in 2021) and have been informed that allocations for the 2019 and subsequent rounds will not be announced until after the next Comprehensive Spending Review.

A key source of ongoing risk is the lag in funding streams from developer contributions and the upfront capital costs that put the Council under financial pressure. As the pressure for new school places moves from the primary to secondary sector this issue will be exacerbated with, for example, a new 6 form entry secondary school costing in excess of £20m to deliver. Between the 2018-19 and 2023-24 academic years secondary school rolls are forecast to rise by nearly 12,000 pupils.

<b>CRR0044</b>	High Needs Funding shortfall (including SEND)	20 (High)	12 (Medium)
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The demand for SEND support is rising at a much faster rate than the school age population and the Council's Dedicated Schools Budget is overspending on the High Needs Block and accruing a deficit on the Dedicated Schools Grant (DSG) reserve. The Government has confirmed that local authorities are not required to repay deficits on the DSG from the General Fund, but it remains unclear how such deficits will be treated other than a requirement to report a recovery plan.

As part of the SEND Written Statement of Action, there is a broader aim to better address the relationship between learners needs, outcomes, provision and cost including:

- Building capacity and an inclusive ethos in mainstream schools;
- Tighter commissioning arrangements to drive down costs of placements in Independent non-maintained Special Schools.
- Expanding capacity of specialist places across Kent as set out in the Commissioning Plan for Education Provision in Kent 2020-24, including the development of new special schools, expansion of existing schools and the establishment of further satellites and Specialist Resource Provisions;

<ul style="list-style-type: none"> <li>Development of more block payment funding arrangements with Further Education Colleges in order to provide stability in High Needs funding to both parties.</li> </ul>			
<b>CRR0047</b>	Adequacy of support for children with Special Educational Needs and Disabilities (SEND) – implementation of Kent Local Area SEND Written Statement of Action	<b>20 (High)</b>	<b>10 (Medium)</b>
<p>Ofsted and the CQC carried out a joint inspection of the local area of Kent to judge the effectiveness of implementing the disability and SEN reforms of the Children and Families Act 2014. As well as some strengths, a number of weaknesses were raised, which has led to the Written Statement of Action being produced that has 5 key workstreams:</p> <ul style="list-style-type: none"> <li>Parental engagement and co-operation</li> <li>Inclusive practice and outcomes, progress and attainment of children and young people</li> <li>Quality of Education, Health and Care Plans</li> <li>Joint commission and Governance</li> <li>Service provision.</li> </ul> <p>A SEND <i>Change for Kent Children</i> Board is coordinating activity and progress across these workstreams. In addition, the multi-agency SEND Improvement Board ensures collaborative working across education, health and social care and keeps a strategic overview of services.</p>			

### 3. Children, Young People and Education risk profile

3.1 The current risks in the CYPE directorate risk register are shown below.

Risk reference	Risk description	Direction of travel since 2019	Current score	Target score
<b>CY0030</b>	Management of the CYPE Directorate in year budget	↑	<b>16 (High)</b>	<b>12 (Medium)</b>
<p>Recent revenue and capital budget monitoring presented to Cabinet on 27<sup>th</sup> January 2020 showed the CYPE directorate pressure as increasing by a further £1.3m and now forecasting a very significant pressure of £9.0m. £4.3m of the pressure is within the Education Planning and Access division and more specifically relates to the Special Education Needs service and Home to School &amp; College Transport with pressures of £1.6m and £1.9m respectively.</p> <p>A further £3.5m of the pressure is in the Integrated Children's Services division and relates predominately to Care Leavers Support and Looked after Children – Care &amp; Support with pressures of £1.8m and £3.0m respectively. The pressures have resulted from an increase in the use of external placements rather than a significant increase in the numbers of children looked after. There is an increasing shortage of</p>				

suitable foster carers, resulting in a greater reliance on the external market. This has come at a time when other local authorities are experiencing similar problems, resulting in more Other Local Area (OLA) Looked After Children being placed in the county than a year ago. A shortage of suitable placements and greater competition means providers have a greater ability to dictate prices.

