



MINUTES OF THE MEETING OF THE CABINET

TUESDAY 10 MARCH 2015
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

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Committee Members Present:

Councillor S Akhtar
Councillor T Day
Councillor D Grant
Councillor N Hampshire
Councillor W Innes (Convener)
Councillor M Veitch

Other Councillors Present:

Councillor D Berry
Councillor S Brown
Councillor J Caldwell
Councillor S Currie
Councillor J Gillies
Councillor J Goodfellow
Councillor M Libberton
Councillor P MacKenzie
Councillor F McAllister
Councillor K McLeod
Councillor J McNeil
Councillor J Williamson

Council Officials Present:

Mrs A Leitch, Chief Executive
Mr A McCrorie, Depute Chief Executive – Resources and People Services
Ms M Patterson, Depute Chief Executive – Partnerships and Community Services
Mr D Small, Director of Health and Social Care Partnership
Mr R Montgomery, Head of Infrastructure
Mr D Proudfoot, Acting Head of Development
Ms M Galloway, Service Manager – Community Partnerships
Mrs M Ferguson, Service Manager – Legal and Procurement
Mr P Forsyth, Senior Area Officer East (Transportation)
Ms S Fortune, Service Manager – Business Finance
Mr D Heaney, Service Manager – Resources (Adult Wellbeing)
Mr E John, Service Manager – Sport, Countryside and Leisure
Mrs K MacNeill, Service Manager – Licensing, Administration and Democratic Services
Mr I McFarlane, Service Manager – Planning
Ms J Ogden-Smith, Communications Officer
Mr S Pryde, Principal Amenity Officer
Mr A Stubbs, Service Manager - Roads
Mr P Vestri, Service Manager – Corporate Policy

Clerk:

Mrs L Gillingwater

Apologies:

Councillor J McMillan

Declarations of Interest:

Item 5 Councillor Caldwell (Member of Fisherrow Trust)
Councillor Day (Director, Scottish Seabird Centre)
Councillor Grant (Trustee, Lothian Mineworkers Convalescent Home)
Councillor Innes (Trustee, Pennypit Community Development Trust)

1. MINUTES OF THE MEETING OF THE CABINET OF 13 JANUARY 2015

The minutes of the meeting of the Cabinet of 13 January 2015 were approved.

2. SUMMARY OF CONTRACTS AWARDED BY EAST LoTHIAN COUNCIL, 18 DECEMBER 2014 TO 25 FEBRUARY 2015

A report was submitted by the Depute Chief Executive (Resources and People Services) advising Members of all contracts awarded by the Council from 18 December 2014 to 25 February 2015, with a value of over £150,000.

Referring to the contract for the Proposed Extension to Sanderson's Wynd Primary School, Councillor Currie asked if consideration could be given to developing a framework for sub-contractors. Douglas Proudfoot, Acting Head of Development, advised that officers were looking at ways of helping local firms bid for work, and that the issue of sub-contracting could also be explored.

Members welcomed the investment in tennis courts in Musselburgh, Haddington, Tranent and Longniddry.

Decision

The Cabinet agreed to note the award of contracts with a value of over £150,000, as listed in Appendix 1 to the report.

3. FINANCIAL REVIEW 2014/15: QUARTER 3

A report was submitted by the Depute Chief Executive (Resources and People Services) recording the financial position at the end of the third quarter of financial year 2014/15.

The Service Manager – Business Finance, Sarah Fortune, presented the report, setting out the Council's financial position as at December 2014. She drew attention to the key aspects of the report and highlighted the pressures facing the Council, particularly in Adult Wellbeing and Children's Wellbeing, but noted that the Council was on track to deliver an overall favourable financial position in 2014/15.

In response to a question from Councillor MacKenzie in relation to the Children's Wellbeing budget, Ms Fortune advised that a budget recovery plan was in place with controls to monitor expenditure and achieve further savings. She warned that the pressures on that service remained due to demand-led services. The Head of Children's Wellbeing would continue to monitor the situation. Councillor MacKenzie also asked about the possibility of

reducing costs further through partnership working. Ms Fortune noted that the Head of Children's Wellbeing would be able to provide further information on that.

