

APPENDIX 1: ASCH-led Corporate Risks

Risk Register - Corporate Risk Register

Current Risk Level Summary

Green	0	Amber	0	Red	3	Total	3
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Current Risk Level Changes

0	0	0	0	1
0	0	0	1	1
0	0	0	0	0
0	0	0	0	0
0	0	0	0	0

Risk Ref	CRR0015	Risk Title and Event			Assigned To	Last Review da	Next Review	
Sustainability of the Social Care Market					Richard Smith	06/08/2025	06/11/2025	
Social Care market is not sustainable. Inability to obtain the right kind of provider supply at affordable prices. Significant numbers of care home closures or service failures. Increases in hand backs of care Providers choose not to tender for services at Local Authority funding levels or accept service users with complex needs.								
Cause	Consequence	Current Risk	Previous Current Risk	Control / Action	Control / Action	Target Date	Target Risk	
Local Authorities have a statutory duty to provide a viable and sustainable social care market to meet the needs of the local population who meet Care Act eligibility. The main risks associated with care market instability are: Financial – As a result of the increasing cost and complexity of demand for services and constrained local authority budgets compounded by recent inflation and the Autumn Budget announcement of increases in employers' National Insurance contributions and the National	Gaps in the care market for certain types of care or in geographical areas meaning difficulty in placing some service users.	High		• Development of micro providers market with Kate Silver partner Community Catalysts. Quarterly contract management reviews take place including focus on performance against targets (engagement and set up).	Control		Medium	
	Unable to offer care packages immediately leading to delays with discharging from Health Services	25 Major (5)		• Provider support team in place	Paula Parker		Control	15 Major (5)
	Reduction in quality of care provided due to workforce pressures	Very Likely (5)		• Daily risk assessment for people in the community awaiting packages of care and short term bed provision for those at high risk	Mark Albiston		Control	Possible (3)
	Significant numbers of care home closures or service failures.			• Older Persons Accommodation Strategy refreshed, which analyses demand and need and sets the future vision and direction for accommodation to support vulnerable Kent residents alongside the Adult Social Care Strategy - Your Life, Your Wellbeing	Richard Smith		Control	
				• Pipeline prioritisation tool is in place for Strategic Commissioning projects, shared with DivMT and Director of Strategy Policy, Relationships and Corporate Assurance	Chris Wimhurst		Control	

Risk Register - Corporate Risk Register

<p>Living Wage. Workforce – recruitment and retention are difficult across all grades in adult social care. Turnover is higher than other sectors. Providers struggle to compete with other sectors such as retail. There are particular challenges in Kent in home care. Overseas workers have created some additional capacity but changes in social care visa rules excluding families has reduced applications from overseas care workers. The social care visa route also attracted operators seeking to exploit that rather than support the sector. There has been an increased risk of exploitation and overseas workers have been displaced when operators have had their licences revoked. This has created a lot of additional work for ASCH in ensuring that the needs of those that draw on care and support continue to be met.</p>				<ul style="list-style-type: none"> • KCC linked to ADASS South East and Kent Integrated Care Alliance monitoring of overseas worker issues • Engagement with Integrated Care Board around joint commissioning opportunities • Regular engagement with provider and trade organisations • Analytics function utilises data to inform decision making before moving commissioning activity forward. • Use of a fee negotiation tool (CareCubed) to support fee uplift conversations with providers • ASCH Commissioning Intentions 2022 - 2027 - describes how we plan to create person-centred and flexible care and support options which address the challenges and opportunities adult social care faces. It supports the delivery of 'Making a difference every day' strategy 2022-2027 • Ongoing monitoring of Home Care market and market coverage. Commissioners and operational managers review the capacity of the Home Care market with a view to developing a strategy to ensure market coverage. • Ongoing Contract Monitoring, working in partnership with the Access to Resources team • KCC is part of local and regional Quality Surveillance Groups that systematically bring together the different parts of the health and care system to share information, identify and mitigate risks to quality, including those relating to care providers. • New contracts commenced relating to Disability and Mental Health Residential Care services. 	<p>Helen Gillivan</p> <p>Helen Gillivan</p> <p>Helen Gillivan</p> <p>Matthew Wagner</p> <p>Simon Mitchell</p> <p>Simon Mitchell</p> <p>Simon Mitchell</p> <p>Simon Mitchell</p> <p>Simon Mitchell</p>	<p>Control</p> <p>Control</p> <p>Control</p> <p>Control</p> <p>Control</p> <p>Control</p> <p>Control</p> <p>Control</p>		
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Risk Register - Corporate Risk Register

			<ul style="list-style-type: none">• Contract for Discharge Services presented to Cabinet Committee and approved by the Cabinet Member.• Ensuring contracts have indexation clauses built-in, managed through contract monitoring• Continue to work innovatively with partners, including health services, districts and boroughs, and providers to identify any efficiencies across the wider sector.	Simon Mitchell	Control		
				Michael Bridger	Control		
				ASCH Divisional Directors	Control		

