

Paper for the

Social Work England Board

Sponsor

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Reviewed by

Executive Leadership Team

This paper is for

Assurance and Noting

Associated Strategic Objective

SO9: We will establish robust infrastructure, systems and processes that promote trust and confidence.

Impact: Risk Type and Appetite

Operational delivery - Open

1. Summary

This paper provides an overview of our corporate risks including trend changes as a result of the mitigations we have put in place.

2. Action required

The Board is asked to note management of risk and assurances in place.

3. Commentary

The Executive Leadership Team discuss risks both as part of the weekly agenda items and on a monthly basis as a standalone agenda item.

Risk is an agenda item at every Audit Risk and Assurance Committee (ARAC) meeting where changes, new and emerging risks are discussed. In addition, there is an in-depth look at a small number of risks, jointly identified at each meeting. In this financial year, 5 risks have been examined in detail:

1. We fail to anticipate and respond to strategic, political and policy changes in the external environment (CRR 6)
2. We fail to retain our people and lose organisational capacity, skills, knowledge, and experience (CRR 11)
3. The quality of our fitness to practise decision-making leads to loss of confidence and additional scrutiny (CRR20)
4. We are unable to meet Fitness to Practise referral demand and process cases within our resources (CRR10)
5. A data breach, unlawful data processing or poor practice or governance in relation to personal data leads to harm, reputational damage or other serious adverse consequences (CRR14)

4. Changes, new and emerging risks since 1 April 2021

Changes to risks

CRR8 (operating systems)

CRR8 has been rewritten to better reflect the risk our organisation faces.

CRR1 (financial viability)

ELT and ARAC agreed that the previous wording ('financial sustainability') should be changed to 'financial viability.'

Changes to level of risk are highlighted via the risk trend analysis on the following pages.

New risks

CRR20 (quality of FtP decision-making)

Following discussion at the April ARAC meeting, a new risk which focuses on the quality of FtP decision-making has been added to the risk register.

CRR17 (EU data adequacy decision)

The UK is awaiting a decision regarding the adequacy of its data protection from the EU. Analysis has found that most contracts will not be impacted upon; however, the risk has been added to the corporate risk register due to its proximity and potential to impact the organisation.

Emerging risks

We have identified an emerging risk following the recent Employment Appeal Tribunal (EAT) ruling in the case of Somerville vs the Nursing and Midwifery Council (NMC) which found in favour of a NMC partner's claim to 'worker' status and entitled him to associated benefits.

5. Risk trend

Twelve corporate risks are reported to ARAC and the Board. Mitigation has prevented 9 risks worsening during Q1. We have also seen a reduction in risk for fitness to practise referrals. We have revised the score in 2 risks:

1. We fail to anticipate and respond to strategic, political and policy changes in the external environment, CRR6 - we have increased the impact score to reflect the potential severity of the impact
2. We cannot access our personal data where it is stored or otherwise processed in the EU if the EU commission does not issue a data adequacy decision for the UK within 4-6 months of the EU exit transition period, June 2021 CRR17, we have increased the likelihood score due to the proximity of the deadline for a decision.

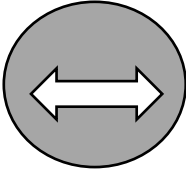
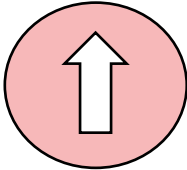
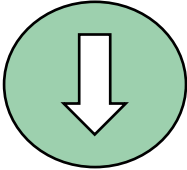
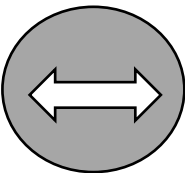
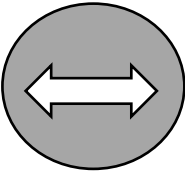
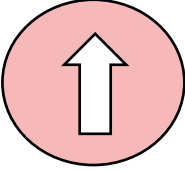
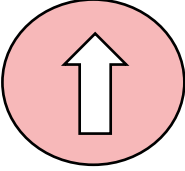
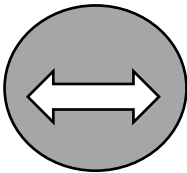
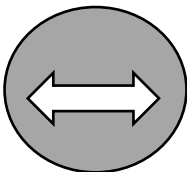
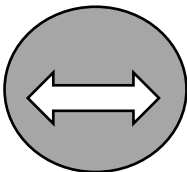
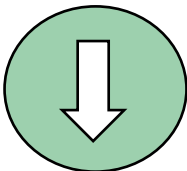
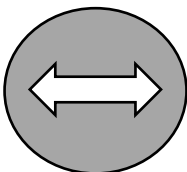
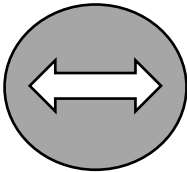
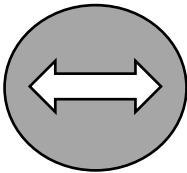
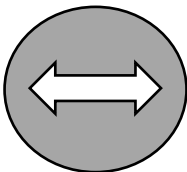
Key		
Mitigations have prevented the risk from worsening	The risk score has increased since last reported to the Board	Mitigations have reduced the risk score
		