Councillor Currie asked if it was expected that the Children's Wellbeing and Adult Wellbeing budgets were expected to be a high financial risk at the end of the financial year. Ms Fortune advised that both of these services were expected to remain as high or medium risk at the year end. She added that the budgets approved in February had been set to address the pressures on these services but that some demand-led services would create additional pressures. Councillor Currie asked if the efficiency savings set were not achievable. The Chief Executive stated that there were a number of improvement measures currently under consideration, and that the integration with the NHS would also result in changes. She noted that there were demographic pressures to deal with, a result of which was that new models of service provision were required. Members were advised that any proposals in relation to changes of policy would come to Council/Cabinet for approval.

Councillor Berry questioned under-spends and surpluses in relation to a number of service areas and asked how this was affecting service delivery. Ms Fortune provided an explanation as regards a number of services, and also noted that vacancies in some areas were being held pending completion of service reviews. The Chief Executive added that officers were delivering services that had been committed to, and that any negative feedback on service delivery was taken seriously.

Councillor Berry then expressed his concern about the level of under-spend in some services, and over-spend in others, noting that officers needed to anticipate demands and plan accordingly. He highlighted the challenges facing the Adult Wellbeing budget, commenting that he did not foresee significant savings resulting from the integration of health and social care.

On under-spending, Councillor Hampshire indicated that officers were working to spend their allocated budgets and that there were situations where work was underway or completed that had not yet been paid for.

Councillor Currie also voiced his concern as regards the under-spend and slippage on the capital programme and warned that the Council may not be able to fund the capital programme in future years if capital spending limits were reduced. He also believed that the budgets set for Adult Wellbeing and Children's Wellbeing were inadequate.

Councillor Akhtar paid tribute to the work of Council staff in delivering services and to staff in Finance. She remarked that a degree of the Council's financial challenges were due to the Council Tax freeze and the increase in demand for social care services.

Councillor Grant welcomed the report. He informed Members that other local authorities were facing similar challenges as regards demand for social care services.

Councillor Innes concluded the debate by stating that the Council was not receiving the funding required to meet the increasing demands on services. He added that the Administration valued the commitment of staff in continuing to deliver services.

Decision

The Cabinet agreed to note the financial performance of services at the end of December 2014.

4. INVESTING IN OUR COMMUNITIES – SUPPORT TO COMMUNITY COUNCILS

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval for the proposed levels of funding to be made available to community councils in East Lothian for the financial year 2015/16.

The Service Manager for Licensing, Administration and Democratic Services, Kirstie MacNeill, presented the report, drawing attention to the proposed grant and local priorities scheme allocations. She also made reference to financial assistance being made available to community councils to facilitate community resilience arrangements.

Councillor Currie welcomed the report. However, he expressed disappointment in the reduction in funding of the local priorities scheme and requested that this be reconsidered by the Administration.

A number of Members paid tribute to the work carried out by community councils.

Decision

The Cabinet agreed:

- i. to approve the allocation of Community Council Administration Grants and Local Priorities Schemes Budgets for 2015/16, as detailed in Appendices 1 and 2; and
- ii. to approve the funding of public liability insurance for community resilience purposes.

5. PARTNERSHIP FUNDING 2015/16

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) recommending awards to agencies and organisations from partnership funds budgeted for by East Lothian Council in financial year 2015/16.

Sederunt: Having declared an interest as a member of Fisherrow Trust, Councillor Caldwell left the meeting.

Councillor Hampshire noted that he would not be declaring an interest as he did not stand to gain financially from any of the proposed grants. Morag Ferguson, Service Manager – Legal and Procurement, reminded Members of their duties in respect of declarations of interest and of the specific exclusions set out in the Councillors' Code of Conduct. She also mentioned that further training on the Code would be delivered to Members on 12 May.

Sederunt: Councillor Grant declared an interest as a Trustee of the Lothian Mineworkers' Convalescent Home and left the Chamber.

Councillor Currie welcomed the report. He proposed that officers should consider allocating funding on a longer term basis to provide organisations with financial security. He noted the ongoing tender exercise as regards advice services and requested that the outcome of this review be reported back to Members. Councillor Innes undertook to report back to Council or Cabinet in due course.

Councillor Berry spoke of the value of the grants to voluntary organisations. He also commented that the Council should try and help The Space in North Berwick, an organisation that was having to leave their current premises.

