REPORT TO: Cabinet

MEETING DATE: 15 January 2013

BY: Executive Director (Support Services)

SUBJECT: 2013 Corporate Risk Register

1   PURPOSE

1.1   To present to Cabinet the Corporate Risk Register 2013 for discussion, comment and approval.

2   RECOMMENDATIONS

2.1   It is recommended that Cabinet approves the 2013 Corporate Risk Register.

2.2   In doing so, Cabinet is asked to:

- agree that the relevant corporate risks have been identified and assessed in the Corporate Risk Register

- agree that the significance of each risk is appropriate to the current nature of the risk

- agree that the total profile of corporate risk can be borne by the Council at this time in relation to the Council's appetite[1] for risk; and,

- recognise that, although the risks presented are those requiring close monitoring and scrutiny throughout 2013, many are in fact longer term corporate risks for the Council that are likely to be a feature of the risk register over a number of years.

3   BACKGROUND

3.1   The Council's first Corporate Risk Register was approved by Audit and Governance Committee in April 2011.

3.2   The Corporate Risk Register has been revised and updated following a review by the Council Risk Management Group on behalf of and in consultation with the Council Management Team. Under the Council's Risk management Strategy, Cabinet has delegated authority for approving the Corporate Risk

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[1] How much risk the council can bear, or could be willing to take in pursuit of an opportunity (if it were judged to be (1) worthwhile pursuing and (2) the council was confident in its ability to achieve the benefits and justify the risk).

Register and ensuring that corporate risks and any emerging significant (Very High and High) risks within their specific remit are adequately controlled.

3.3   The Risk Management Strategy defines corporate risks as risks with the potential to impact on the 'corporate body', East Lothian Council, in achieving its stated policies and corporate objectives and those that require strategic leadership. Service risks may be included in the Corporate Risk Register where a risk impact on multiple services or requires significant central resources in the development of risk control measures.

3.4   All risks are analysed in terms of impact on the Council and the likelihood of occurrence.   This analysis, using a standard 5 by 5 matrix provides an evaluation of risk as being Low (score of 1-4), Medium (5 – 9), High (10 – 19) or Very High (20-25).   The Council's response in relation to adverse risk or 'tolerance for risk' is such that:

- Very High risk is unacceptable and measures should be taken to reduce, transfer or treat the risk to a more tolerable position

- High risk may be tolerable providing the Council is assured that adequate and effective control measures are in place

- Medium risk is tolerable with control measures that are cost effective

- Low risk is broadly acceptable without any further action to prevent or mitigate risk.

3.5   In accordance with the Risk Management Strategy Very High and High risks identified in the Corporate Risk Register will be subject to closer scrutiny by the Council Management Team, the Cabinet and the Audit and Governance Committee. The 2013 Corporate Risk Register includes no Very High risks, 10 High risks and nine Medium risks.

4   POLICY IMPLICATIONS

4.1   In approving the 2013 Corporate Risk Register the Cabinet will ensure that the Council has an up to date Corporate Risk Register and that risk control measures are in place to mitigate the likelihood and/ or impact of significant risks.

5   EQUALITIES IMPACT ASSESSMENT

5.1   This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6   RESOURCE IMPLICATIONS

6.1   Financial – Recurring costs associated with the measures in place for each risk are proportionate to the level of risk. The financial requirements to support the risk control measures identified in the Corporate Risk Register should be met within the proposed budget allocations. Any unplanned and unbudgeted costs

that arise in relation to any of the corporate risks identified will be subject to review by the Council Management Team.

6.2   Personnel – There are no immediate implications.

6.3   Other – Effective implementation of this register will require the support and commitment of the Risk Owners identified within the register.

