

REPORT TO: Cabinet

MEETING DATE: 12 May 2015

BY: Depute Chief Executive (Partnerships & Community Services)

SUBJECT: Corporate Risk Register 2015

1 PURPOSE

- 1.1 To present to Cabinet the Corporate Risk Register 2015 for discussion, comment and approval.

2 RECOMMENDATIONS

- 2.1 It is recommended that Cabinet approves the Corporate Risk Register for 2015, attached at Appendix 1.

- 2.2 In doing so, Cabinet is asked to:

- agree that the relevant risks have been identified;
- 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 appetite¹ for risk;
- recognise that, although the risks presented are those requiring close monitoring and scrutiny throughout 2015, 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; and,
- note that the Council Management Team will review all risks in the Corporate Risk Register on a regular basis.

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).

3 BACKGROUND

- 3.1 In keeping with the Council's Risk Management Strategy, the Corporate Risk Register has been updated following a review by the Corporate Risk Management Group on behalf of and in consultation with the Council Management Team.
- 3.2 In presenting the proposed Corporate Risk Register 2015 to Cabinet for approval, the Council Management Team would wish to draw the Committee's attention to one specific matter. All risks have been evaluated using the standard (5x5) risk matrix which involves multiplying the likelihood of occurrence of a risk (scored 1–5) by its potential impact (scored 1–5). This produces an evaluation of risk as either 'low' (1–4), 'medium' (5–9), 'high' (10–19) or 'very high' (20–25).
- 3.3 The Council's response in relation to adverse risk or its risk appetite 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.
- 3.4 The 2015 Corporate Risk Register includes 1 Very High risk, 7 High risks and 6 Medium risks.
- 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.

4 POLICY IMPLICATIONS

- 4.1 In approving this report the Council will be further establishing a policy that will ensure risk management principles are embedded across the Council.

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 Corporate Risk Management Group 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 Corporate Risk Register for 2015 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 Corporate 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

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| DATE | 30 th April 2015 |

East Lothian Council Corporate Risk Register (V18: 5th May 2015)

| 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 | Evidence held of Regular Review |
|-----------|--|--|-------------------------------------|--------|-------|--|-------------------------------|--------|-------|--|---|---|
| | | | Likelihood | Impact | Total | | Likelihood | Impact | Total | | | |
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| ELC CR 1 | <p>Financial pressures:</p> <p>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.</p> <p>Over the medium term it is highly likely that the Council's income will, at best, remain static and may even reduce. At the same time it will have specific cost and demand pressures to deal with. These include:</p> <p>(1) demographic change and social-economic pressures - increasing pupil and elderly numbers;</p> <p>(2) general inflationary pressures and contractual commitments including pay and pensions;</p> <p>(3) specific cost pressures such as the affordability of the increasing number of high-cost individual care packages; and</p> <p>(4) potential financial costs associated with legislative changes such as a number of environmental issues, delivery of increased childcare commitments and Free School Meals for all P1-P3 school children.</p> | <p>The Council has well developed short to medium term financial planning arrangements. These include:</p> <ul style="list-style-type: none"> • Three year General Services revenue budgets; • Six year General Services capital plan budgets; • Ten year Housing Revenue Account revenue and capital budgets. <p>In addition, it has cost control 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.</p> <p>There continues to remain significant uncertainty in terms of the longer term financial projections for the public sector with the expectation that the current austerity measures will remain in place until at least 2019/20. The current financial strategy covers the medium term planning period of the next 3 financial years however this is likely to be extended to ensure that the Council is placed to meet the future challenges if current forecasts emerge.</p> <p>Partnership working with Midlothian Council and other partners is being developed to increase capacity to provide services within existing resources. The Council has also made significant progress towards implementation of the new Integrated Health and Social Care Partnership with effective shadow arrangements now in place and the statutory Integration Scheme close to being finalised.</p> | 4 | 5 | 20 | <p>CMT/Managers continue to follow the financial strategy i.e. cost control/ cost minimisation to ensure delivery of agreed savings. This is also being monitored closely through the continued operation of the Chief Executive's Budget Review Group.</p> <p>Through the Corporate Asset Group, the Council implement will implement the approved Asset Management Strategy and related action plan.</p> <p>CMT will continue to monitor the impact of council restructuring and service re-design that flows from Efficient Workforce Management Planning.</p> <p>Further consideration will be given to increasing income where possible.</p> <p>The Workforce Development Plan is a key part of the Council's response to increasing financial pressures. It aims to support transformational change, build and sustain leadership and management capacity, sustain a skilled, flexible and motivated workforce and develop the workforce for the future.</p> | 3 | 4 | 12 | <p>Chief Executive</p> <p>Depute Chief Executive – Resources and People Services</p> <p>Head of Council Resources</p> <p>Council Management Team</p> | <p>Actions ongoing and continuously reviewed.</p> <p>Monitoring arrangements will continue to be applied.</p> | <p>Risk reviewed by CMT in May 2014 and current score increased from 15 to 20.</p> <p>Risk further reviewed by Head of Council Resources and Service Manager Business Finance Feb 2015 with no changes to scores.</p> <p>This risk is also included in the Council Resources Risk Register.</p> |