Table 1: risk trend and mitigations taken in quarter 1

Risk	What impact has our actions had on the residual risk since 1 April 2021?	Key controls and mitigations
CRR8 (new risk) The timescales for development of new functionality in Forge do not align with our strategic aims	Q1 Trend  Mitigations have prevented the risk from worsening	Mitigations and controls for Q1 • Forge Board report to ELT on a monthly basis • Forge Board hold a review with Cognizant (the provider) • The Forge Programme board and ELT have reviewed all work packages and have prioritised in line with strategic aims. This is an ongoing process.
CRR14 A data breach, unlawful data processing or poor practice or governance in relation to personal data leads to harm, reputational damage or other serious adverse consequences	Q1 Trend  Mitigations have prevented the risk from worsening	Mitigations and controls for Q1 • Mandatory training to all employees, partners and board members on data protection, including as regards how to minimise the risk of a data breach • Regular reporting to ELT • Review data processing activity across the organisation and our third-party suppliers to establish potential exposure and perform Data Protection Impact Assessments where the processing is likely to result in a high risk to the rights and freedoms of individuals
CRR6 We fail to anticipate and respond to strategic, political and policy changes in the external environment	Q1 Trend  The risk score has increased since last reported to the Board See risk trend narrative	Mitigations and controls for Q1 • Respond to the DHSC consultation on the future of regulation • Develop a new blended approach to work in response to changes brought about by Covid
CRR17 We cannot access our personal data where it is stored or otherwise processed in the EU if the EU commission does not issue a data adequacy decision for the UK within 4-6 months of the EU exit transition period (Jun 21)	Q1 Trend  The risk score has increased since last reported to the Board See risk trend narrative for context	Mitigations and controls for Q1 • Monthly data protection meeting with the Department for Education to discuss impact and progress on getting an adequacy decision • Daily backups of personal data within Forge • Legal advice on our liability if we need to exit contracts that are based in the EU sought • Contingency plans in place for limited contracts that may be impacted upon

Risk	What impact has our actions had on the residual risk since 1 April 2021?	Key controls and mitigations
CRR3	Q1 Trend	Mitigations and controls for Q1
Our course approval and reapproval process has a significant impact on the quality or quantity of students joining the profession	 Mitigations have prevented the risk from worsening	Mitigations planned for later in the year
CRR5	Q1 Trend	Mitigations and controls for Q1
Our governance and assurance frameworks are not embedded and do not lead to transparent and consistent decision-making.	 Mitigations have prevented the risk from worsening	- All quality and improvement recommendations being brought together in one tracker - Development and implementation of our assurance framework
CRR1	Q1 Trend	Mitigations and controls for Q1
We are financially unviable	 Mitigations have prevented the risk from worsening	Performance monitoring (number of concerns raised and impact on fitness to practices modelling) to check impact upon finances
CRR10	Q1 Trend	Mitigations and controls for Q1
We are unable to meet Fitness to Practise referral demand and process cases within our resources	 Mitigations have reduced the risk score *See risk trend narrative	- A targeted, experienced team to quickly work on legacy cases and come to resolution on these - Ongoing discussions with DfE about legacy cases - Dedicated FtP lawyer - Additional resourcing provided
CRR13	Q1 Trend	Mitigations and controls for Q1
Our systems and software do not protect us from cyber, ransomware or socially engineered attacks	 Mitigations have prevented the risk from worsening	- Continued investment in applications to detect ransomware and cyber-attacks - Independent penetration test of our systems - Part of the NCSC early warning scheme - Attained cyber essentials accreditation and working towards Cyber Essentials Plus - Implemented an 'air gapped' backup of critical data - Investigating the benefits of joining the Government Security Centre offering

Risk	What impact has our actions had on the residual risk since 1 April 2021?	Key controls and mitigations
CRR7	Q1 Trend	Mitigations and controls for Q1
We fail to deliver effective regulatory functions	 Mitigations have prevented the risk from worsening	Implement recommendations from the Jan FtP internal audit report
CRR11	Q1 Trend	Mitigations and controls for Q1
We fail to retain our people and lose organisational capacity, skills, knowledge, and experience	 Mitigations have prevented the risk from worsening	- Annual people engagement survey and action plan - Develop People Strategy and implement workforce and succession plan and talent management framework second quarter - Develop and implement our coaching and mentoring approach and leadership programmes - Monthly monitoring and analysis of unplanned leavers
CRR20	Q1 Trend	Mitigations and controls for Q1
The quality of our fitness to practise decision-making leads to loss of confidence and additional scrutiny	 Mitigations have prevented the risk from worsening	- Make improvements identified by our Internal Quality and Improvement team who apply PSA standards to their internal audit - Develop our assurance framework