<b>CY0035</b>	Implementation of new management information system.	Not scored in 2019	16 (High)	8 (Medium)
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The current *BOXI* software application used to run reports on data held in children's services databases is due to be switched off on 31 March 2020. The implementation of its replacement is being finalised with the providers at this time. Oversight of this project is being maintained by the CYPE Systems Strategy and Development Board.

The risk level remains high at this time due to level of risk associated with this project if the product does not produce management information that is accurate or timely for staff to act upon. There are significant dependencies on our suppliers, including Cantium Business Solutions in order to successfully manage this risk, hence the matter has been escalated to KCC's Strategic Technology Board for support to resolve.

<b>CY0037</b>	Performance of case management systems.	Not scored in 2019	12 (Medium)	8 (Medium)
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The *Liberi and Early Help Module* case management applications have experienced system performance and stability issues since implementing an upgrade. This has resulted in regular periods of slow running and a number of full outages which naturally impacts on the teams' ability to view and record client records in a timely fashion.

Intensive work is taking place with suppliers to perform upgrades to fix the issues, with work overseen by the CYPE Systems Strategy & Development Board.

<b>CY0034</b>	Business continuity and resilience	↔	12 (Medium)	8 (Medium)
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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. While this is core business, a risk was added to the register to provide additional focus, particularly with the potential for disruption to KCC services identified in relation to the UK leaving the EU. This is in addition to more generic business continuity risks associated with severe weather.

A directorate resilience group is in place and has coordinated comprehensive reviewing and refreshing of service continuity plans, with representation from corporate functions to consider interdependencies.

<b>CY0032</b>	Information Governance. Management of personal data	↔	9 (Medium)	6 (Low)
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There is significant inherent information governance risk in the directorate due to the large volume of personal data held in order to conduct its business effectively.

However, there are a number of controls in place, and a recent Internal Audit report highlighted positive steps that have been taken towards embedding Data Protection controls within CYPE, with examples of good practice including the high level of take-up among staff of the latest Data Protection training within the Directorate and evidence of learning from data breaches and embedding actions to prevent recurrence. However, there is continued work required to reduce data breaches overall. This includes feeding information governance considerations into the directorate business support review to ensure consistent operational checks and balances are applied.

<b>CY0009</b>	Children not in full time education may not be receiving a suitable education	↔	9 (Medium)	6 (Low)
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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 risk requires particular attention to Home Educated children who are known to the council as potentially vulnerable and we have visibility of; as well as those that are being Home Educated as they arrive into Kent who KCC may not necessarily be aware of.

As an example of mitigation, work is taking place with schools regarding the children that are on a “Reduced Timetable” in order to mitigate this risk.

<b>CY0007</b>	Schools moving into a potentially deficit budget position.	↓	8 (Medium)	8 (Medium)
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New funding arrangements that come into place in April 2020 have reduced the risk level. While a number of schools will benefit from the new funding arrangements, there is continued pressure on the DSG settlement for schools. Joint work with schools identifying as ‘vulnerable’ takes place, including recovery plans. A budget tool is updated annually, which considers factors such as legislation and pay rises.

3.2 The following two risks have been removed from the CYPE directorate risk register since last year:

- CY0036: Changes to SEND services - has been escalated to the corporate risk register, as referenced in section 2 above; and
- CY0008: Children who are home educated may not be safeguarded. There are several controls in place for this risk, including Home Education Policy that includes interaction with a child where there are welfare concerns and where other agencies have been involved with the family. There will be continued management vigilance on existing controls as part of everyday business, although it is felt that the risk level will not reduce further unless there are legal changes.

#### 4. Divisional Risks

4.1 The corporate and directorate risks are underpinned by risks at a divisional level that receive regular Directorate Management Team oversight. In CYPE, these currently include those relating to:

- Capacity of services to meet demand e.g. Educational Psychology
- Underperformance of KCC elements of the children and young people's mental health services contract.
- Costs associated with Children in Care and Care Leaver placements.
- Social worker recruitment and retention
- Pupil Referral Unit performance.