7   BACKGROUND PAPERS

7.1   Appendix 1 – Corporate Risk Register

7.2   Council Risk Management Strategy; report to Council, 18th December 2012

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DATE	4th January 2013

East Lothian Council Corporate Risk Register (V7: January 2013)

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Residual Risk			Planned Additional Risk Control Measures	Assessment of Predictive Risk			Risk Owner	Timescale for Completion / Review Frequency
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			L	I	L x I		L	I	L x I		
ELC CR 1	Abolition of priority need in 2012 will place an obligation on the council to accept an estimated additional 250 to 300 homeless cases per year as having a full re-housing right and also an obligation for the provision and funding of temporary accommodation until that responsibility is delivered in order to meet 2012 requirements. The Council will have to access accommodation from the private sector but a number of potential problems exist in terms of the DWP changes etc which may affect / or negate the impact of such action. The impact of the DWP Welfare Benefit Reform process has had a negative impact on the use of the private sector for single people between 25 and 35.	Limited lobbying possible via COSLA/Scottish Government. Meetings with Scottish Government to scope problem. Plans in place to increase use of Private sector. New homeless prevention approaches to be introduced. Increased use of rent deposit – underway and intended to continue. Unknown impact of increased use of prevention approach but expected to mitigate demand slightly. An increased level and also an improved stock and availability of temporary accommodation have reduced the reliance on costly and often unsuitable B&B accommodation. Ongoing use of private sector properties and the rent deposit scheme as a housing option. The Housing Options approach introduced in April 2011 has assisted with preventing homelessness by reducing direct demand for crisis homeless services but the impact does not mean that the Council can easily meet the requirements of the 2012 legislative change.	4	4	16	Dialogue with Scottish government is continuing. The Council is reviewing the Housing Allocations Policy to ensure that it continues to meet statutory legislative requirements and local objectives. The Council's Acquisition Strategy is focussed on increasing the availability of permanent and temporary stock to meet the needs which will arise as a result of the legislative change. As the additional housing requirement will be mainly for 1 bedroom size properties a significant proportion of the investment will be aimed at acquiring such properties. The Housing Options approach is ongoing and will continue to reduce the level of "crisis" homeless presentations thus assisting in preventing homelessness.	4	3	12	Executive Director (Services for Communities) Homelessness Manager	Action ongoing Risk to be reviewed Dec 2013
ELC CR 2	The Council has a duty of care for its service users across the range of services it provides. Any breach of this duty of care may compromise health, safety and wellbeing, impacting on, for example, the protection of children and adults. Failure to fulfil the duty of care could also result in prosecution, having to pay compensation and have a negative impact on the reputation of the Council. The duty of Care is at the heart of the services approach to risk management. The likelihood of this risk occurring is influenced by a range of factors including for example: (1) Complexity of partnership arrangements in the care sector; (2) Number of vulnerable people in East Lothian; (3) Levels of deprivation in East Lothian; (4) Increased population and more complex service demands presented by an increasing number of	**Corporately** There is an HR policy in place on procedures laid down by Disclosure Scotland and the Protecting Vulnerable Groups scheme and training sessions are in place for all managers and staff to make them aware of the policy and processes to be followed to comply with the PVG scheme. Employees' contracts state that where an employee is convicted of a criminal offence which is likely to adversely affect their work or their working relationship with the Council, they must advise their Director or Head of Service. Details of the posts which are subject to the disclosure process are published on the Council intranet. Case management is carried out so that the duty of care and risk are central to the care planning	4	4	16	Implementation of Action Plans following on from Child Protection (single and multi-agency) and SWIA/Care Inspectorate inspections. As part of GIRFEC, Staged Assessment and Intervention the project board will oversee a 3 year action plan with the overall aim of improving assessment and planning in Children's Wellbeing from very good to excellent. The development of a multi-agency Signs of Safety Model Development of an overall learning culture and promotion and development of skills such as "Giving and Receiving Feedback" and	3	4	12	Executive Director (Support Services) Executive Director (Services for Communities) Executive Director (Services for People)	Action ongoing Risk to be reviewed Dec 2013

