

FIGURE 1**The risks associated with the implementation of the *(subject)* decision :**

No.	RISK	INHERENT RISK		RISK CONTROL MEASURES	CURRENT RISK		RISK OWNER
	Threat to achievement of the key objectives of the report	(Before controls)			(After controls)		
		Impact	Probability		Impact	Probability	
1	Our preferred short term option of joining the West Sussex DPS carries some procurement risks as Bristol City Council was not a named buyer when the DPS was originally established, therefore there is a risk that joining the West Sussex DPS could leave us open to a legal challenge	Medium	Medium	An appropriate notice will be issued to allow us to join the West Sussex DPS in the form of a VEAT issued by West Sussex. In addition this is a DPS and so is open to any provider to join, therefore we are not limiting providers from joining the DPS or restricting their access to business. Bristol is one of 6 local authorities looking to join West Sussex so the risk is shared by all the local authorities including West Sussex. West Sussex legal are comfortable with the proposal	Medium	Low	
2	Since the implementation of the Children and Families Act and SEND code of practice, there is now a requirement to support children up to the age of 25. None of the short term options, including the preferred option of joining the West Sussex DPS include provision to procure placements for young people over 16. These placements will need to continue to be made off-framework in the short term whichever option is pursued	High	High	There is no short term solution to this; therefore waivers must be secured for placements made off-framework which are approved by the Commissioning and Procurement Group, Section 151 officer and BCC CEO. Officers will ensure that whichever long term option is chosen, resolving this gap is a priority and will be pressing for a new lot for this age group in the	High	Medium	

Appendix D – Risk Assessment

				new West Sussex DPS.			
3	The Children and Families Act and SEND Code of Practice place a heavy emphasis on parental choice of placement. Currently parents search the internet or are subject to marketing from providers to identify a placement that they think will support their child. On occasion parents have sourced providers that the local authority would not choose to place with, eg concerns raised by Ofsted, however there is currently no easy way of showing parents what is on offer in an open and transparent way to support their choice.	High	High	If Bristol joins the West Sussex DPS, there will be a list of providers, the provision they offer, quality monitoring reports and other management information that could be published for parents to browse so they can see what providers are approved for Bristol to use. On the occasion where a parent may still source their own provider that is not on the DPS, local authorities can encourage the provider to join because the DPS is open.	High	Low	
4	Providers may not be happy with a change to current processes and the requirement to sign up to a new system.	Medium	Medium	Engagement with the provider market, issuing a VEAT notice, and joining an open DPS will mean that providers are given sufficient notice of change. Implementing the preferred short term solution enables us to set a direction of travel so providers can see what the future processes will be. Providers have a choice to co-operate or not and will be encouraged and supported to participate	Medium	Low	

FIGURE 2

The risks associated with not implementing the (subject) decision:

Appendix D – Risk Assessment

No.	RISK Threat to achievement of the key objectives of the report	INHERENT RISK		RISK CONTROL MEASURES Mitigation (ie controls) and Evaluation (ie effectiveness of mitigation).	CURRENT RISK		RISK OWNER
		(Before controls)			(After controls)		
		Impact	Probability		Impact	Probability	
1	Current arrangements do not comply with procurement regulations. Placements frequently have to be purchased off-framework due to an unsuitable list of providers and the fact that the framework does not cover placements for 17-25 year olds. This requires high numbers of waivers to be completed for significant amounts of money with limited control over the costs	High	High	Waivers must be secured for placements made off-framework which must be approved by the Commissioning and Procurement Group, Section 151 officer and BCC CEO	High	Medium	
2	There are no transparent quality assurance processes built into the existing framework, which has led to the inclusion of schools we cannot guarantee would meet our baseline standards, and some that have been judged inadequate by Ofsted	High	High	Officers work closely with providers to ensure that BCC is aware of any safeguarding or other serious issues as soon as possible and that no new placements are made at inadequate establishments. This requires significant resource and any staff changes carry a high risk of this process failing	High	Medium	Paul Jacobs
3	As placements are so frequently arranged off-framework, through spot purchasing, Bristol is not getting best value for money for placements costs and local authorities find it difficult to negotiate with providers on price. Savings are therefore unlikely to be realised. In addition spot purchasing makes it difficult to manage or grow the market to ensure	High	High	Uplift requests are managed regionally in an attempt to ensure parity across the region. However without the ability to manage the market local authorities find it difficult to work with providers to develop and	High	Medium	

Appendix D – Risk Assessment

	there is a breadth of good quality, value for money placements available to meet a range of need.			improve the market; the market and therefore the price is controlled by the providers			
4	The existing framework covers education placements for children up to 16 years of age. However, since the implementation of the Children and Families Act and SEND code of practice, there is now a requirement to support children up to the age of 25. There is currently no formal procurement process in place to secure placements for 17-25 year olds.	High	High	There is no short term solution to this; therefore waivers must be secured for placements made off-framework which are approved by the Commissioning and Procurement Group, Section 151 officer and BCC CEO. Officers will ensure that whichever long term option is chosen, resolving this gap is a priority.	High	Medium	
5	Parents will continue to look for what they think is the best placement for their child which may cause issues for Bristol as there is a rising demand on the budget for SEN placements with few controls to manage cost	High	High	More information about the providers where we regularly make placements could be published on the Findability website, however this could leave us open to challenge where we do not publish a provider's details. The only legislative defence against parental choice is if the cost of the placement is so great that it impacts on the local authority's placements for other children and young people. These cases usually end up at tribunal.	High	High	