#### 5. Recommendation

**Recommendation:**

The Children's, Young People and Education Cabinet Committee is asked to **CONSIDER** and **COMMENT** on the risks presented.

#### 6. Background Documents

6.1 KCC Risk Management Policy and associated risk management toolkit on KNet intranet site. <http://knet/ourcouncil/Management-guides/Pages/MG2-managing-risk.aspx>

#### 7. Contact details

Report Author:  
Mark Scrivener  
[Mark.scrivener@kent.gov.uk](mailto:Mark.scrivener@kent.gov.uk)

**Relevant Corporate Director:**  
Matt Dunkley  
[Matt.dunkley@kent.gov.uk](mailto:Matt.dunkley@kent.gov.uk)



## **Appendix 1**

# **CYPE-led Corporate Risks**

**FOR PRESENTATION TO THE CHILDREN'S, YOUNG PEOPLE AND EDUCATION  
CABINET COMMITTEE - 11<sup>th</sup> MARCH 2020**



## Corporate Risk Register - Summary Risk Profile

Low = 1-6
Medium = 8-15
High =16-25

Risk No.	Risk Title	Current Risk Rating	Target Risk Rating	Direction of Travel since March 2019
CRR0001	Safeguarding – protecting vulnerable children	15	15	↔
CRR0007	Resourcing implications arising from children’s services demand	15	12	↓
CRR0016	Delivery of new school places is constrained by capital budget pressures and dependency upon the Basic Need allocation and the Education and Skills Funding Agency (ESFA)	20	12	↑
CRR0044	High Needs Funding shortfall (including SEND)	20	12	↔
CRR0047	Adequacy of support for children with Special Educational Needs and Disabilities (SEND) – implementation of Kent Local Area SEND Written Statement of Action	20	10	New Risk

NB: Current & Target risk ratings: The ‘current’ risk rating refers to the current level of risk taking into account any mitigating controls already in place. The ‘target residual’ rating represents what is deemed to be a realistic level of risk to be achieved once any additional actions have been put in place. On some occasions the aim will be to contain risk at current level.

The overall risk score is derived from multiplying the likelihood and impact scores

Likelihood & Impact Scales					
<b>Likelihood</b>	Very Unlikely (1)	Unlikely (2)	Possible (3)	Likely (4)	Very Likely (5)
<b>Impact</b>	Minor (1)	Moderate (2)	Significant (3)	Serious (4)	Major (5)

<b>Risk ID</b>	<b>CRR0001</b>	<b>Risk Title</b>	<b>Safeguarding – protecting vulnerable children</b>			
<b>Source / Cause of risk</b>	<b>Risk Event</b>	<b>Consequence</b>	<b>Risk Owner</b>	<b>Current Likelihood</b>	<b>Current Impact</b>	
<p>The Council must fulfil its statutory obligations to effectively safeguard vulnerable children in a complex and challenging environment. e.g. the challenge of recruiting and retaining suitably experienced and qualified permanent staff.</p> <p>In addition, the Government’s “Prevent Duty” requires the Local Authority to act to prevent people from being drawn into terrorism, with a focus on the need to safeguard children at risk of being drawn into terrorism.</p> <p>This risk links to the demand for children’s services risk (CRR0007).</p>	<p>Failure to fulfil statutory safeguarding obligations.</p> <p>Failure to meet the requirements of the “Prevent Duty” placed on Local Authorities.</p>	<p>Incident of serious harm or death of a vulnerable child.</p> <p>Serious impact on vulnerable people.</p> <p>Impact on ability to recruit the quality of staff critical to service delivery.</p> <p>Serious operational and financial consequences.</p> <p>Attract possible intervention from a national regulator for failure to discharge corporate and executive responsibilities.</p>	<p>Matt Dunkley Corporate Director Children, Young People and Education (CYPE)</p> <p><b>Responsible Cabinet Member(s):</b> Sue Chandler, Integrated Children’s Services</p> <p>Richard Long, Education and Skills</p> <p>Mike Hill (Lead Member for PREVENT)</p>	<p>Possible (3)</p> <p><b>Target Residual Likelihood</b> Possible (3)</p>	<p>Major (5)</p> <p><b>Target Residual Impact</b> Major (5)</p>	
<b>Control Title</b>			<b>Control Owner</b>			
<p>Consistent scrutiny and performance monitoring through Divisional Management Team, “Performance, Challenge and support” meetings and audit activity</p>			<p>Sarah Hammond, Director of Integrated Services (Children’s Social Work Lead) / Matt Dunkley, Corporate Director, CYPE</p>			