Risk Register - Corporate Risk Register

Risk Ref	CRR0064	Risk Title and Event			Assigned To	Last Review da	Next Review	
Risk of Failing to Deliver Effective Adult Social Care Services					Richard Smith	06/08/2025	06/11/2025	
Impact on outcomes for people who draw on care and support and unpaid carers								
Potential that people will come to harm and the Council will be unable to ensure that their safeguarding statutory duty under S.42 of the Care Act 2014 will be fully met.								
Non-compliance with Care Act 2014, the Mental Health Act 1983, the Mental Capacity Act 2005 and associated legislation, and the regulatory requirements of the Care Quality Commission.								
Cause	Consequence	Current Risk	Previous Current Risk	Control / Action		Control / Action	Target Date	Target Risk
The Council is at risk of failing to deliver effective Adult Social Care services and there is the potential to not meet requirements of statutory services under the Care Act 2014, the Mental Health Act 1983, the Mental Capacity Act 2005 and associated legislation, and the regulatory requirements of the Care Quality Commission. The Council has been impacted by: - continued central government funding restraint - Demographic changes - Increased demand for services - Demand led statutory services which can be difficult to predict - Increasing costs due to increasing complexity of health and social care needs. - Increasing costs due to cost of living	Failure to fulfil our duty of care could result in serious harm or detriment or in extremely rare cases death to a person with significant impact on families, carers and support networks. This could in turn result in prosecution, having to pay compensation and a negative impact on the reputation of the Council.	High		• ASCH is undertaking further work to align our workforce with the strategic ambitions set out in Making a positive difference every day, securing Kents future, the delivery of new models of care and support, and deliver financially sustainable ASCH offer in Kent.	Richard Smith	A -Accepted	30/10/2025	Medium
		20						15
		Major (5)						Major (5)
		Likely (4)						Possible (3)
	Reputational impact. Public perception of the council being willing to accept poor standards of care. Low public confidence in social care			• ASCH have developed delivery plans linked to individual Director of Operations and Assistant Directors Key area of accountability and delivery.	Mark Albiston	Control		
	A loss of trust in the Council's ability to safeguard people who live in Kent.			• ASCH have enhanced governance and assurance arrangements which focus on delivery to plan and recovery actions when delivery is not to plan.	Mark Albiston	Control		
	Overspending on the budget which may impact the wider council.			• ASCH have commissioned additional capacity to support the delivery of Adult Safeguarding via a time limited peripatetic team, and statutory reviews in the locality of Thanet and South Kent Coast.	Mark Albiston	Control		
				• ASCH has restructured the roles and responsibilities of the two Directors of Operations to provide clarity on the accountabilities around short- and long-term support.	Richard Smith	Control		

Risk Register - Corporate Risk Register

pressure/inflation/interest rates/utilities. - increasing costs from social care market providers - recruitment and retention of staff - recovering from the impacts of the Covid-19 pandemic on the sector, including the NHS Recovery Plan				• ASCH have restructured the roles and responsibilities of Assistant Directors to align service and strategic delivery with the key accountabilities of the two Directors of Operations	Richard Smith	Control		
				• ASCH have aligned delivery plans with the quality improvements identified from Kent's CQC assurance visit.	Tricia Pereira	Control		

Risk Register - Corporate Risk Register

Risk Ref	CRR0066	Risk Title and Event			Assigned To	Last Review da	Next Review	
ASCH recommissioning programme					Helen Gillivan	06/08/2025	06/11/2025	
Commissioning activity not delivered within expected timescales								
Cause	Consequence	Current Risk	Previous Current Risk	Control / Action	Control / Action	Target Date	Target Risk	
The current contractual arrangements for: Older Persons Residential & Nursing (OPRN £209m extended contract ends 31/3/2026), Care & Support in the Home (CSIH £71m extended contract ends 31/3/2027), LD/PD/MH residential care – (£148m extended contract ends 14/6/2026) and Supported Living (£180m extended contract ends 14/6/2027) do not meet the services needs nor its ambitions. For example, they do not give sufficiency of supply, leading to use of off-framework providers with loss of control of quality and price; there is overuse of care home placements because alternatives do not meet needs; and there is a disconnect between the commissioning intentions and operational practice. Care Act duties sit with KCC, not providers, who can choose whether to accept a person into their care or not, which creates a power imbalance.	ASC spend is not optimised and outcomes are poorer than they might be.	High		• Continuing with the micro enterprise market development work to create more diverse supply and alternative workforce	Kate Silver	Control	Medium	
	The ASC overspend is directly impacted if the Council has to spend money in the wrong places and at higher cost.	16					8	
		Serious (4)			• Open framework approach to allow more new providers to join	Helen Gillivan	Control	Serious (4)
		Likely (4)			• Reinforce the right to transfer packages of care from providers who choose not to join the framework	Helen Gillivan	Control	Unlikely (2)
		We are supporting more people in care home than in a home of their own.			• The recommissioning activities are complex and potentially high risk and therefore part of the Council's Strategic Reset Programme (SRP) and so receive support to ensure they are delivered successfully.	Helen Gillivan	Control	
		Savings targets are not being met in part because of the constraints of the current contracts.			Regular progress updates are provided to the Strategic Reset Programme Board.			
					• Engagement with the care sector regarding specifications and proposed contract terms	Helen Gillivan	Control	
				• Pricing model banded by category of need, with ranges reflective of the increasing demands of delivery.	Helen Gillivan	Control		
				• Activities in place to restrict the use of off framework placements: Provider order of approach Finance monthly monitoring Exceptions are agreed by Assistant Directors	Helen Gillivan	Control		

Risk Register - Corporate Risk Register

<p>Whilst local authority is half of the sectors income source, providers may choose to work with the NHS and private fee payers only.</p> <p>The timescales to deliver these large programmes of work concurrently present capacity challenges for the commissioning team.</p> <p>The current market conditions and sentiment is generally negative in relation to local authorities in general and KCC in particular.</p> <p>The impact of the Autumn Budget has the potential to be profound, with the potential for more providers to seek to exit completely or exit local authority business.</p>						