A number of Members highlighted the work done by various organisations and paid tribute to the volunteers involved in providing services.

Decision

The Cabinet approved the awards listed alphabetically from A to L.

Sederunt: Councillor Grant returned to the meeting. Having declared an interest as a Trustee of the Pennypit Community Development Trust, Councillor Innes left the meeting.

Decision

The Cabinet approved the awards listed alphabetically from M to P.

Sederunt: Councillor Innes returned to the meeting. Having declared an interest as a Director of the Scottish Seabird Centre, Councillor Day left the meeting.

Decision

The Cabinet agreed:

- i. to approve the proposed allocation of funding from partnership funding budget sources, totalling £1,925,469, as recommended in Appendix 1;
- ii. to remit officers to continue to review all grants awarded in the financial year 2915/16; and
- iii. to note that it was a condition of all grant awards that organisations report on progress, expenditure and outcomes achieved.

Sederunt: Councillor Day returned to the meeting

6. ADULT WELLBEING – PAYMENTS TO THIRD SECTOR AGENCIES

A report was submitted by the Director of the Health and Social Care Partnership seeking approval for payments to third sector agencies in 2015/16.

The Service Manager, Resources (Adult Wellbeing), David Heaney, presented the report. He drew particular attention to the proposed funding for day centres, advising that all ten were in the process of applying for registration with the Care Inspectorate, and that funding would be allocated to support this process. He also noted the funding for Haddington Citizens' Advice Bureau only covered part of the year due to the ongoing service review.

In response to a question from Councillor MacKenzie on the funding of day centres, Mr Heaney advised that the proposed service level agreements (SLAs) would be put in place annually, with the Council having the option to continue these for an additional two years. Reports on this matter would be presented to Cabinet for consideration, as required. Councillor MacKenzie paid tribute to the day centre committees and staff for their work in preparing for care inspectorate registration. He also commented that a three-year funding allocation through the SLAs would allow day centres to plan more effectively.

Councillor Veitch asked if the proposed changes would provide a more equitable funding mechanism. Mr Heaney explained that day centres had evolved over a number of years and that their funding bases therefore varied. He anticipated that the proposed changes would take account of the various services provided and would result in a more equitable support structure.

Councillor Veitch welcomed the report, in particular the increased funding to day centres. He sought assurance that the commitment to support day centres would be a key component of the Council's care strategy in future. His comments were supported by Councillor Currie, who commended the work done by volunteers and the value of day centres within their communities.

Councillor Grant stated that day centres would be required to submit robust business models for their organisations, as required by the Care Inspectorate. He also supported the Council's commitment to working with the voluntary sector in the provision of services.

Decision

The Cabinet agreed:

- i. to award annual payments for 2015/16 as shown in Appendix 1; and
- ii. that a proportion of the Section 10 budget, detailed in Appendix 1, was allocated to Day Centres for 2015/16 and that at conclusion of agreed Service Level Agreements shall be transferred into a specific budget for Older Peoples Day centres.

7. PROPOSED RESPONSE TO CONSULTATION BY SCOTTISH MINISTERS ON A PROPOSAL FOR A WINDFARM KNOWN AS AIKENGALL 2A

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) advising Cabinet that Scottish Ministers had asked the Council for its views on the proposal and recommending the position the Council should take.

Iain McFarlane, Service Manager – Planning, presented the report, advising Members of the officer recommendation to object to the application on the grounds of adverse impact on the landscape and the impact on the Oldhamstocks Conservation Area. He drew attention to the key aspects of the report, in terms of environmental information, socio-economic information and the impact on the landscape and neighbouring residential areas. He also highlighted representations made in respect of the application, and noted that Scottish Borders Council had objected to the proposal.

Councillor Hampshire asked if the Council's policies had been revised to take account of new guidance issued by the Scottish Government in June 2014. Mr McFarlane advised that policies would have to be revised and would also need to take account of the Local Development Plan guidance. This had not yet been done, but he noted the need to maintain and protect East Lothian's landscape.

Councillor Berry asked how many turbines would be visible from Oldhamstocks and from other areas in East Lothian. Mr McFarlane was unable to provide exact details on the numbers; however, he noted that this particular application would have a significant visual impact due to the positioning of the proposed turbines. He undertook to provide more visual information for Members for future reports.