<p>Kent Safeguarding Children Multi-Agency Partnership (KSCMP) arrangements in place, replacing the previous Kent Safeguarding Children Board.</p>	<p>Matt Dunkley, Corporate Director CYPE (KCC representative on Executive Board) / David Whittle, Director SPRCA</p>
<p>New KSCMP arrangements include a Scrutiny and Assurance Framework.</p>	<p>David Whittle, Director SPRCA</p>
<p>“Section 11” audit conducted periodically to provide assurance that relevant agencies and individuals are co-operating to safeguard children and promote their welfare, with feedback and follow-up.</p>	<p>Mark Janaway, Performance and Programme Manager, KSCMP</p>
<p>Manageable caseloads per social worker and robust caseload monitoring. Social work vacancies monitored with action taken to address as required</p>	<p>Sarah Hammond, Director of Integrated Services (Children’s Social Work Lead)</p>
<p>Active strategy in place to attract, recruit and retain social workers through a variety of routes with particular emphasis on experienced social workers</p>	<p>Sarah Hammond, Director of Integrated Services (Children’s Social Work Lead)/ Amanda Beer, Corporate Director People and Communications</p>
<p>Multi-agency public protection arrangements (MAPPA) in place</p>	<p>Kevin Kasaven, Assistant Director Safeguarding and Quality Assurance</p>
<p>Extensive staff training – Integrated Children’s Services are rolling out a new practice framework</p>	<p>Sarah Hammond, Director of Integrated Services (Children’s Social Work Lead) / Stuart Collins, Director Integrated Services (Early Help and</p>

	Preventative Services Lead)
Children's Assurance Board established to give assurance to the rest of the council, including safeguarding arrangements. Now includes review of qualitative audit information and triangulates with quantitative picture.	Matt Dunkley, Corporate Director, CYPE
Prevent Duty Delivery Board (chaired by KCC) oversees the activity of the Kent Channel Panel, co-ordinating Prevent activity across the County and reporting to other relevant strategic bodies in the county (including reporting route to the Kent Safeguarding Children Board)	Penny Southern, Corporate Director, Adult Social Care and Health (ASCH)
Kent Channel Panel (early intervention mechanism providing tailored support to people who have been identified as at risk of being drawn into terrorism) in place	Nick Wilkinson, Prevent and Channel Strategic Manager
KCC cross-directorate PREVENT group meets regularly and ensures the PREVENT duty is embedded across the organisation. Regular updates are provided to the Corporate Management Team	Nick Wilkinson, Prevent and Channel Strategic Manager
Multi-agency risks, threats and vulnerabilities group focuses on PREVENT, gangs, Modern slavery, human trafficking and online safeguarding matters	Nick Wilkinson, Prevent and Channel Strategic Manager
Safeguarding and Quality Assurance Unit conducts audits, reviews of practice, identifies themes and patterns for accountable managers to respond to and provides challenge.	Kevin Kasaven, Assistant Director, Safeguarding and Quality Assurance
Practice Forums being introduced into each area to offer support for Practitioners, bring case examples and cover key themes	Kevin Kasaven, Assistant Director, Safeguarding and Quality Assurance.
Education Safeguarding Team in place	Keith Abbott, Director Education Planning and Access
A revised Elective Home Education policy approved that includes interaction with children where there are welfare concerns and where other agencies have been involved with the family. Awareness raising taking place with other practitioners	Keith Abbott, Director Education Planning & Access/ Scott Bagshaw, Head of Admissions & Transport