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	clients whilst resources are already stretched. More than half of the care provided is purchased from private and voluntary sector agencies. The risks associated with purchased care are well understood and monitored through contract compliance and the monitoring of care providers in association with the Care Inspectorate. The introduction of Self Directed Care and the increased uptake of Direct Payments may present new challenges in relation to the service user choice and the application of PVG checks.	process. Frameworki is used to identify and record risk factors in a structured and consistent manner. Any Significant Case Reviews are discussed at multi-agency meetings, as and when required. __Service level__ All Services should be implementing the corporate guidance and the rolling programme of checking referred to above. The Directorate of Services for People, encompassing Children's Wellbeing, Adult Wellbeing and Education Services, carries lead responsibility for Child and Adult Protection within the Council, and has operational procedures in place to maintain 'protection' arrangements in compliance with legislation and inspection regimes applicable. Action Plan following on from Child Protection and SWIA/Care Inspectorate inspections in place. There is an ongoing follow up of service user feedback and we are working in partnership with care providers to raise standards. This approach has had demonstrable success with residential providers and is now being used in relation to care at home providers.				"Coaching". Co-ordinate CAMHS support for all children who need it and in particular those with the most complex needs as a result of trauma, abuse and parental difficulties. Re-launch of East Lothian Quality Improvement Group. Systems to manage Adult Protection are in place and being developed to safeguard the most vulnerable people. Frameworki is being developed to improve the ways cases are recorded and risks identified (for example the introduction of geanograms) The duty of care is reinforced through support and supervision arrangements as well as professional development.					
ELC CR 3	Welfare reform The UK Government is introducing a range of measures to reform the welfare system and reduce the budget for welfare benefits by at least £11 billion annually. It has been estimated (Scottish Local Government Forum Against Poverty, Sept 2010) that the changes could result in the loss of £8m - £9.5m annually from welfare benefits paid to East Lothian residents. The changes could lead to: • Increase in rent arrears from reduced Housing Benefits and possible increase in evictions • increased pressures on tenancy support and rent collection teams • increase in homeless presentations, placing even more pressure on already stretched resources for temporary accommodation • increase in Council Tax arrears and non-payment	The Council has received several update reports on the impact of welfare reforms and the Council's response and will continue to be updated. The Council has established a Welfare Reform Task Group to plan for the changes to the welfare system. The Task Group has four workstreams: • Communications • Data Sharing • Training • Migration The Task Group and workstreams are meeting regularly and will continue to report back to the CMT. The 2011-12 Council budget reflects the need to build on the early intervention approach which tackles the root causes of poverty, to protect services which can prevent individuals and families from falling into poverty, or help them to manage their household income. Initiatives include:	4	4	16	The Council's Welfare Reform Task Group and four workstreams will develop a detailed action plan that will ensure the Council takes necessary measures to prepare for the changes in the welfare system. A Tackling Poverty Strategy and Action Plan is being prepared detailing how the Council and the Community Planning Partnership aims to achieve the outcome: 'Fewer People in East Lothian will experience poverty'. The Fairer East Lothian Fund in 2013/14 will be used to assist in achieving the Strategy and Action Plan.	4	3	12	Executive Director (Support Services)	Action to be completed April 2013 Risk to be reviewed Dec 2013

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	of Council Tax • increase in caseload for Adult Wellbeing and Children's Wellbeing staff dealing with vulnerable people affected by cuts in benefits • increase in caseload and demand for services from the Welfare Rights Service • loss of income the Council currently receives for administering Housing Benefits	- The protection of grant funding to support tackling poverty work (see 'Fairer East Lothian Fund' below) - The expansion of the free school meals to P1-3 in some primary schools - Funding identified in relation to the Homelessness 2012 targets - Creation of two new additional Tenancy Support Officer posts to deal with tenancy sustainment and rent arrears The Council endorsed the work of the Tackling Poverty Theme Group to refocus the work of the group on a single headline outcome: 'Fewer People in East Lothian will experience poverty'. The Fairer East Lothian Fund (£476,000 in 2011/13) funds projects to deliver on the following key outcomes: 1. Fewer people in East Lothian will be financially excluded. 2. Financial capability in East Lothian will be improved. 3. The life chances of people at risk of falling into poverty, or already living in poverty, will be improved. 4. People in East Lothian will have better access to advice and information services, including debt and money advice.									
ELC CR 4	As the incidence of flooding and coastal erosion increases as an impact of Climate Change, there is an increased risk of disruption to road and path networks, impact on public safety, damage to roads, property, harbours and natural heritage sites and an associated increase in claims against the Council.	Inspection regimes and good housekeeping measures in place and working effectively. Emergency surface water and river flood procedures in place and have proven effective. Shoreline Management Plan has been produced. The Severe Weather Response Plan has been developed over the past few years and ensures a co-ordinated and consistent multi-agency response across the county. Flooding advice is given on the Council website and directs people to the relevant pages on the SEPA website. Flooding and drainage issues are considered when processing planning applications. Flood Risk Management surveys and associated prevention works are being conducted to meet the requirements of the Flood Risk Management (Scotland) Act 2009.	4	4	16	The Council is working with other agencies to enhance community resilience. Improved communication with vulnerable groups regarding access and assistance during severe weather events. ELC are hoping to engage a consultant to further develop Flood Prevention works on our rivers, although this is reliant on funding availability. The Council is currently in the process of setting up a cross departmental group to consider the threat climate change presents to the environmental, social and economic well being of East Lothian.	3	3	9	Executive Director (Support Services) Executive Director (Services for Communities)	Action ongoing Risk to be reviewed Dec 2013