Responding to a question by Councillor Currie, Mr McFarlane advised that the report had not been finalised prior to the request for it to be presented to Cabinet. He noted the different requirements in place as regards the Planning Committee Scheme of Delegation list.

Councillor Veitch welcomed the report and the recommendation to object to the application. He voiced his concern at the increasing number of applications to erect wind turbines in the Lammermuirs and surrounding countryside. He called for Scottish Ministers to respect local democracy and reject the proposals.

Councillor Hampshire warned that there would be more applications for windfarm developments and that the Council would have to defend areas deemed to be sensitive. He suggested that the Council would be in a stronger position in the future if it supported this particular application. He pointed out that only four of the turbines would be located in East Lothian, and that a number of bodies, including Scottish Natural Heritage and Historic Scotland had not objected. He also noted that there was already a connection to the national grid in the proposed location, and that there would be economic benefits associated with this project. He proposed that the Council should not object to the application.

Councillor Hampshire's views were shared by a number of Members, including Councillor MacKenzie, who commented that this area was not one frequented by hill walkers, and that a significant amount of power would be generated by the windfarm.

Councillor Berry expressed his sympathy for residents living close to the proposed windfarm. However, he remarked that Torness Power Station had a much greater visual impact on this area.

Councillor Innes reminded Members that there was a policy in place that presumed against developments such as this one and that the tests applied by Planning officers had not been met by the application. He advised that on this basis, he would be supporting the recommendations.

The Council Leader then moved to the vote on the recommendations set out in Section 2 of the report:

For: 5
Against: 1
Abstentions: 0

Decision

The Cabinet agreed to object to the application due to its adverse landscape and visual impact, which was contrary to East Lothian Local Plan 2008 policies DC1 Development in the Countryside and Coast, NRG3 Wind Turbines; NH4 Areas of Great Landscape Value; DP1 Landscape and Streetscape Character and DP2 Design; and also its impact on Oldhamstocks Conservation Area, a site of historic interest.

8. BURIAL GROUND STRATEGY

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval for the adoption of the Burial Ground Strategy and the introduction of a management fee for the erection of memorial headstones.

The Service Manager – Sport, Countryside and Leisure, Eamon John, presented the report. He noted that Recommendation 2.2 concerning the proposed introduction of a management fee for the erection of memorial headstones would be referred to Council for a decision. Mr John reminded Members that a draft Strategy had been presented to Members in June 2013. Although there was general support at that time, there had been some concerns regarding shared burial ground sites. He indicated that the revised Strategy aimed to provide burial grounds within specific communities and, where possible, within cluster areas. He advised that supporting paperwork was available via the Members' Library.

Councillor Berry asked if there was sufficient space at Whitekirk for additional burial ground. Stuart Pryde, Principal Amenity Officer, reported that the Church had suggested giving an area of ground to the Council for this purpose and that the piece of ground had been deemed suitable for burial.

Councillor Veitch asked when the findings of the archaeological study would be made available in respect of ground at Prestonkirk and if any alternative sites had been identified in East Linton. He also highlighted the urgency of providing additional burial space in Dunbar. Mr Pryde advised of the intention to deliver all high priority sites first, noting that Dunbar was now at a critical stage. He also noted that the costings for Prestonkirk had not yet been fully explored, but that burial space would be delivered in local communities wherever possible.

Responding to questions from Councillor McAllister as regards trends of burials and cremations, Mr Pryde explained that the pattern of burials had been recorded over a 10-year period, with a burial rate of 30-40%. He anticipated that having a crematorium in East Lothian would not have a significant impact on these figures. He also noted that the Council no longer offered advance sale of burial plots in a number of cemeteries to allow for space for immediate need.

Referring to the June 2013 report which had included provision for allotment space, Councillor Currie asked when a report on allotments would be presented to committee. Mr John advised that the allotment proposal had not been supported in 2013 and would be revisited at a later date.

Councillor Berry welcomed the report and the provision of burial space within communities. He did, however, voice his concern at the limited space in some areas, e.g. Aberlady and Whitekirk, and suggested that local connection should be considered in some cases with a view to allowing advance purchase of plots. He also asked officers to look into parking provision at Dirleton Cemetery.