Multi-function officer group helping to define key steps and approach to aid any future inquiries or investigations that may arise relating to alleged historical abuse	Kevin Kasaven, Assistant Director Safeguarding and Quality Assurance	
Multi-agency Crime and Sexual Exploitation Panel (MACSE) provides a strategic, county-wide, cross-agency response to Child Sexual Exploitation	Matt Dunkley Corporate Director, CYPE (KCC lead)	
Three year PREVENT training strategy being rolled out. Staff intranet site dedicated to Prevent. Information also available on KCC website	Nick Wilkinson, Prevent and Channel Strategic Manager	
Integrated practice model in place	Sarah Hammond, Director of Integrated Services (Children's Social Work Lead) / Stuart Collins, Director Integrated Services (Early Help and Preventative Services Lead)	
Kent and Medway Gangs Strategy 2018-21 outlines the multi-agency approach to ending the criminal exploitation of vulnerable children and adults by gangs	Stuart Collins, Director Integrated Services (Early Help and Preventative Services lead)	
Deep dive activity takes place to investigate vacancy rates for staff that reflects factors such as maternity leave	Sarah Hammond, Director of Integrated Services (Children's Social Work Lead)	
<b>Action Title</b>	<b>Action Owner</b>	<b>Planned Completion Date</b>
Embedding of new multi-agency safeguarding children arrangements including Scrutiny and Assurance Framework	David Whittle, Director SPRCA / Matt Dunkley Corporate Director, CYPE	March 2020 (review)
Approval and launch of new adolescent risk management process	Stuart Collins, Director Integrated Services (Early Help and Preventative	April 2020

	Services lead)	
Further development of Kent & Medway PREVENT action plan with colleagues in Medway Council	Nick Wilkinson, Prevent and Channel Strategic Manager	March 2020 (review)
Agree appropriate level of resource to enable effective delivery of the new Kent Safeguarding Children Multi-Agency Partnership arrangements	David Whittle, Director SPRCA	March 2020

<b>Risk ID</b>	<b>CRR0007</b>	<b>Risk Title</b>	<b>Resourcing implications arising from Children's Services demand (excludes – covered in CRR0044)</b>			
<b>SEND</b>						
<b>Source / Cause of risk</b>	<b>Risk Event</b>	<b>Consequence</b>	<b>Risk Owner</b>	<b>Current Likelihood</b>	<b>Current Impact</b>	
Local Authorities continue to face increasing demand for specialist children's services due to a variety of factors, including consequences of highly publicised child protection incidents and serious case reviews, policy/legislative changes etc. At a local level KCC is faced with particular 'pressure points' in several districts. These challenges need to be met as children's services face increasingly difficult financial circumstances and operational challenges. The Council needs to remain aware of London Boroughs, utilising higher per-capita funding and large capital/reserve budgets to procure sites in Kent to ease their overspends on housing/homelessness, due to potential demand implications.	High volumes of workflow into integrated children's services leading to unsustainable pressure being exerted on them (recognising seasonal spikes).	Children's services performance declines as demands become unmanageable.  Failure to deliver statutory obligations and duties or achieve social value.  Additional financial pressures placed on other parts of the Authority at a time of severely diminishing resources and potentially difficult policy decisions required.  Ultimately an impact on outcomes for children, young people and their families.	Matt Dunkley, Corporate Director CYPE  <b>Responsible Cabinet Member(s):</b>  Sue Chandler, Integrated Children's Services	Possible (3)	Major (5)	
				<b>Target Residual Likelihood</b>	<b>Target Residual Impact</b>	
				Possible (3)	Serious (4)	