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ELC CR 5	Financial pressures: If the council's financial pressures were not to be successfully planned for and managed effectively over the medium to longer term (i.e. the next 3 and possibly up to 7 years), there would be a serious risk of unplanned/ reactive budget realignments with significant adverse impact on availability and quality of both front-line services and required investment in the Council's infrastructure and asset base. Over the medium term it is highly likely that the Council's income will remain static. At the same time it will have specific cost pressures to deal with. These include: (1) demographic change and social-economic pressures - increasing pupil and elderly numbers; (2) general inflationary pressures; (3) specific cost pressures such as the affordability of the increasing number of high-cost individual care packages; and (4) potential financial costs associated with legislative changes such as a number of environmental issues.	The Council has well developed short to medium term financial planning arrangements and financial management arrangements for managing in year budget performance, both of which provide mitigating controls in terms of the immediate financial risk and pressures the Council is faced with. Long-term modelling is deemed to be of little value as the public sector financial environment is unlikely to be stable in other than the short and medium term. Focus is on creating a programme of short and medium term organisational change that can be adapted to match the Councils position as that emerges. The Chief Social Work Officer also has a role to play in overall performance improvement and the identification and management of corporate risk in so far as they relate to social work services.	3	5	15	CMT/Managers continue to follow the financial strategy i.e. cost control/cost minimisation/deliver on agreed savings. Through the Corporate Asset Group, the Council implements the approved Asset Management Strategy and related action plan.	3	4	12	Chief Executive Executive Director (Support Services) Head of Council Resources	Action ongoing. Control measures approved by Council, October 2012. Monitoring arrangements will continue to be applied. Risk to be reviewed Dec 2013
ELC CR 6	Failure to have comprehensive council wide Information Security Management measures in place will put at risk the availability, integrity and confidentiality of the councils information. Since April 2010 the Information Commissioners Office has the power to fine government organisations up to £500,000 if they are found to be either in breach of the Data Protection Act or failing to put in place measures to protect their information (electronic, paper etc). Council wide catastrophic failure of central I.T. systems (incl. Telephony) caused by Fire/Flood event, major viral attack etc.	In 2004 East Lothian Council started the implementation of an Information Security Management System which is compliant with the International standard for Information Security - ISO27001 (which covers confidentiality, integrity and availability of Council held information. Since then we have put in place our Information Security policy, Information Security Manual and various other policies and procedures to ensure we have robust systems in place to protect our information. There is a council wide Information Security Forum hosted by the IT Security Officer which meets 4 times a year to discuss, agree and update policy. The Council also has a dedicated Data Protection Officer in place. Planned regular security audits and ongoing training for all I.T. users. I.T. Disaster Recovery plan in place - backup site for systems identified and core system backup plan created.	3	4	12	Information Security Awareness training to be made mandatory for all Council employees, Online system is being updated and allows for reporting on who has completed training and when. Training to be included as part of employee induction. Data Protection and FOI training package that align with the Info Sec training above have been purchased and will be implemented in the same way. Both sets of training should be made regular for employees.	2	4	8	Executive Director (Support Services)	Action to be completed May 2013 Risk to be reviewed Dec 2013

