

REPORT TO: Audit and Governance Committee

MEETING DATE: 11 June 2013

BY: Executive Director (Services for Communities)

SUBJECT: Infrastructure Risk Register

1 PURPOSE

- 1.1 To present to the Audit and Governance Committee the Infrastructure Risk Register (Appendix 1) for discussion, comment and noting.
- 1.2 The Infrastructure Risk Register has been developed in keeping with the Council's Risk Management Strategy and is a live document which is reviewed and refreshed on a regular basis, led by the Infrastructure Local Risk Working Group (LRWG).

2 RECOMMENDATIONS

- 2.1 It is recommended that the Audit and Governance Committee notes the content of the Infrastructure Risk Register.
- 2.2 In doing so, the Audit and Governance Committee is asked to:
 - note that the relevant risks have been identified following appropriate consultation with all risk contacts;
 - recognise that while this report has been compiled by the Risk Officer, the Risk Register has been compiled by the Infrastructure LRWG and the Head of Infrastructure has lead responsibility;
 - note that the significance of each risk is appropriate to the current nature of the risk;
 - note that the total profile of the Infrastructure risk can be borne by the Council at this time in relation to the Council's appetite for risk; and,
 - recognise that, although the risks presented are those requiring close monitoring and scrutiny throughout 2013, many are in fact longer term risks for Infrastructure and are likely to be a feature of the risk register over a number of years.

3 BACKGROUND

- 3.1 The Council's Risk Management Strategy was established following Audit Scotland's 2008/09 review of the Council when it was recommended that: "The implementation of the risk management framework be expedited and target dates established".
- 3.2 Responsibility for Risk Management sits within the Corporate Policy and Improvement unit. The Emergency Planning and Risk Manager, supported by a Risk Officer, has implemented the current Risk Management Strategy and set up both an

overarching Corporate Risk Management Group (CRMG) together with LRWGs in service areas.

- 3.3 The LRWGs meet on a regular basis to discuss their Risk Register which is also included as a topic in team meetings. They also feed information to the CRMG; this Group is fundamental to the delivery of risk management throughout the Council and ensures that risk management remains high on the corporate agenda.
- 3.4 All LRWG's were revised following the Senior Management and Service restructure of 2012 resulting in eight Risk Registers/Groups being reduced to seven.
- 3.5 A copy of the risk matrix used to calculate the level of risk is attached as Appendix 2.

4 POLICY IMPLICATIONS

- 4.1 In discussing and noting the Infrastructure Risk Register the Committee will be affirming the process of embedding risk management principles across the Council in support of the Risk Management Strategy.

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 – It is the consideration of the Infrastructure LRWG that recurring costs associated with the measures in place for each risk are proportionate to the level of risk. The financial requirements to support the Infrastructure Risk Register for 2013/14 should be met within the proposed budget allocations for 2013/14. Any unplanned and unbudgeted costs that arise in relation to any of the risks identified will be subject to review by the Board of Directors.
- 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 – Infrastructure Risk Register
- 7.2 Appendix 2 – Risk Matrix

AUTHOR'S NAME	Scott Kennedy
DESIGNATION	Risk Officer
CONTACT INFO	01620 827900
DATE	30 May 2013