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| ELC CR 2 | <p>Duty of Care</p> <p>The Council has a responsibility to provide care and support for the people of East Lothian and East Lothian's environment. Any breach of this duty of care may compromise health, safety and wellbeing, impacting on, for example, the protection of children and adults.</p> <p>Failure to fulfil the duty of care could also result in serious harm/death to an individual/s, prosecution, having to pay compensation and have a negative impact on the reputation of the Council.</p> <p>The duty of Care is at the heart of the Council's approach to risk management.</p> <p>The likelihood of this risk occurring is influenced by a range of factors including for example:</p> <p>(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 service users whilst resources have reduced.</p> <p>Adult Wellbeing: 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 monitoring of care providers in association with the Care Inspectorate.</p> <p>Children's Wellbeing: Duty of care operates in individual agency and partnership working with other universal and specialist agencies, some of which operate under contractual/service level agreements, all of which operate under defined professional standards of practice, policies and procedures and directly with families and carers all of which is monitored in association with Care Inspectorate and other inspection agencies.</p> | <p>Corporately</p> <p>Comprehensive suite of corporate health and safety policies apply to all aspects of service delivery council-wide.</p> <p>Robust HR recruitment 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.</p> <p>For Social Work and Health Services the Council follows safe recruitment procedures as described by the Care Inspectorate.</p> <p>Details of the posts which are subject to the Disclosure process are published on the Council intranet.</p> <p>Risk assessments and risk management are central to the care planning process.</p> <p>Frameworki and service specific systems are used to identify and record risk factors in a structured and consistent manner.</p> <p>E-Learning for all employees: GIRFEC, Child Protection and Adult Protection, Health & Safety.</p> <p>Inspection of Regulated Services by Care Inspectorate and HMIE .</p> <p>East and Midlothian Public Protection Committee (EMPPC) is established. It has a standing sub-group which will focus on Performance and Quality Improvement across all areas of public protection work, and it has developed and is beginning to implement a consistent framework for self evaluation, audit and scrutiny.</p> <p>Annual Chief Social Work Officer's Report to Council.</p> <p>Regular public protection performance reporting to PPRC.</p> | 4 | 4 | 16 | <p>Implementation of Action Plans following on from all Regulated Services inspections.</p> <p>Ongoing review of performance under the work plans of the PPU Performance & Quality Improvement Sub Group to the Public Protection Committee.</p> <p>New obligations of the Children & Young People Bill introducing the 'Named Person' role will be further developed and implemented during 2015/16.</p> <p>Community Planning Inspection of Services for Children: the Care Inspectorate's report on such was published on 10 April 2014. A multi-agency improvement plan has been developed and is reflected in the work of the Children's Strategic Partnership, Critical Services Oversight Group (CSOG), the ELP/RPP.</p> | 3 | 4 | 12 | <p>Depute Chief Executive – Partnerships and Community Services</p> <p>Depute Chief Executive – Resources and People Services</p> <p>Director of East Lothian Health and Social Care Partnership</p> <p>Critical Services Oversight Group</p> <p>Council Management Team</p> | <p>Actions ongoing and continuously reviewed.</p> | <p>Risk reviewed and updated April 2015 by CMT with further review planned throughout 2015/16.</p> |

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| ELC CR 3 | <p>Information Security and Data Protection</p> <p>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 and may cause a Council wide failure of central I.T. systems (incl. Telephony) caused by a malicious attack by hackers, virus, trojan, disclosure of information or Fire/Flood event.</p> <p>Attacks via spam emails containing infected ransomware attachments are on the increase amongst local authorities and should these emails manage to break through Firewalls and IDS there is a high possibility of file encryption at both a local and network wide levels.</p> <p>The Cabinet Office has introduced zero tolerance for all LA's connected to the PSN network. All Scottish LA's use the PSN to register Births, Marriages & Deaths and connection to DWP for benefit provision. We have to re-accredit to this network every year and must meet stringent requirements. Failure to do so would mean disconnection from the PSN.</p> <p>Breach of the Data Protection Act, other confidentiality requirements, any relevant laws or duty of care through the loss or wrongful transmission of information (including information stored electronically) could result in</p> <ul style="list-style-type: none"> - harm to individuals; - legal action; - fines of up to £500,000. - requirement to pay compensation; - adverse publicity; - damage to reputation. | <p>The Council uses the international standard ISO 27001:2013 as the framework for its Information & I.T. Security Management system. This includes objectives, policy framework, internal audit, management support and treatment, training and awareness, risk assessment, measurement of effectiveness, management review, non-conformity management and continual improvement.</p> <p>As part of the security controls required by the standard to mitigate risks, several control areas are set out :</p> <ul style="list-style-type: none"> Information security policy; Information security organisation; Human resources security; Asset management; Access controls and managing user access; Physical & Environmental security of all sites/equipment Secure communications, Data handling and Data Protection (including paper documents etc); Secure acquisition, development, and support of information systems; Security for suppliers and third parties; Information Security Incident management; Business continuity/disaster recovery (to the extent that it affects information security); Compliance - ELC takes measures to avoid breaches of law, statutory, regulatory or contractual obligations (incl. DP Act and Public Records Act). <p>There is a Council IS Forum hosted by the IT Security Officer. IS, DP and Records Management Awareness training now forms part of our induction process for new employees. Data Protection and Information Security awareness training is mandatory for all employees and must be renewed every two years. An online system reports who has completed training and when to the Data Protection team.</p> <p>IT health checks of PSN requirements on the existing infrastructure are carried out annually. New systems being introduced to our infrastructure will be risk assessed and security checked before introduction to ensure they meet criteria.</p> <p>The Data Protection Officer carries out a series of "health checks"/audits in various Council departments to ensure compliance and to improve practice.</p> <p>The Council's Records Management Plan was adopted in 2014 and approved by the Keeper in January 2015. This 5 year plan covers how the Council manages its records and includes links to our information security and data protection policies.</p> | 4 | 4 | 16 | <p>An implementation group has been formed to ensure improvements are made in relation to the Record Management Plan.</p> <p>I.T. is purchasing additional logging system licenses which will allow closer inspection of any suspected malicious activity on I.T. infrastructure.</p> | 3 | 4 | 12 | <p>Depute Chief Executive – Resources and People Services</p> <p>Head of Council Resources</p> | July 2015 | <p>Information Security and Data Protection risks combined to create this new risk in April 2014.</p> <p>Risk reviewed March/April 2015 with new measures now in place although risk score remains at 16 due to the increase of attacks via spam emails containing infected ransomware attachments amongst local authorities.</p> |