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ELC CR 7	Waste Management If the Council does not make the most of innovative opportunities to develop solutions and/or implement robust arrangements for Waste Management challenges, there is a risk of reputational harm (in terms of corporate social responsibility) but more especially the potential for significant unbudgeted costs and financial penalties. The Waste (Scotland) Regulations 2012 has placed additional statutory obligations upon Local Authorities. Additional services will need to be provided if the Council is to meet these obligations. This will impact current service provisions and has yet to be budgeted.	Waste Management (targets, recycling, equipment disposal) Local recycling initiatives implemented, including managed weekly collections meaning we are achieving a minimum 40% recycling & composting target now and aiming to achieve a minimum 50% by December 2013. Waste Services have procured a long term treatment Contract which will allow for additional recovery and should enable compliance with bans on waste disposal.	4	3	12	An analysis will be undertaken outlining options for consideration for each type of Waste and Recycling Collection the Council carries out. Following Council consideration the impact upon resources, finance and compliance with the Waste (Scotland) Regulations 2012 will be determined.	4	3	12	Executive Director (Services for Communities)	Action ongoing Risk to be reviewed Dec 2013
ELC CR 8	Incident Response and Management: Any ineffective preparation and planning for potential crises and disruptive events such as those reflected within the Community Risk Register, that directly relate to the council as a 'Category 1 Responder' may result in the council's inability to effectively respond and manage the event in a way that minimises harm to the community, our employees and the reputation of the council.	Corporate emergency planning arrangements are in place, including media and public information arrangements. Working with other Category 1 and 2 Responders as defined by the Civil Contingencies Act 2004 to ensure effective and integrated response to emergencies. Debriefing arrangements to enable lessons to be learned and fed back into the contingency planning process. Incident Response resources are identified in contingency plans. Training and exercise events are held for employees – both in-house and through external providers - to ensure an efficient and effective response to emergency situations.	3	4	12		3	4	12	Executive Director (Support Services)	Action ongoing Risk to be reviewed Dec 2013

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ELC CR 9	Public Sector Reform Major elements of public sector reform are either taking place or being proposed including: • The creation of a national police force and a national fire service • Integration of Health and Social Care and creation of a new H&SC Partnership • Review of Community Planning • Possible new legislative duties in relation to procurement, community empowerment, regulation, and children and young people These reforms create uncertainty, additional workload for senior staff, a requirement to restructure services and create new accountability, governance and partnership arrangements. Whilst these risks are dealt with in detail in service risk registers there is a corporate level risk that the Council will not have the capacity to prepare for all these reforms simultaneously.	Effective working relations with key partners including Lothian & Borders Police, Lothian & Borders Fire and Rescue Service, East Lothian CHP and the voluntary sector are being further developed through regular meetings to prepare for public sector reform. The Council Management Team and Council / Cabinet receive regular reports on the implications of the reform proposals and on the Council's preparations. Planning processes are being led by the Chief Executive. Responses to the Scottish Government on consultations around public sector reform are prepared and submitted as required. Financial and resource scoping is carried out as required. Systems for operational, performance and financial management and scrutiny are being prepared.	4	3	12	The review of the CPP will be completed by March 2013. The governance arrangements for Police and Fire services will be established by April 2013 The shadow governance arrangements for the new Health and Social Care Partnership will be put in place by April 2013 Review of Policy and strategy staff across all Council services will aim to provide greater capacity to provide advice and guidance to the Council and to prepare for public sector reform	3	3	9	Executive Director (Support Services)	Action to be completed April 2013 and Dec 2013 Risk to be reviewed Dec 2013
ELC CR 10	Condition of the School Estate Failure to review and improve the condition of schools through the school estate management plan may be as a result of the inability to identify and deal with issues impacted through a lack of management capacity or budget constraints. This in turn may result in the deterioration of the estate, financial risk, health and safety concerns and disruption to school life inherent in such major construction projects. Changes in the economic climate lead to either a decelerated and decreased house programming during economic downturn or accelerated and increased programming during economic upturn. Currently out with the Local Plan the department are receiving a large number of speculative developer application and proposals which in turn puts pressure on the system.	Services for People liaise closely with the corporate asset management section in relation to the school estate management plan. Maintenance arrangements in place/system of delegated repairs and maintenance for schools. Financial monitoring arrangements to highlight potential financial risks are in place via established financial monitoring meetings. Performance measurement system in place to determine future investment and further development of the school estate management plan. Monitoring meetings have been set up involving ECS and the Energy Management Unit to improve efficiency in carbon management throughout the education and children's services estate - systems for consumption and target monitoring have been established. Systems are in place to ensure that ECS monitors costs (incidental to the construction programme). PPP invoice processes have been reviewed by consultants to confirm soundness of approach. Strategic Health and Safety Monitoring Groups are	3	4	12	An enhanced and more robust school roll projection system is in place which will be key to determining the future capacity needs of schools. An extension of all Secondary Schools is planned which will take account of the increase in school rolls. These extensions will maximise the use of Section 75 developer contributions. Asset Management Strategy Enhanced tracking & monitoring systems in development for Section 75 developer contributions Communication lines to be enhanced between Planning and Education Authority regarding the programming and completion rates of new housing sites and the status	2	4	8	Executive Director (Services for People)	Action to be completed June 2013 Risk to be reviewed Dec 2013