Infrastructure Risk Register

Date reviewed: 30 May 2013

Risk ID Number	Risk Description (Threat/Opportunity to achievement of business objective)	Risk Control Measures (currently in place)	Assessment of Current Risk			Planned Risk Control Measures	Assessment of Residual Risk [With proposed control measures]			Risk Owner	Timescale for Completion / Review Frequency	Single Outcome Agreement Outcome Number Link	Evidence held of Regular Review
			Likelihood (Probability)	Impact (Severity)	Risk Rating		Likelihood (Probability)	Impact (Severity)	Residual Risk Rating				
			L	I	L x I		L	I	L x I				
INF 1	Failure to comply with the statutory requirements of the Control of Dogs (Scotland) Act could result in serious injury/death to a member of the public from attack by an out of control dog/s and reputational risk to the Council through prosecution of the Council for failure to comply with the Act.	Employees trained in the enforcement of the Act. Employees have appropriate training in the handling of dangerous dogs. Lothian & Borders Police input into complaints. Dog handling Risk Assessment in place. There should be sufficient appropriately trained employees to provide holiday and sickness absence cover although, currently this cover is not provided. This consequently increases the risk of incidents occurring that aren't followed up with a Dog Control Notice (DCN) or a reoccurrence due to the DCN not being monitored.	4	5	20	Correct quota of employees to be in place. Ensure all employees or sub contractors dealing with dangerous dogs are appropriately trained. Joint Protocol on the Control of Dogs with the Police to be approved and signed. Ability to monitor the effectiveness of a DCN.	3	5	15	Principal Amenity Officer Amenity Protection Officer	Review Annually	8	Local L&C Risk Register reviewed 30 – 04 - 13. Risk rating increased due to there being an insufficient number of appropriate trained staff in place.
INF 2	Failing to maintain the Council's burial grounds could result in a serious injury/death to the public or ELC employees from falling headstones/memorials and a resulting financial loss due to insurance claims. There is also the risk of losing part of East Lothian's cultural heritage through the loss of family history records on headstones and memorials and failure to comply with the Equalities Act if access paths aren't maintained.	Limited action taken to make headstones safe. Responsibility for maintenance of facilities shared with Property Maintenance. An inspection of all headstones and memorials to record their condition has commenced that is highlighting the scale of the problem. North Berwick Cemetery extension has concrete foundation provided for headstones. A Community Pay Back scheme to repair headstones/memorials has been set up but will take time to make any significant impact.	4	5	20	Action Plan needs to be developed. Resources identified to undertake maintenance work. Use of the Community Pay Back scheme to repair headstones and memorials will take time to make any significant impact. All new cemeteries and cemetery extensions to have concrete foundations provided for headstones.	3	4	12	Principal Amenity Officer	Review Annually	11	

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INF 3	Inability to provide an efficient burial service and sufficient land for burial purposes would mean that the Council is unable to undertake its statutory duties, and create distress to family and mourners.	Particulars of Burial Forms need to be completed before the burial. At present due to the lack of continuity of Registrars at the local offices, employees are increasingly concerned there may be errors in the documentation. Risk Assessments and SOPs are in place. Training programme in place to ensure employees are qualified and experienced. Relatives/undertaker have to sign an indemnity form if they insist on carrying the coffin. Burial Strategy developed, but not approved yet. Communication procedure with the Registration Service has been put in place, with monthly liaison meetings. Interim procedure to minimise risk put in place.	5	4	20	Monitor new procedure. Ensure Risk Assessments & SOPs are regularly updated & employees are aware of them. Burial Strategy & Action Plan approved and capital budget identified to create new burial grounds. Maintain staffing levels. Service review of burial service.	2	4	8	Principal Amenity Officer	Capital Budget for burial grounds approved in 2013-2017 Capital Plan. Burial Strategy & Action Plan approved by June 2013.	11	Local L&C Risk Register reviewed 31 – 01 -13, the risk has been increased due to a recent audit highlighting less available burial space than revealed in previous assessments. A sufficient capital budget/programme to extend existing cemeteries/buy land to create new cemeteries not yet having been approved or started.
INF 4	Failure to comply with the statutory requirements under the Health & Safety at Work Act in relation to HAVS and Whole Body Vibration (WBV) would create a financial risk to the Council through employee insurance claims and open up the Council to investigation by the HSE.	Initial health screening of all new employees to establish a benchmark. Thereafter, annual health monitoring of all staff exposed to risk undertaken by the Council's Occupational Health Service provider and specific restrictions placed on any staff who display symptoms of HAVS or Carpel Tunnel. All machinery and equipment has been tested and traffic light coded to indicate the length of time they can be used for each Tier level of HAVS. All staff record on their timesheets Exposure or Over Exposure to vibration. Amenity Technician has undergone WBV training. All Amenity Services machinery has been tested and assessed for WBV and there are no issues with existing machinery.	4	4	16	Roads Services machinery to be tested and assessed for WBV and if necessary an action plan put in place to deal with WBV.	2	3	6	Principal Amenity Officer Road Services Manager Property Maintenance Manager	Roads Services have a testing and assessment programme in place for WBV in 2013/14.	11	