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| ELC CR 4 | <p>Climate Change</p> <p>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.</p> | <p>Flooding and drainage issues are considered when processing planning applications. Inspection regimes and good housekeeping measures in place and working effectively.</p> <p>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. Emergency surface water, coastal and river flood procedures in place and have proven effective.</p> <p>Shoreline Management Plan has been produced and Flood Risk Management Strategy and Plans are being prepared to meet the requirements of the Flood Risk Management (Scotland) Act 2009.</p> <p>Flooding advice is given on the Council website and directs people to the relevant pages on the SEPA website.</p> | 4 | 4 | 16 | <p>The Council is working with the Community Councils to promote and progress "Resilient Communities" as per the Scottish Government initiative "Ready Scotland".</p> <p>Improved communication with vulnerable groups regarding access and assistance during severe weather events.</p> <p>ELC have commissioned Flood Studies for Haddington and Musselburgh and are to engage a consultant to further develop Flood Protection works on the River Tyne and Esk, The implementation of Flood Protection Works is reliant on funding availability.</p> | 3 | 3 | 9 | <p>Depute Chief Executive – Partnerships and Community Services</p> <p>Depute Chief Executive – Resources and People Services</p> | <p>Ongoing</p> <p>April 2016</p> | Risk reviewed March 2015. |
| ELC CR 5 | <p>Duty of Care to Council Staff (Health & Safety)</p> <p>East Lothian Council has a duty of care to all its employees across the full range of services and those who can be affected by the Council's activities.</p> <p>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 with the added potential for claims against the Council for incidents involving employees or non-employees.</p> <p><u>Lone Working</u></p> <p>Failure of the Council to provide employees with an effective Lone Working Policy & Practice and the appropriate training could result in injury or death to those employees resulting in H&S prosecution, civil insurance liability, reputational risk, increased sickness absence, pressures on service delivery and also potential claims against the Council.</p> <p><u>Safe Driving at Work</u></p> <p>"Health and Safety Law applies to on the road work activities as to all work related activities and the risks should be managed within a health and safety management system". Failure to implement a Safe Driving at Work (SDAW) Policy and Guidance to ensure that the Council meets current Health & Safety guidelines and the Corporate Manslaughter and Corporate Homicide Act 2007 could result in the Council facing a significant fine and/or legal action if a serious road accident were to take place involving any driving operation undertaken by employees,</p> | <p>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.</p> <p>All Health and Safety Training needs identified from project plans and Risk Assessment Findings.</p> <p>Safety Management System in place and supported by audit and inspection programme across the Council.</p> <p>Managing attendance and Managing sickness Absence Policies in place. Training for managers in managing attendance and sickness absence in place.</p> <p>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.</p> <p><u>Lone Working</u></p> <p>Information on Lone Working Policy is part of the Service Level Induction process. All employees have received training on the use of the ELC lone working system. Specific procedures are in place in services with a high level of lone working such as Children's Wellbeing and Revenues, including risk assessments, electronic diaries and signing in/out books. Children's Wellbeing re-launched (November 2014) staff's need to register and use the Corporate Lone Working System operated through the Contact Centre.</p> <p>Revenues lone workers are allocated a Peoplesafe personal alarm that provides 24/7 monitoring using GPS. Lone workers can be tracked via a dedicated website and are able to raise an alarm by activating their device.</p> <p>http://peoplesafe.co.uk/services/identicom_877.asp</p> | 3 | 5 | 15 | <p>H&S Policy, Management Arrangements, Approved Guidance and Training Suite being created which builds into a H&S competency framework which will then be audited.</p> <p>Training will be identified from Risk Assessments, delivered timeously and built into H&S competency framework.</p> <p>Lone Working policy and procedures continue to be embedded Council Wide, with managers ensuring that front line employees adhere to Lone Working controls and Register to use the corporate Lone Working System.</p> <p>Following re-launch of the corporate Lone working System in November 2014, review of its operation is planned for June 2015.</p> <p>The Council is working towards creating a Potentially Violent Clients Register which will enable the sharing of information relating to potentially violent clients across customer facing teams allowing managers to identify and implement control measures to protect employees from harm.</p> <p><u>Safe Driving at Work</u></p> <p>Implement and continually review Policy and Guidance through the Safe Driving at Work Group.</p> | 2 | 5 | 10 | <p>Head of Children's Wellbeing</p> <p>Head of Adult Wellbeing</p> <p>Service Manager – Revenues</p> <p>SDAW Group</p> <p>Depute Chief Executive – Partnerships and Community Services</p> | <p>December 2015</p> <p>Review of Lone Working practice by 30 June 2015</p> <p>August 2015</p> | <p>Risks on Lone Working, Safe Driving at Work and Duty of Care amalgamated into one Duty of Care (H&S of employees) Risk in May 2014 at the request of CMT.</p> <p>Risk refreshed March/April 2015 with no change to score.</p> |