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		established. Local school Liaison groups are operating and school continuity management plans are in place. There is currently a sufficient Repairs and Maintenance budget in place. House programming for allocated sites annually agreed through the Housing Land Audit negotiations with Homes for Scotland and Planning Authority				of residential planning applications feeding into the pupil roll projections.					
ELC CR 11	There is a risk that an extended period of very cold weather or snow such as that which occurred in November to December 2010, will lead to a demand for gritting and clearing of footpaths in all areas which exceeds normal capacity and supplies of salt. This could result in travel disruption, difficulties for people in accessing services, failure to maintain refuse collection timetable and school closures at short notice as well as a possible increase in insurance claims related to pothole damage.	The Infrastructure Winter Maintenance Plan has been in place for some time and ensures that main transport routes are treated as priority. The Council Severe Weather Response Plan has been developed over the past few years and ensures a co-ordinated and consistent multi-agency response across the county. There is a claims protocol in place within the Insurance section. New Salt Barn in place which has a capacity of 9,000 tonnes. Snow clearing equipment has been supplied to Primary Schools and Community Councils on request. Grit bins are provided to enable self-help gritting of adopted roads and footways. Winter Maintenance Duty officers trained as Winter Service Supervisors to City and Guilds level.	3	3	9	Training and awareness sessions for staff	3	3	9	Executive Director (Services for Communities) Head of Policy and Partnerships	Action ongoing Risk to be reviewed Dec 2013
ELC CR 12	Energy and Carbon Management There is a risk of reputational harm (in terms of corporate social responsibility) and the potential for significant unbudgeted costs and financial penalties if the Council does not meet Climate Change (Scotland) Act 2009 statutory obligations. An example of this type of risk would be a failure to meet the Council's Carbon Reduction Commitment (CRC) obligations or failing to reducing the Council's exposure to future uncertainties in energy prices.	A carbon management plan is in place to achieve emissions and cost reductions set out by the Scottish Government and the Council. The plan is reviewed and updated annually and includes a number of energy management and efficiency projects: • Conserve Resources At Work network in place promoting energy awareness and recycling processes throughout the Council; • Energy efficiency measures across the Council's estate; • Improved metering and monitoring; • Printsmart Project – reducing the cost and amount of paper used and copies produced; • Worksmart Project – rationalising office accommodation; • Council's fleet includes low carbon vehicles.	3	3	9		3	3	9	Executive Director (Services for Communities)	Action ongoing Risk to be reviewed Dec 2013