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INF 5	Failure to manage and maintain the Council's tree estate including the current risk from tree diseases. This would have a negative impact on the landscape character of East Lothian and its towns and villages, biodiversity, health & wellbeing of residents and the local economy and tourism. Failure to deliver SOA Outcome.	Some regular inspections undertaken. Monitoring for tree diseases within the tree estate. Some record kept of trees inspected. Record kept of arboricultural work undertaken. Annual programme of tree planting. Record kept of trees planted. All forestry employees have appropriate qualifications, training and experience. Risk Assessments and SOPs in place for all arboricultural and forestry work. Woodland Action Plan in the Biodiversity Action Plan.	3	5	15	Survey of all Council owned trees on condition and location has been started, but without additional staff or resources it will take a long time to complete. Set up a rolling inspection programme. Ensure Risk Assessments & SOPs are regularly updated & employees are aware of them. Maintain staffing levels. Ensure sufficient resources to deliver service.	2	5	10	Tree Officer	Review Frequency Annually	11	Local L&C Risk Register reviewed 31 – 01 - 13. No change in Risk Rating. Reinforced by the damage caused by the storms in December 2011, January and September 2012.
INF 6	Failure to comply with the statutory requirements of the Land Reform (Scotland) Act and to meet the expectations of access users, local community and land managers. There may also be a negative impact on sustainable transport, health & wellbeing of residents and access users and the local economy and tourism. Failure to deliver SOA Outcome and contribute to cross cutting SOA Outcomes.	Approved East Lothian Core Path Plan. Local Access Forum established that has quarterly meetings. Database maintained of access complaints and action taken to resolve them. Annual paths/rights of way maintenance programme in place. Voluntary Path Warden Scheme set up. East Lothian Core Path Plan available to purchase.	3	4	12	External sources of funding to create/improve core paths to be explored to offset loss of budget in Capital Plan. Work in partnership with local interest/community groups to secure funding for core path works. Investigate the constituting of the Path Warden Scheme as a means of securing external funding to maintain the path network.	2	4	8	Landscape & Countryside Manager Principal Countryside Officer	Review Annually	1, 5, 11, 13	
INF 7	A failure to meet the targets agreed in our Single Outcome Agreement and to meet EU landfill targets could result in significant fines for the Council and loss of confidence and status in relation to public perception.	Recycling collections to all domestic properties – contract in place for up to seven years. Monitoring of national and local indicators. Waste Data Flow reporting to Waste Regulatory body. Operation of four Recycling Centres. Monitoring of kerbside collection systems and targeted intervention to offer support to residents using these services. Short term disposal/treatment framework Contract. Procurement of long term pre-treatment Contract.	3	4	12	Review services in line with policy changes. Introduction of food and other recycling collections. Reducing total waste to landfill to 36% by 2013. Increasing recycling to 50% by 2013.	2	4	8	Waste Services Manager	Review Annually	12	
INF 8	Extreme Weather conditions can result in the demand of rock salt exceeding supply resulting in problems with the availability and supply of rock salt.	Stockpile capacity of 9,000 tonnes as a result of new salt barn. Winter Maintenance Budget of £8-900,000. When the supply is reaching critical levels, intervention by the Government in the form of a Salt Cell which monitors stocks and generates advice to suppliers about the allocation of salt stocks.	2	5	10		2	5	10	Road Services Manager		9	

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INF 9	A pandemic resulting in a loss of workforce would impact on our ability to undertake normal duties, but more importantly, to respond to emergencies including winter maintenance.	Identify essential employees and other critical inputs required to maintain business operations by location and function during a pandemic. Use of external resources. Implementation of an exercise/drill to test readiness for emergencies and revise periodically. Keep up-to-date with reliable pandemic information from public health. Prioritise essential business functions and for a period of time prepare to suspend other non-essential business functions.	2	5	10		2	5	10	All Managers		9	
INF 10	Failure to maintain the AALS licence (Adventure Activities Licence) resulting in the Council being unable to provide adventure activities for under 18s. This in turn would significantly reduce the range of outdoor learning opportunities available to young people and impact on their health, wellbeing and personal development. Failure to contribute to SOA Outcomes.	Safety and Good Practice in managing Off-Site Visits Guidelines in place – Updated Feb 2012. Educational Excursion Approval needs to be gained prior to the event taking place .This is gained by the visit leader submitting a form using the internet based EVOLVE system. Employees have appropriate up to date qualifications and experience. Only appropriately qualified and experienced Associate Instructors are employed. All Outdoor Centres that provide adventure activities outside their grounds should have a valid Adventure Activity Licence and insurance cover. All Outdoor Centres that provide activities within their own grounds should use appropriately qualified staff, have risk assessments for each activity in place and have valid insurance cover. Joint monitoring programme with Health & Safety Advisers being developed. All schools and establishments using EVOLVE. Paper based EEF approval system being phased out.	2	5	10	Joint monitoring of activities being undertaken.	1	5	5	Principal Outdoor Education Teacher	Review Annually	2,5	
INF 11	Trading Operations fail to demonstrate Best Value & Workforce Equality resulting in work possibly having to be outsourced and subsequent job losses.	Structure and organisation of services (including option appraisal for Service Delivery). Production of Trading Accounts. Project Management procedures. Job Costing process. Stock management. Implementing mobile working in Property Maintenance Services.	2	5	10	Surplus to be achieved in 2012/13. Mobile working to be extended to more trades. Property Maintenance re-structure to be agreed.	1	5	5	Head of Infrastructure	Ongoing	9, 10, 11	