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| | Elected Members, volunteers, agency workers or other authorised parties using personal, Council or hired vehicles, as well as any driving Council fleet vehicles, in connection with Council business. | <p><u>Safe Driving at Work</u></p> <p>A Safe Driving at Work Policy and a Guidance Manual has been drafted by the SDAW Group to ensure that safe driving principles are embedded across the Council. The draft policy has been consulted on and has been approved by Cabinet and is now to be publicised to all staff and implemented.</p> <p>Arrangements in place to ensure the reporting and recording of all accidents and incidents arising from work related driving as well as identifying and implementing remedial actions following road traffic accidents.</p> <p>Council vehicles used in the course of Council activities are properly maintained and fit-for-purpose. All Council vehicles over 3.5t are maintained in accordance with VOSA publication "Guide to Maintaining Roadworthiness".</p> | | | | | | | | | | |
| ELC CR 6 | <p>Development Plan</p> <p>Failure to maintain an up-to-date Local Development Plan could lead to a shortfall in the effective 5 year housing land supply to meet the needs of our growing population and a lack of control over planning decisions due to planning by appeal. This could lead to unplanned development at odds with the Council's planning strategy for East Lothian, and consequent reputational damage. It could also contribute towards the Council not being able to achieve its Council Plan objectives – Growing our Economy and Growing our Communities – and related Single Outcome Agreement objectives.</p> <p>The Local Development Plan is also required to support and guide the provision of infrastructure required to meet the needs of our growing population and growing economy.</p> | <p>Staffing levels and other resources are stretched in fulfilling the task. Preparation of Main Issues Report and Local Development Plan is a Policy & Projects Business Plan objective (ongoing review). Details are set out in the Local Development Plan Scheme with timescales.</p> <p>Detailed timeline drawn up for MIR/consultation/LDP key stages, including internal consultation and allocation of tasks to staff. LDP Officer Group and Development Group, including Administration members, are consulted with key objectives on decision making to support the timescale to proposed LDP in October.</p> <p>ELC and SESplan Development Plan Schemes commit to a programme of Development Plan review (reviewed annually).</p> <p>SESplan Joint Committee, Project Board and Steering Group guide joint authority preparation of Strategic Development Plan for Edinburgh and SE Scotland.</p> <p>Community Planning Partnership liaison and involvement through East Lothian Strategic Land Use Planning Group.</p> | 5 | 3 | 15 | <p>The MIR consultation exercise has been concluded and reported to Council in April 2015.</p> <p>A fully collaborative and corporate approach is being taken to prioritise development of the Council's proposed plan for consideration by East Lothian Council.</p> <p>Other statutory processes such as schools consultation(s) are being undertaken. These are being aligned and integrated with proposed plan development work to ensure promoted sites are effective.</p> <p>Staff engagement with supporting policy development work across the council is also being prioritised to ensure that the required policy development work is undertaken holistically.</p> <p>Infrastructure constraints are being identified in accordance with proposed plan development work and are being considered in terms of future financial planning.</p> | 3 | 3 | 9 | Head of Development | October 2015 | Risk Refreshed by Head of Development April 2015. |

