

From: Dan Watkins, Cabinet Member for Adult Social Care and Public Health
Richard Smith, Corporate Director for Adult Social Care and Health

To: Adult Social Care Cabinet Committee – 13 March 2024

Subject: **RISK MANAGEMENT ADULT SOCIAL CARE AND HEALTH**

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 Adult Social Care and Health Directorate, in addition to the risks featuring on the Corporate Risk Register for which the Corporate Director is the designated 'Risk Owner'.

Recommendations: The Adult Social Care 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. Risks outlined in risk registers are considered in the development of the Internal Audit programme for the year.
- 1.2 Directorate Risk Registers are reported to Cabinet Committees annually and contain strategic or cross-cutting risks that potentially affect several functions across the Adult Social Care and Health Directorate, and often have wider potential interdependencies with other services across the council and external parties.
- 1.3 Adult Social Care and Health (ASCH) Directors also lead or coordinate mitigating actions in conjunction with other directors across the organisation to manage risks featuring on the Corporate Risk Register. The directors in the area designated 'Risk Owners' (along with the rest of the Corporate Management Team) for three corporate risks.

1.4 The majority of these risks, or at least aspects of them, will have been discussed in depth at relevant Cabinet Committee(s) throughout the year, demonstrating that risk considerations are embedded within core business.

2. Adult Social Care and Health Directorate Led Corporate Risks

2.1 The ASCH Directorate currently leads on three of the Corporate Risks.

Risk No.*	Risk Title	Current Risk Rating	Target Risk Rating	Direction of Travel since April 2023
CRR0015	Sustainability of the social care market	High (25)	Medium (15)	↔
CRR0064	Risk of failing to deliver effective Adult Social Care Services	High (20)	Medium (15)	New Risk
CRR0061	Care Quality Commission Assurance	Medium (15)	Medium (10)	New Risk

2.2 These risks are reviewed regularly throughout the year and were presented to Cabinet in January 2024. In addition, the risks will be presented to Governance and Audit Committee for assurance in May 2024. Ahead of the formal annual autumn refresh of the corporate risk register, three risks had been added to the register, since then one risk has been redrafted (CRR0015), and two risks have been deescalated to the directorate risk register (formally CRR0002 and CRR0062 now AH0044 and AH0047). The corporate risks are detailed in Appendix 1.

2.3 CRR0061: Care Quality Commission Assurance (CQC)- As part of the Health and Care Act 2022 the CQC have new regulatory powers to oversee the quality and performance of both local authorities and Integrated Care Systems (ICS) using a single assessment framework alongside the existing inspection responsibilities they hold for providers of regulated activity. The CQC will apply the Local Authority Assurance Assessment framework and the review will focus on how well the council is meeting its duties under Part One of the Care Act. The council is preparing for this new regulatory regime.

Several actions are underway to mitigate this medium rated risk to its target level including:

- Staff events facilitated by the Local Government Association have taken place to support front line workers with example questions and responses from CQC assurance reviews.
- Development of a continuous improvement plan which is monitored to support and prioritise improvement activity.

- Development of a communications and engagement plan to ensure effective engagement methods with stakeholders before, during and following assessment.

2.4 CRR0064: Risk of failing to deliver effective Adult Social Care Services - 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.

This risk encapsulates all of the council's statutory responsibilities in regard to adult social care is rated as high and supersedes CRR0002: Safeguarding – Protecting adults at risk, which is now monitored on the Directorate risk register (AH0044).

Mitigations underway to address this risk include phase three of the review of workforce deployment which has commenced and incorporates a review of team sizes and composition to ensure the full benefits of the restructure are achieved, along with other actions including:

- Review of workstreams across the directorate to ensure that all available resources are directed towards the delivery of statutory functions, savings and efficiency plans and all non-essential work is stepped down.
- Plans to ensure we maintain a highly skilled and effective workforce through specific recruitment and retention activity.
- External consultancy analysis of the opportunities to work to prevent, delay, and reduce need for care and support to inform our preventative strategy.

2.5 CRR0015: Sustainability of the Social Care Market – Formerly titled as 'Managing and working with the social care market' has been redrafted and specifically references the council's statutory duty to provide a viable and sustainable social care market to meet the needs of the local population who meet Care Act eligibility.

There has been no change in the direction of travel of this high rated risk with the market being impacted by:

- increasing cost and complexity of demand for services.
- constrained local authority budgets.
- cost of living crisis impacting a workforce that is paid less favourably than comparative sectors.
- high vacancy levels in the workforce.