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Original date produced (Version 1)	9 th January 2013										Risk Score	Overall Rating	
File Name	Infrastructure Risk Register										20-25	Very High	
Original Author(s)	Scott Kennedy, Risk Officer										10-19	High	
Current Revision Author(s)	Scott Kennedy, Risk Officer										5-9	Medium	
Version	Date	Author(s)	Notes on Revisions										
1	09/01/2013	S Kennedy	Environment Register updated to Infrastructure Risk register following Senior Management Restructure and updates to Risk Strategy and Corporate Risk Register.										
2	April-May 2013	S Kennedy	Updated by M Johnston and T Reid. Risks combined following Working Group meeting. Dog Fouling/Dangerous Dogs risk split by M Johnston. Transport Services updated by I Dalglish. Facilities Management updated by J Marlow. Property Maintenance updated by R Rafferty.										

Appendix 2
East Lothian Council
Risk Matrix

Likelihood Description

Likelihood of Occurrence	Score	Description
Almost Certain	5	Will undoubtedly happen, possibly frequently >90% chance
Likely	4	Will probably happen, but not a persistent issue >70%
Possible	3	May happen occasionally 30-70%
Unlikely	2	Not expected to happen but is possible <30%
Remote	1	Very unlikely this will ever happen <10%

Impact Description

Impact of Occurrence	Score	Description						
		Impact on Service Objectives	Financial Impact	Impact on People	Impact on Time	Impact on Reputation	Impact on Property	Business Continuity
Catastrophic	5	Unable to function, inability to fulfil obligations.	Severe financial loss (>5% budget)	Single or Multiple fatality within council control, fatal accident enquiry.	Serious - in excess of 2 years to recover pre-event position.	Highly damaging, severe loss of public confidence, Scottish Government or Audit Scotland involved.	Loss of building, rebuilding required, temporary accommodation required.	Complete inability to provide service/system, prolonged downtime with no back-up in place.
Major	4	Significant impact on service provision.	Major financial loss (3-5% budget)	Number of extensive injuries (major permanent harm) to employees, service users or public.	Major - between 1 & 2 years to recover pre-event position.	Major adverse publicity (regional/national), major loss of confidence.	Significant part of building unusable for prolonged period of time, alternative accommodation required.	Significant impact on service provision or loss of service.
Moderate	3	Service objectives partially achievable.	Significant financial loss (2-3% budget)	Serious injury requiring medical treatment to employee, service user or public (semi-permanent harm up to 1yr), council liable.	Considerable - between 6 months and 1 year to recover pre-event position.	Some adverse local publicity, limited damage with legal implications, elected members become involved.	Loss of use of building for medium period, no alternative in place.	Security support and performance of service/system borderline.
Minor	2	Minor impact on service objectives.	Moderate financial loss (0.5-2% budget)	Lost time due to employee injury or small compensation claim from service user or public (First aid treatment required).	Some - between 2 and 6 months to recover.	Some public embarrassment, no damage to reputation or service users.	Marginal damage covered by insurance.	Reasonable back-up arrangements, minor downtime of service/system.
None	1	Minimal impact, no service disruption.	Minimal loss (0.5% budget)	Minor injury to employee, service user or public.	Minimal - Up to 2 months to recover.	Minor impact to council reputation of no interest to the press (Internal).	Minor disruption to building, alternative arrangements in place.	No operational difficulties, back-up support in place and security level acceptable.

Risk	Impact				
	None (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	5	10	15	20	25
Likely (4)	4	8	12	16	20
Possible (3)	3	6	9	12	15
Unlikely (2)	2	4	6	8	10
Remote (1)	1	2	3	4	5

Key

Risk	Low	Medium	High	Very High
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