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| ELC CR 7 | <p>Welfare Reform</p> <p>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.</p> <p>The changes could lead to:</p> <ul style="list-style-type: none"> • 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 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 • Accelerated roll-out of Universal Credit, (commencing on 27 April 2015) although on a limited scale during 2015/16, (approx' 1040 claimants). Could have a significant effect on those requiring assistance to claim, those requiring personal budgeting support and on a number of claimants who may need their support with housing costs from Universal Credit rather than Housing Benefit. • There is a significant risk of rental income loss with the introduction of UC. At present, around 50% of the Housing Revenue Account income is funded by Housing Benefit, paid direct to the Council. Under UC, any award of housing costs (rent) will be administered by the DWP and paid direct to the claimant, who will be responsible for paying their rent to the Council. At the moment, approximately £425k is paid direct via Housing Benefit every fortnight. Some early impact analysis has been carried out, based on the limited data available and on a projected build up to full case load which highlights significant risk. | <p>The Council has received several update reports and will continue to be updated.</p> <p>The Council has established a Welfare Reform Task Group to plan for changes to the welfare system. The Task Group has a detailed action plan to ensure that the Council takes the necessary measures to prepare for welfare system changes.</p> <p>The work of the group has been based around communications; data sharing; training; and migration to the new benefits system such as the establishment of the Scottish Welfare Fund.</p> <p>The Task Group and workstreams are meeting regularly and will continue to report back to the Council Management Team and to the Council. Key actions that have been completed include:</p> <ul style="list-style-type: none"> • establishing processes and procedures for distributing the Scottish Welfare Fund • revising the Discretionary Housing Payments policy and distributing the additional allocation to tenants affected by the new single occupancy rules • providing training for Council staff on welfare reforms • providing information about welfare reforms to the general public through the Council website (e.g. the welfare reform videos), Living newspaper and Homefront magazine • successfully applying for funding from the Scottish Legal Aid Board for Tenancy Support Officers. • Currently in discussions with Job Centre/DWP about how local support provided by ELC could help mitigate any detrimental impacts. | 4 | 3 | 12 | <p>The Council's Welfare Reform Task Group is revising and updating its Action Plan and will continue to implement the plan to mitigate the impact of welfare reform.</p> <p>An action to mitigate the impact of welfare reform on rent arrears will be developed and progress will be monitored by a senior level task group chaired by the Depute Chief Executive – Partnerships and Community Services.</p> <p>The development of a Partnership Delivery Agreement, (PDA) between ELC, Job Centre/DWP and ELHA should provide a framework and some funding for local assistance.</p> <p>The Revenues service is in the process of designing early stage rent collection procedures for tenants in receipt of UC. The team will also build good working relationships with DWP colleagues to provide evidence of rent liabilities and to manage Alternative Payment Arrangements and Direct Payments. Performance management data will be produced and monitored closely by Revenues management and the Rent Arrears Scrutiny Group.</p> <p>Impact analysis will continue to be refreshed as more data becomes available and as the UC caseload builds. Senior Council Officers and Elected Members will be kept up to date with developments.</p> | 3 | 3 | 9 | Depute Chief Executive – Resources and People Services Welfare Reform Task Group | Risk is under constant review by the group. | Risk reviewed April 2014. Current score reduced from 16 to 12 and predicted score reduced from 12 to 9. Risk further refreshed March 2015 with no further changes to scores. |

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| | | | L | I | L x I | | L | I | L x I | | | |
| | <p>Payment transaction costs, which the Council must bear, are also likely to rise as previous Housing Benefit claimants make their own payment of rent (via Post Offices, Outlets using Allpay and Council Offices).</p> <ul style="list-style-type: none"> Under UC, the link between Housing Benefit and Council Tax Reduction (previously CT Benefit) is ended which could result in fewer claims for CTR and increased Council Tax arrears. If the current Under Occupation policy is continued, the mitigation provided by Discretionary Housing Payments will be more difficult to manage as the link between Housing Benefit and DHP will end. This is likely to have an adverse effect on rent collection. | | | | | | | | | | | |
| ELC CR 8 | <p>Public Protection</p> <p>East and Midlothian Public Protection Committee (EMPPC) established in July 2014 to incorporate the Adult Protection Committee, Child Protection Committee, Offender Management Committee and Violence Against Women Partnership and to ensure robust links with Midlothian and East Lothian Drug and Alcohol Partnership (MELDAP).</p> <p>A failure in this new committee or any problem caused by the increased complexity of its work or it being unable to fulfil its statutory duties/duty of care could contribute to a service user suffering harm or detriment. This would in turn result in reputational damage to and increased scrutiny of the Social Work service.</p> <p>People may be left at risk of harm if any one service area is given higher priority than another.</p> <p>Public / Media scrutiny as a result of significant incident.</p> | <p>Governance and scrutiny arrangements in place through Critical Services Oversight Group (CSOG), including Self Evaluation. Performance Management Framework in place from 01 April 2015.</p> <p>Policies Procedures and Guidance in place /under development as follows:</p> <ul style="list-style-type: none"> Adult Support and Protection Policy and Procedures Child Protection Dispute Resolution Protocol Domestic Abuse workplace policy Integrated Multi-agency chronologies Guidance Procedure for responding to the Sexual Exploitation of Children and Adults Response to Historical Abuse Guidance Safer Internet, Responsible Use Guidance Significant Case review Protocol SMART Outcomes in Child Protection Learning and Development strategy Training guide <p>and agreed Terms of Reference for :</p> <ul style="list-style-type: none"> East and Midlothian Critical Services Oversight Group East and Midlothian Public Protection Committee East and Midlothian Performance and Quality Improvement sub-group Child Protection Inter-Agency Referral Discussion (IRD) Overview Group MARAC steering group <p>Professional oversight by Chief Social Work Officer. Refreshed Child Protection, Adult Support and Protection and Violence Against Women & Girls Improvement Plans approved by PP Committee on 3rd July 2014 (CP) and 05 February 2015 (ASP & VAWG).</p> <p>Public Protection Website developed and launched January 2015.</p> | 3 | 4 | 12 | <p>Ongoing review all policies, procedures and governance arrangements in light of integrated Public Protection model.</p> <p>Ongoing development of co-ordinated approach across all areas,</p> <p>Co-location with Police PPU colleagues and development of operational "hub" which will have a co-ordinated overview of practice in all areas of public protection.</p> <p>Implementation of revised Public Protection structure will strengthen governance and scrutiny.</p> <p>Public Protection workforce and public awareness and communications strategy in development.</p> | 2 | 4 | 8 | <p>Public Protection Team Manager</p> <p>Senior Manager Operations</p> <p>Head of Adult Wellbeing</p> <p>East and Midlothian Public Protection Committee</p> | <p>Review Planned Additional Risk Control Measures in September 2015.</p> | <p>Risk created May 2014 and refreshed March 2015 with no changes to scores.</p> |