Actions have been identified to mitigate the risk to target levels including:

- External support engaged to review existing commissioning arrangements, including cost of care assessment.

- Development of 'Commissioning Intentions' which describes how the Council plans to create person-centred and flexible care and support in Kent to address the challenges and opportunities in adult social care.

3. Adult Social Care and Health Directorate Risk Profile

3.1 The below table outlines the current risks in the Adult Social Care and Health Directorate Risk Register (the detailed register can be seen in Appendix 2)

Risk No.*	Risk Title	Current Risk Rating	Target Risk Rating	Direction of Travel since April 2023
AH0043	Deprivation of liberty safeguards	High (20)	High (16)	↔
AH0005	Continued pressures on public sector funding impacting on revenue and saving efficiencies	High (25)	High (20)	↔
AH0044	Safeguarding – protecting adults at risk	High (20)	Medium (15)	↔
AH0033	Adult Social Care Workforce	High (20)	Medium (9)	↑
AH0047	Provider Failure	Medium (15)	Medium (9)	New risk
AH0038	Information Governance	Medium (9)	Medium (9)	↓
AH0037	Information Asset Management	Medium (9)	Medium (9)	↔

3.2 The risk register has been reviewed and amended during the year with quarterly reporting into the Directorate Management Team, with the most recent review and discussion in February 2024.

3.3 There has been one new risk added to the Directorate Risk Register;

AH0047: Provider Failure – The council commissions a significant proportion of adult social care out to the private and voluntary sectors. The stability and sustainability of commissioned services are paramount to continued service delivery. In the event that one or more of these [major] providers become unstable or fails, or is impacted by an emergency which forces closure, there is a risk of disruption to service delivery, which could result in service users being put at risk, impact the ability for the council to deliver its statutory duty, financial impacts and reputational and legal consequences.

This risk has been deescalated from the Corporate Risk Register as recent instance of closures have demonstrated that existing controls to mitigate this risk have been effective. The risk will be monitored via the Directorate Risk Register.

- 3.4 Direction of travel for the Information Governance risk has improved. There continues to be ongoing monitoring of the action plan and given the controls in place and progress made over the last two years, it was agreed that the risk is now at its target rating as a medium rated risk. A robust training offer is in place along with monitoring of staff compliance with mandatory training requirements. Actions around privacy notices and Subject Access Requests are ongoing and the risk will remain on the register until these are complete.
- 3.5 Similarly the Information Asset Management risk is also considered to be at target risk. In light of ongoing work around the Provider Portal and Kent and Medway Care Record, it has been agreed that this risk will also continue to be held on the Directorate Risk Register. There have been a number of system issues around the Kent and Medway Care Record which have required resolution, the remaining issues to be resolved are on the Health related elements of the system.
- 3.6 The direction of travel for the following risks has remained static, however actions and controls have been revised during the year to further mitigate and reduce the risk:
- AH0005 Continued pressures on public sector funding impacting on revenue and saving efficiencies – this risk continues to hold the highest rating. A Commissioning and Transformation Board is being established and regular meetings are in place with the Corporate Director, Directors and Assistant Directors to review the management of budgets.
 - AH0044 Safeguarding: protecting adults at risk – the risk of failure to fulfil our statutory obligations.
 - AH0043 Deprivation of Liberty Safeguards – new pathways have been introduced to support more proportionate assessment for people. The Head of Service is working as part of the South East Association of Directors of Adult Social Services (ADASS) network to share information, good practice and developments.
- 3.7 The risk rating for the Adult Social Care Workforce has increased. The recruitment and retention of qualified and experienced staff is an ongoing challenge. This in turns places pressure on the existing workforce and puts at risk our ability to fully align our practice to the vision for Adult Social Care.

4. Recommendation

4.1 **Recommendation:** The Adult Social Care Cabinet Committee is asked to **CONSIDER** and **COMMENT** on the risks presented.

5. Background Documents

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

6. Report Authors

Alison Petters

Risk and Delivery Assurance Manager, Chief Executive's Department

Alison.Petters@kent.gov.uk

Laura Prentice

Directorate Business Manager, Adult Social Care and Health

Laura.Prentice@kent.gov.uk

Relevant Director

Mark Albiston

Director Adult Social Care, Adult Social Care and Health

Mark.Albiston@kent.gov.uk