<b>Control Title</b>	<b>Control Owner</b>	
The <i>Change for Kent Children</i> Programme is working to ensure that vulnerable families can access the right support through intensive work in Early Help Units and Step-Down Panels, open access services or through targeted casework	Stuart Collins, Director Integrated Children's Services (Early Help and Preventative Services Lead)	
Intensive focus on ensuring early help to reduce the need for specialist children's support services	Matt Dunkley, Corporate Director CYPE	
'Threshold' document outlines the criteria required by partners when making a referral and have been working with partners to promote aid appropriate application	Mark Janaway, Programme and Performance Manager, Kent Safeguarding Children Multi-agency Partnership	
The Children's Social Work budget has been adjusted to compensate for additional demand	Cath Head, Head of Finance (Operations)	
Relationships with London Councils allow us to understand / test their intentions on an individual site basis regarding any large-scale potential purchasing of land.	Debra Exall, Strategic Relationships Advisor	
<b>Action Title</b>	<b>Action Owner</b>	<b>Planned Completion Date</b>
Implementation of Change for Kent Children programme – phase 2	Matt Dunkley, Corporate Director, CYPE	April 2020 (review)



<b>Risk ID</b>	<b>CRR0016</b>	<b>Risk Title</b>	<b>Delivery of New School Places is constrained by capital budget pressures and dependency upon the Basic Need allocation and the Education and Skills Funding Agency (ESFA)</b>			
<b>Source / Cause of risk</b>	<b>Risk Event</b>	<b>Consequence</b>	<b>Risk Owner</b>	<b>Current Likelihood</b>	<b>Current Impact</b>	
<p>A significant expansion of schools is required to accommodate major population growth in the short term to medium term (primary age) and medium to long term (secondary age). The "Basic Need" capital grant from Dept of Education (DfE) will not fund the expansion in full.</p> <p>A funding gap to deliver the programme for schools will be created by cost pressures from higher than expected build costs, low contributions from developers (see risk CRR0003) and increases in pupil demand.</p> <p>Whilst the funding gap identified with the Kent Commissioning Plan has been closed, the delivery of the plan is highly dependent upon securing a number of Free Schools in Kent over the period and that the ESFA complete the Free School projects on time and to an appropriate standard.</p>	<p>The expansion required may not be delivered, meaning KCC is not able to provide appropriate school places.</p> <p>Further upward demand pressures beyond what is forecast.</p>	<p>Some children must travel much further to attend a school, with a resulting impact on the transport budget.</p> <p>The duty to provide sufficient school places is not met, which may lead to legal action against the council.</p>	<p>Matt Dunkley, Corporate Director CYPE</p> <p><b>Responsible Cabinet Member(s):</b> Richard Long, Education and Skills</p>	<p>Very Likely (5)</p> <p><b>Target Residual Likelihood</b> Likely (4)</p>	<p>Serious (4)</p> <p><b>Target Residual Impact</b> Significant (3)</p>	

There is still uncertainty regarding the 2021/2022 Basic Need allocation, which means that the council will need to enter into contracts without certainty over future funding	
<b>Control Title</b>	<b>Control Owner</b>
The Kent Commissioning Plan contains the forecast expansion numbers and locations. A school expansion programme has been mapped, costed and kept under review	Keith Abbott, Director Education Planning and Access
The school expansion programme is under member scrutiny and review by relevant Education and Property programme boards/forums/committees	Keith Abbott, Director Education Planning and Access
CYPE capital monitoring mechanism with Member involvement created	Education Planning and Access DivMT
Policy and operations to secure sufficient developer contributions are overseen by Growth and Infrastructure Group	Keith Abbott, Director Education Planning and Access/Katie Stewart, Director Environment, Planning and Enforcement
A bid has been made for extra funding under the priority school building programme Phase 2	Keith Abbott, Director Education Planning and Access
Negotiations have taken place with District Councils regarding allocation of contributions	Area Education Officers
Close working with the ESFA and lobbying of the DfE/ESFA, Secretary of State and Kent MPs raising of the issue via the County Councils Network	Keith Abbott, Director Education Planning and Access / Cabinet Member CYPE / Leader of the Council