| 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 | Evidence held of Regular Review |
|-----------|---|---|-------------------------------------|--------|-------|---|-------------------------------|--------|-------|-----------------|---|---|
| | | | Likelihood | Impact | Total | | Likelihood | Impact | Total | | | |
| | | | L | I | L x I | | L | I | L x I | | | |
| ELC CR 9 | <p>Public Sector Reform</p> <p>Major elements of public sector reform have been or are being implemented including:</p> <ul style="list-style-type: none"> 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; New legislative duties in relation to procurement, community empowerment, regulation, and children and young people. <p>These reforms create uncertainty, additional workload for senior staff, a requirement to restructure services and create new accountability, governance and partnership arrangements.</p> <p>Following the publication of the Smith Commission there is continuing uncertainty about the future governance of Scotland, the future structure and governance of local government and the public sector and continuing pressure on public finances. The cost of implementing changes arising from legislation is not always fully reflected in Scottish Government funding.</p> <p>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 resources to fund these changes or the capacity to prepare for all these reforms simultaneously.</p> <p>The closure of the Haddington Court by the Scottish Court Service places additional costs on the Council and will have a negative impact on the local economy (e.g. reduced footfall in local shops).</p> | <p>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.</p> <p>The Council Management Team and Council / Cabinet receive regular reports on the implications of the reform proposals and on the Council's preparations.</p> <p>Planning processes are led by the Chief Executive.</p> <p>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.</p> <p>Systems for operational, performance and financial management and scrutiny are being prepared.</p> <p>The new Community Planning Partnership structure established in September 2013 provides a more strategic focus for the East Lothian Partnership. This was tested by a Self-Assessment carried out with the support of the Improvement Service in December 2014. A new Improvement Plan has been agreed by the Partnership.</p> <p>The Single Outcome Agreement Development Plan prioritises early intervention, tackling inequalities, joint resourcing, and joint asset management.</p> <p>The scrutiny and accountability arrangements for Police and Fire services, shared between Council and the Safe and vibrant Communities Partnership were established in April 2013 and are being reviewed by the Partnership.</p> <p>The Shadow Health and Social Care Partnership was established in April 2013 and work is progressing on developing the Integration Plan and Commissioning Strategy for the Partnership in line with the guidance and timetable.</p> <p>The draft Integration scheme was approved by a special meeting of the Council (10th March 2015).</p> <p>The Council, which lobbied against the closure of Haddington Court, is now involved in trying to ensure that the vacant court building is kept in public use. We will also monitor the impact of the closure on Council services and on the Haddington economy.</p> | 3 | 3 | 9 | <p>Continue to monitor developments in the Public Sector Reform agenda and Scottish Government's legislative programme and develop responses to exploit potential benefits from, or mitigate potential negative impacts of, different future scenarios</p> <p>CMT and elected members will work together to ensure that the Council is prepared for future public sector reform and the differing scenarios for future governance arrangements.</p> | 3 | 3 | 9 | Chief Executive | Ongoing actions. | <p>Risk reviewed and refreshed March 2015 with Current Risk Score reduced from 12 to 9.</p> <p>Risk to be reviewed February 2016.</p> |