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ELC CR 13	Council re-structuring/ business transformation The re-structuring of the Council Management Team in April 2012 reduced the number of senior officers in the Council Management Team from 17 to 12. Further re-structuring is necessary as part of the business transformation required to deal with public sector reform and the financial constraints faced by the Council. Re-structuring and business transformation cause uncertainty amongst staff, increase in workload and changes in reporting lines and responsibilities for some staff. This could affect staff morale and reduce the capacity of the Council to manage change effectively.	New service groupings have been established and new Executive Directors and Heads of Service engage with all staff teams Regular communication to staff via Team Talk and managers Regular meetings of the new Council Management Team Meetings of the extended Council Management Team	3	3	9	Results of the Employee Engagement Survey (Dec 2012) will be used to identify and address areas of staff concern Improve communications to staff of CMT decisions Leadership Development programme is being developed for managers across the Council to increase management and leadership skills Masterclass programmes for the Extended Council Management Team and managers are being established	2	3	6	Chief Executive	Action ongoing Risk to be reviewed Dec 2013
ELC CR 14	Failure of corporate governance or to meet standards in public life Failure of the Council's corporate governance or of officer or members to meet standards in public life could result in reputational damage	The main internal controls are the Council's Code of Corporate Governance, the Annual Governance Statement, Standing Orders, Scheme of Administration and Financial Regulations. The conduct of elected members and employees is governed by Codes of Conduct. The Audit and Governance Committee also has a role in promoting good governance. The Council's Monitoring Officer and legal advisers provide advice as required. A new members' induction programme was provided for members elected in May 2012 including sessions on standards in public life and the legal duties of elected members. The Council is developing its links with the Local Area Network of audit and inspection agencies and with its Auditors.	3	3	9	The Council's Standing Orders and Scheme of Administration are being revised. These will include the role of statutory officers, job outlines for senior officers and for elected members All elected members will have the opportunity to participate in the Improvement Service's Continuous Professional Development programme, including self-evaluation and training and development CIPFA will provide training on the role of the Audit and Governance Committee	2	3	6	Executive Director (Support Services)	Action to be completed April 2013 Risk to be reviewed Dec 2013
ELC CR 15	Land Management There is a risk of environmental and reputational harm (in terms of corporate social responsibility) and also the potential for significant unbudgeted costs if the Council does not develop solutions and/ or implement robust arrangements for Land Management challenges: The Council currently has ownership of potentially contaminated land sites (including the former	Land Management (remediation) sites in Council ownership subject to environmental monitoring to evaluate risk. Former Carberry Landfill site is subject to SEPA waste management licence conditions. • Implementation of the Contaminated Land Inspection Strategy in line with the Environmental Protection Act 1990. Potential contaminated sites across East Lothian including Council development	2	4	8		2	4	8	Executive Director (Services for Communities)	Action ongoing Risk to be reviewed Dec 2013

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	Carberry landfill site, old coal mining sites etc). Whilst there are no current indications of significant problems, possible remediation costs to the Council could be substantial.	sites will be remediated as part of development plans through planning conditions.									
ELC CR 16	Business Continuity

Non availability of:
(1) premises, through fire, flood or other incident;
(2) key staff or significant numbers of front-line staff; and/ or
(3) systems (IT, telephony, power failure etc) may result in adverse impact on all council functions | Business Continuity Framework Plan in place and regularly reviewed. This corporate document reflects information from each service continuity plan and contains information required to prioritise relocation of services across the council and restoration of critical services.

Business Continuity Plans are produced by all service areas, giving details of minimum levels of staff, alternate locations, exercise and review dates and version control.

IT –specific disaster recovery arrangements in place for the critical systems – e-mail and social care. These have duplicate services in place off site which can be brought into action if we lost the main data centre at JMH.   For single server failure - there are over 50 systems now running on virtual servers which automatically fall over to another server if there are hardware issues.

Controls that are in place to prevent and limit the effects of IT system unavailability including firewalls, anti-virus software, system/ data backup routines, and resilience in the form of a back-up generator for the main data centre at JMH. | 2 | 4 | 8 | An IT Disaster Recovery Plan to be written which will cover Disaster Recovery arrangements for the Council's main data centres (JMH & Penston House). | 2 | 4 | 8 | Executive Director (Support Services) | Action to be completed May 2013