Regular meetings with ESFA officials to monitor progress at individual project level and identify ways in which KCC can help progress these projects (Local delivery)	Keith Abbott, Director Education Planning and Access
Contingency plans for alternative interim accommodation for each Free School project are being developed on a case-by-case basis i.e. temporary expansions to schools to meet immediate pressures, or the allocation of available places within existing schools	Keith Abbott, Director Education Planning and Access
Continued lobbying at Political level. Senior Officer meetings have taken place	Keith Abbott, Director Education Planning and Access/Rebecca Spore, Director Infrastructure

<b>Risk ID</b>	<b>CRR0044</b>	<b>Risk Title</b>	<b>High Needs Funding shortfall</b>			
<b>Source / Cause of risk</b>	<b>Risk Event</b>	<b>Consequence</b>	<b>Risk Owner</b>	<b>Current Likelihood</b>	<b>Current Impact</b>	
<p>The demand for Special Educational Needs and Disability (SEND) support is rising and at a much faster rate than the school age population, and the Council's Dedicated Schools Grant (DSG) budget is overspending on the High Needs Block and has already accrued a deficit on the DSG reserve.</p> <p>Corresponding pressure on some of KCC's non-DSG SEND related budgets e.g. SEN Home to School Transport, is also being experienced.</p> <p>Consequently, meeting the needs of children and young people with SEND within available resources is becoming ever more challenging.</p> <p>The ability to forecast costs in future years is difficult.</p> <p>The Department for Education (DfE) is introducing tighter reporting requirements on local</p>	<p>Inability to manage within budget going forward.</p> <p>Inability to reduce accumulated deficit on Dedicated Schools Grant reserve.</p>	<p>Continued funding of deficit on the DSG reserve by net surplus balances in other reserves becomes unsustainable.</p> <p>Impact on support for children with SEND (cross reference to CRR0047)</p>	<p>Matt Dunkley, Corporate Director CYPE</p> <p><b>Responsible Cabinet Member(s):</b> Richard Long, Education &amp; Skills</p>	<p>Likely (4)</p> <p><b>Target Residual Likelihood</b> Possible (3)</p>	<p>Major (5)</p> <p><b>Target Residual Impact</b> Serious (4)</p>	

authorities who have a deficit in their DSG account.		
<b>Control Title</b>	<b>Control Owner</b>	
Continual lobbying of Government on two matters; increased funding in both the short and medium term, and structural changes to government policy to help reduce the demand i.e. via County Council Network, Association of Directors' of Children's Services. Includes provision of evidence of the impact of the High Needs pressures on the quality of education children receive, schools, other providers and the Local Authority.	Roger Gough, Leader of the Council and /Richard Long, Cabinet Member Education & Skills / Matt Dunkley, Corporate Director CYPE	
KCC conducted a review of provision of pupils in mainstream schools with High Needs, introducing changes aiming to ensure the number of High Needs pupils in mainstream schools does not contribute to the current budget pressures.	Karen Stone, Interim Finance Business Partner / Keith Abbott, Director of Education Planning and Access	
Specific top up funding rates provided for SEND pupils placed in mainstream schools for eligible children and young people, agreed with Schools' Funding Forum.	Karen Stone, Interim Finance Business Partner / Keith Abbott, Director of Education Planning and Access	
Block payment arrangement negotiated with Further Education colleges for 2018-19 and 2019-20. For this early confirmation and certainty in funding colleges are expected to absorb inflationary pressures and provide support to any growth in the number of post 16 young people with High Needs.	Karen Stone, Interim Finance Business Partner / Keith Abbott, Director of Education Planning and Access	
<b>Action Title</b>	<b>Action Owner</b>	<b>Planned Completion Date</b>
Implementation of SEND Written Statement of Action to better address the relationship between learner need, outcomes, provision and cost. Including:	Matt Dunkley, Corporate Director CYPE	March 2020 (review)

- Building capacity and an inclusive ethos in mainstream schools to improve teaching and confidence in supporting more children with higher levels of need.
- Tighter commissioning arrangements to drive down the cost of placements in Independent Non-Maintained Special Schools
- Expanding capacity of specialist places across Kent as set out in the Commissioning Plan for Education Provision in Kent 2020-24, including the development of new special schools, expansion of existing schools and the establishment of further satellites and Specialist Resource Provisions.