| 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 | Evidence held of Regular Review |
|-----------|---|--|-------------------------------------|--------|-------|--|-------------------------------|--------|-------|--|---|---|
| | | | Likelihood | Impact | Total | | Likelihood | Impact | Total | | | |
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| ELC CR 10 | <p>Severe Weather</p> <p>There is a risk that an extended period of severe winter weather such as that which occurred in November to December 2010, will lead to an increase demand for gritting and snow clearing of roads/footpaths which exceeds normal capacity and supplies of salt.</p> <p>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.</p> | <p>East Lothian Councils Winter Maintenance Plan has been in place for some time and ensures that the main transport routes are treated as priority.</p> <p>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. This plan is reviewed on an annual basis.</p> <p>Claims protocol in place within the Insurance section.</p> <p>Council's Salt Barn has a capacity of 8,000 tonnes to meet demand arising from severe cold weather.</p> <p>Snow clearing equipment has been supplied to Primary Schools and Community Councils on request. A number of grit bins are provided to enable self-help gritting of adopted roads and footways.</p> <p>Winter Maintenance operatives are trained to SVQ or equivalent in winter gritting and snow clearing. Winter Maintenance Duty officers trained as Winter Service Supervisors to City and Guilds level.</p> <p>Guidance and information on ELC website, "get ready for winter information leaflets".</p> <p>Several Community Councils have started to create their own emergency response plans or asset registers of volunteers and skills available at a time of crises. A workshop, hosted by East Lothian Council, to further progress Resilient Communities, for the benefit of Community Councils and other voluntary organisations, took place in 2014 creating momentum in this area. As a direct result of this workshop ELC will now finance all 20 Community Councils annual insurance premiums ensuring that Insurance is not perceived as a barrier to invoking such plans.</p> | 3 | 3 | 9 | <p>Training and awareness sessions for staff.</p> <p>Training and exercising with partner agencies.</p> <p>The Council continues to work with the Community Councils and other voluntary groups including Tenants and Residents Associations to promote and progress "Resilient Communities" as per the Scottish Government initiative "Ready Scotland".</p> | 3 | 3 | 9 | Depute Chief Executive – Partnerships and Community Services | Ongoing through 2015 | Risk refreshed March 2015 with no changes to risk scores. |

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| | | | Likelihood | Impact | Total | | Likelihood | Impact | Total | | | |
| | | | L | I | L x I | | L | I | L x I | | | |
| ELC CR 11 | <p>Climate Change</p> <p>There is a risk that the Council may fail to meet its public bodies duty under the Climate Change (Scotland) Act 2009 to reduce its carbon emissions, adapt to climate change and endeavour to act sustainably. Failure to mainstream and embed action to address climate change issues may harm the Council's reputation (in terms of corporate social responsibility) and increase the potential for unbudgeted costs and financial penalties.</p> | <p>A Climate Change Planning and Monitoring Group has been established, under the East Lothian Partnership (inaugural meeting February 2015). The Group will play a critical part in driving and coordinating the work of the Partnership to meet its climate change obligations and commitments.</p> <p>The Group will be responsible for developing and monitoring a Climate Change Strategy to replace the Environment Strategy and the Carbon Management Plan (2009-14, extended to 2015).</p> <p>Supporting the work of the Group will be a number of delivery subgroups, a number of which already exist (e.g. Carbon Management Team). The Subgroups will be tasked to implement relevant plans and projects identified in the Climate Change Strategy.</p> <p>The Council is a participant of Adaptation Scotland's Adaptation Learning Exchange, which aims to support the public sector to take forward climate adaptation within their organisations.</p> | 3 | 3 | 9 | <p>Develop a Climate Change Strategy.</p> <p>Update the Carbon Management Plan.</p> | 3 | 3 | 9 | Depute Chief Executive – Partnerships and Community Services | <p>March 2016</p> <p>September 2015</p> | Risk refreshed March 2015 by Sustainable Development Officer. |
| ELC CR 12 | <p>Equality</p> <p>Failure to meet duties and legislative requirements of the Single Equality Act 2010</p> <p>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</p> <ul style="list-style-type: none"> 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. <p>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.</p> <p>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.</p> | <p>ELC Equality Plan in place and available online</p> <p>A new Combined Impact Assessment Process has been developed with Midlothian Council and NHS Lothian to support the Council to meet its legal duties.</p> <p>HR is capturing the employment monitoring information required under the Act and reporting it appropriately.</p> <p>E Learning equalities modules are available on Learn Pro and 'Get in on the Act' guides to the Council's legal responsibilities are available for all employees and Elected members.</p> <p>An Equality Impact Assessment was carried out on the Council draft budget.</p> <p>Equality indicators have been included as part of the Performance Framework and SOA indicator set</p> | 2 | 4 | 8 | <p>Embedding of new Combined Impact Assessment procedure across all Council services, including new online learning modules and face to face briefings.</p> | 2 | 4 | 8 | Depute Chief Executive – Partnerships and Community Services | December 2015 | Risk reviewed and refreshed March 2015, to be further reviewed February 2016. |