Risk to be reviewed Dec 2013 |

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			Likelihood	Impact	Total		Likelihood	Impact	Total		
			L	I	L x I		L	I	L x I		
ELC CR 17	East Lothian Council has a duty of care to all its employees across the full range of services. Any breach of this duty of care may affect the health, safety and wellbeing of the Council's employees leading to increased sickness absence, pressures on service delivery and also potential claims against the Council.	Quarterly Joint Health and Safety Committees oversee the Health and Safety Agenda of Council. This is supported by Departmental committees examining health and safety at a department level. All Health and Safety Training needs identified from project plans and Risk Assessment Findings. All health and safety training identified through thorough risk assessment to be scheduled and implemented. Safety Management System is in place and is supported by audit and inspection programme across all areas of the Council. Managing attendance and Managing sickness Absence Policies in place and maintained by Human Resources. Training for managers in managing attendance and sickness absence in place and is supported by Guidance notes. Human Resources business advisors assist managers in monitoring their sickness absence. Quarterly reviews of Occupational Health Service referral levels take place. Monthly Occupational health contract and work level review takes place along with a review of service need and demands. Health and Safety to be taken into account in the planning of projects / activities.	2	4	8	H&S Policy, Approved Guidance and Training Suite being created which builds into a H&S competency framework which will then be audited. Training will be identified from Risk Assessments and delivered timiously and built into H&S competency framework.	2	3	6	Executive Director (Support Services)	Action ongoing Risk to be reviewed Dec 2013
ELC CR 18	Failure to deliver the objectives and outcomes of the Council Plan 2012-2017 There is a risk that the Council may not deliver the objectives and outcomes of the Council Plan 2012-2017 thereby failing to meet the major challenges faced by the Council and East Lothian. Failure to achieve the Council Plan would result in reputational damage for the Council.	The Council's senior management was restructured in March 2012 to reflect the objectives of the Council Plan. The Council Management Team and Administration are focussed on delivering the Council Plan. The Corporate Risk Register identifies the key risks that might reduce the Council's capacity to achieve the Council Plan and existing and planned risk control measures will mitigate and reduce these risks	2	4	8	Service Plans and other strategic documents are being produced to detail how the commitments made in the Council Plan will be met over the five year period of the Plan Council budgets over the next four years will identify resources required to fulfil the commitment s made in the Council Plan	1	4	4	Chief Executive	Action ongoing Risk to be reviewed Dec 2013

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Residual Risk			Planned Additional Risk Control Measures	Assessment of Predictive Risk			Risk Owner	Timescale for Completion / Review Frequency
			Likelihood	Impact	Total		Likelihood	Impact	Total		
			L	I	L x I		L	I	L x I		
ELC CR 19	Failure to meet duties and legislative requirements of the Single Equality Act 2010 The Single Equality Act 2010 and related guidance places a general duty on public authorities to be active in promoting equality, eliminating unlawful conduct and fostering good relations. It also places specific duties on public authorities to • report on mainstreaming the equality duty • publish equality outcomes and report progress • assess and review policies and practices • gather and use employee information • publish gender pay gap information • publish statements on equal pay • consider award criteria and conditions in relation to public procurement • publish in a manner that is accessible. There is a risk that the Council may not be able to meet its general or specific duties and in particular at a time when difficult budget decisions are having to be made that there will be cuts in services or increases in charges that have a disproportionate impact on people who may need those services most because of their equality background. The Council would be open to legal challenge of not meeting its duties and in particular of not carrying out adequate assessment of impact of policies and budget decisions.	Single Equality Scheme published. Work has begun to prepare equality outcome report and other information required under the specific duties. Training programme being prepared. Equality Impact Assessment as part of a Combined Impact Assessment is being developed to take account of the new duties.	2	4	8	Briefings and training for senior officers and elected members on the new duties and on Combined Impact Assessment. Embedding of new Combined Impact Assessment procedure across all Council services. Equality Impact Assessment carried out as part of the budget preparation process. Production and monitoring of reports on equality outcomes, mainstreaming the equality duty and employee information.	1	4	4	Executive Director (Support Services)	Action ongoing Risk to be reviewed Dec 2013

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Original Author(s)	Scott Kennedy, Risk Officer		
Current Revision Author(s)	Scott Kennedy, Risk Officer		
Version	Date	Author(s)	Notes on Revisions
1	13/04//2011	S Kennedy	Original Version
2	05/12/2011	S Kennedy	2nd version made available to BoD for review
3	23/08/2012	S Kennedy	Draft version updated
4	15/11/2012	S Kennedy	Updated following BoD meeting and Strategy update
5	07/12/2012	S Kennedy	Updates received from services following BoD recommendations
6	18/12/2012	S Kennedy	Updated with additional risks.
7	04/01/2013	S Kennedy	Updated following consideration by CMT

Risk Score	Overall Rating
20-25	Very High
10-19	High
5-9	Medium
1-4	Low