Further develop block payment funding arrangements with Further Education colleges, in order to provide stability in High Needs funding to both parties

Karen Stone, Interim  
Finance Business Partner

April 2020 (review)

<b>Risk ID</b>	<b>CRR0047</b>	<b>Risk Title</b>	<b>Adequacy of support for children with Special Educational Needs and Disabilities (SEND) – implementation of Kent Local Area SEND Written Statement of Action</b>			
<b>Source / Cause of risk</b>	<b>Risk Event</b>	<b>Consequence</b>	<b>Risk Owner</b>	<b>Current Likelihood</b>	<b>Current Impact</b>	
<p>Ofsted and the Care Quality Commission (CQC) conducted a joint inspection of the local area of Kent in early 2019, to judge the effectiveness of the area in implementing the disability and special educational needs reforms set out in the Children and Families Act 2014.</p> <p>While a number of strengths were identified, a number of weaknesses and areas of concern were raised.</p> <p>In response to these concerns a programme has been identified across both KCC and Clinical Commissioning Groups to implement the changes and improvements required.</p> <p>The programme is being delivered against a challenging backdrop of significant increases in demand and a shortfall in High Needs funding (see risk CRR0044).</p>	<p>Insufficient improvement in areas identified within set timescales.</p>	<p>Adverse impact on outcomes for vulnerable young people</p> <p>Dissatisfaction from families</p> <p>Potential for legal action if statutory time limits or processes are not met.</p>	<p>Matt Dunkley, Corporate Director CYPE</p> <p><b>Responsible Cabinet Member(s):</b></p> <p>Sue Chandler, Integrated Children's Services</p>	<p>Likely (4)</p> <p><b>Target Residual Likelihood</b> Unlikely (2)</p>	<p>Major (5)</p> <p><b>Target Residual Impact</b> Major (5)</p>	

Control Title	Control Owner	
0-25 Health and Wellbeing Board is the strategic board for children's services that oversees delivery of these services in Kent	Matt Dunkley, Corporate Director CYPE (KCC lead)	
SEND Improvement Board established, to ensure collaborative working across education, health and social care, to have a strategic overview of services and drive the operational workstreams that have been developed to address each area of significant weakness	Matt Dunkley, Corporate Director CYPE (KCC lead)	
SEND Change for Kent Children Board in place, with responsibility for coordinating activity and tracking progress across the five identified workstreams in the Written Statement of Action	Keith Abbott, Director of Education Planning and Access	
Kent Joint SEND vision finalised in conjunction with parents and approved by the SEND Improvement Board.	Keith, Abbott, Director of Education Planning and Access	
Action Title	Action Owner	Planned Completion Date
Development of a local area SEND Strategy in collaboration with partners, which goes beyond the Written Statement of Action to enable sustained improvement and transform Kent's SEND offer	Keith Abbott, Director of Education Planning and Access	July 2020 (review)
<p>In collaboration with partners, implement the Kent Written Statement of Action, covering five key workstreams relating to:</p> <ul style="list-style-type: none"> <li>-Parental engagement and co-production</li> <li>-Inclusive practice and the outcomes, progress and attainment of children and young people.</li> <li>-Quality of Education, Health and Care Plans</li> <li>-Joint commissioning and governance</li> <li>-Service provision</li> </ul>	Keith, Abbott, Director of Education, Planning and Access / Head of SEN Assessment and Placement / Rachel Jones, Director of Acute Strategy and Partnerships (NHS)	March 2020 (review)
Inform Government-commissioned review into support for children with SEND	Matt Dunkley, Corporate Director CYPE / Keith Abbott, Director EPA	Ongoing