| 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 | Evidence held of Regular Review |
|-----------|---|--|-------------------------------------|--------|-------|--|-------------------------------|--------|-------|---|---|--|
| | | | Likelihood | Impact | Total | | Likelihood | Impact | Total | | | |
| | | | L | I | L x I | | L | I | L x I | | | |
| ELC CR 13 | <p>Business Continuity</p> <p>Non availability of:</p> <ul style="list-style-type: none"> premises, through fire, flood or other incident; key staff or significant numbers of front-line staff for any reason including a Pandemic; and/ or systems (IT, telephony, power failure etc) any form of transportation due to a fuel shortage <p>The occurrence of any of these will have an adverse effect on the Council to function fully and to carry out our statutory requirements.</p> | <p>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 council services and restoration of critical services.</p> <p>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.</p> <p>As a result of a recent Business Continuity (BC) review each service area has a Single Point of Contact (SPoC) and deputy who are responsible for, their services BC Plan, exercising this plan and ensuring it is maintained. All BC Plans are managed through Rivo software. All ELC staff have access to an e-learning package on Business Continuity.</p> <p>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 100 systems now running on virtual servers which automatically fall over to another server if there are hardware issues.</p> <p>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.</p> <p>The Council has a Fuel Plan in place and is able to call a Fuel Group at anytime. Fuel supply held at our depots and can be sourced externally from local fuel service stations and through shared services with other Local Authorities. Regular monitoring of current fuel stock and assessment of any weather predictions, political developments or industrial action etc that may affect fuel availability.</p> | 2 | 4 | 8 | <p>An IT Disaster Recovery Plan to be written which will cover Disaster Recovery arrangements for the Council's main data centres (JMH & Penston House).</p> <p>Progress Business Continuity 'alternative accommodation' plan and a 'site specific' plan. Improve the Rivo BC/EP software package in consultation with Rivo.</p> | 2 | 3 | 6 | <p>Depute Chief Executive – Partnerships and Community Services</p> <p>Depute Chief Executive – Resources and People Services</p> | <p>October 2015</p> <p>August 2015</p> | <p>Fuel shortages risk included within Business Continuity risk in April 2014 and new risk reviewed and updated with amended planned measures reducing predicted score from 8 to 6.</p> <p>Refreshed March 2015 with further measure on "Alternative Accommodation added".</p> |

| 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 | Evidence held of Regular Review |
|-----------|---|--|-------------------------------------|--------|-------|--|-------------------------------|--------|-------|--|---|---|
| | | | Likelihood | Impact | Total | | Likelihood | Impact | Total | | | |
| | | | L | I | L x I | | L | I | L x I | | | |
| ELC CR 14 | <p>Standards in Public Life</p> <p>Failure of corporate governance or to meet standards in public life.</p> <p>Failure of the Council's corporate governance or of officials or members to meet standards in public life could result in reputational damage.</p> | <p>The main internal controls are the Council's Code of Corporate Governance, the Annual Governance Statement, Standing Orders, Scheme of Administration and Financial Regulations. Standing Orders (the Schemes of Administration and Scheme of Delegation) were extensively revised and approved by Council in August 2013 and further revised in February 2014. Other changes include the role of statutory officers and job outlines for senior officers.</p> <p>The conduct of elected members, officials 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. Internal Audit has conducted a review of the process for Elected Members' Registers of Interests and Declarations of Gifts and Hospitality. Some minor adjustments will be made by May 2015 while a report was submitted to the Audit & Governance committee in March 2015.</p> <p>A programme of briefings for Elected Members has been established since 2013 with events currently scheduled every month during the committee session. Ad hoc additional briefings are also held. Briefing topics include: Flood Risk Management, Treasury Management and Developing Scotland's Young Workforce. Topics are already in the pipeline for session 2015/16.</p> <p>Dates have already been earmarked for briefings to Elected Members to continue during the session 2015/16. The majority of the briefings will be delivered by External Professionals such as Audit Scotland and the Standards Commission.</p> <p>The Council is developing its links with the Local Area Network of audit and inspection agencies and with its Auditors.</p> | 2 | 3 | 6 | Elected Members and Officials have an ongoing opportunity to participate in the Improvement Service's CPD programme. | 2 | 2 | 4 | Depute Chief Executive – Resources and People Services | Ongoing through 2015/16 | Risk reviewed March 2015 with Predictive Score reduced from 6 to 4. |

| Original date produced (Version 1) | 13 April 2011 | | |
|---|--|------------------|--|
| File Name | East Lothian Council Corporate Risk Register | | |
| 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 | 2 nd 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 |
| 8 | 09/05/2013 | S Kennedy | EP & BC Risks updated |
| 9 | 31/07/2013 | S Kennedy | Data Protection Risk Added |
| 10 | 01/11/2013 | S Kennedy | Welfare Reform Risk updated (no change to score) |
| 11 | 04/03/2014 | S Kennedy | New Corporate Risks added on Safe Driving at Work, VERS, Fuel Shortages and Lone Working |
| 12 | March/April 2014 | S Kennedy | All risks reviewed, refreshed and scores updated where required. |
| 13 | 11/04/2014 | S Kennedy | New Corporate Risk on Integration of Health & Social Care and Adult Wellbeing added. |
| 14 | 25/04/2014 | S Kennedy | Amendments following consultation with CMT and Risk Authors |
| 15 | 01/05/2014 | P Vestri | Amendments following review of latest draft by Chief Executive and Depute Chief Executives. |
| 16 | 27/05/2014 | S Kennedy | Final amendments following consultation with CMT and Risk Authors including addition of Development Plan and Public Protection risks |
| 17 | 23/12/2014 | S Kennedy | Risk 11 on Climate Change refreshed as well as adding column for date Planned Risk Measures will be completed by to the Register. |
| 18 | February-April 2015 | S Kennedy | All Risks Refreshed by authors and reviewed by CMT |

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