Mr Pryde pointed out that parking provision and safety improvements at a number of cemeteries, including Dirleton, Gladsmuir and West Byers, were being considered as a priority. As regards advance purchase of plots, he cautioned against changing this policy on the basis that immediate need had to be protected.

Councillor MacKenzie remarked on the importance of maintaining headstones.

Decision

The Cabinet agreed:

- i. to approve the adoption of the Burial Ground Strategy; and
- ii. that the proposal to introduce a Management Fee for the erection of memorial headstones would be referred to Council for a decision.

9. NORTH BERWICK PARKING STRATEGY UPDATE

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) advising Cabinet of the consultation exercise undertaken to establish public support for additional parking provision in North Berwick and seeking approval to introduce or amend Traffic Regulation Orders necessary to deliver the North Berwick Parking Management Strategy.

The Service Manager – Roads, Alan Stubbs, presented the report, reminding Members of the appraisal of potential sites and the consultation exercise undertaken. He drew attention to the summary of recommendations, set out in Appendix 1 to the report.

Peter Forsyth, Transportation Senior Officer Area East, responded to questions from Members on the proposals, particularly in relation to parking locations and access to parking areas.

Councillor Day welcomed the report, commenting that there was no simple solution to address parking issues in the town. He remarked that the absence of traffic wardens had had a significant on the town centre, and spoke of the need to enforce traffic restrictions through decriminalisation. He added that people should be encouraged to park outwith the town centre.

Councillor Goodfellow also noted that a lack of parking in North Berwick was having an impact on local businesses.

Councillor Berry welcomed the proposed investment to improve the situation, which he believed would have a positive effect, both on the local community and on tourism.

Decision

The Cabinet agreed to approve a 3-year strategy to amend or make the necessary Traffic Orders to purchase the requisite land, to obtain the necessary consents and construct new car park provision as detailed in Appendix 1.

10. MINUTES FOR NOTING

The minutes of the Sustainable Economy Partnership held on 29 October 2014, the Safe and Vibrant Communities Partnership held on 17 November 2014 and the Resilient People Partnership held on 19 November 2014 were noted.

11. PUBLIC MINUTE OF THE MEETING OF THE LICENSING SUB-COMMITTEE HELD ON 11 DECEMBER 2014

The public minute of the meeting of the Licensing Sub-Committee held on 11 December 2014 was approved.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Cabinet unanimously agreed to exclude the public from the following business containing exempt information by virtue of Paragraph 6 (information concerning the financial or business affairs of any particular person other than the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

Sub-Committee Minutes

The private minute of the meeting of the Licensing Sub-Committee held on 11 December 2014 was approved.

REPORT TO: Cabinet
MEETING DATE: 12 May 2015
BY: Depute Chief Executive (Resources & People Services)
SUBJECT: Managing Employee Performance Policy

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1 PURPOSE

- 1.1 To seek Cabinet approval of amendments to the Managing Employee Performance Policy following further consultation with the Joint Trades Unions.

2 RECOMMENDATIONS

- 2.1 That Cabinet approves the suggested amendments to the Managing Employee Performance Policy (attached as Appendix 1).

3 BACKGROUND

- 3.1 A revised Managing Employee Performance Policy was approved at Cabinet on 11 November 2014 following a period of consultation with employees and the Joint Trades Unions (JTU). Whilst some feedback was received from employees there was no feedback provided at that time from the Joint Trades Unions.
- 3.2 Following Cabinet approval there was a request by the Joint Trades Unions Secretary to meet with the Joint Trades Unions to discuss proposed amendments to the Policy. A meeting took place on 18 December 2014 between JTU and HR representatives to discuss possible changes to the Policy. Following further email communication with the JTU Secretary and EIS Local Association Secretary it was agreed that the amendments highlighted as track changes in the attached document be put forward to Cabinet for approval as a revised Council Policy.
- 3.3 The proposed changes provide greater clarity with regard to the application of the Policy without changing the principles of it.

4 POLICY IMPLICATIONS

- 4.1 If the proposed amendments are approved, the Policy will be published as a revised Policy on Elnet.

5 EQUALITY IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

- 6.1 Financial - no immediate associated costs.
6.2 Personnel - no immediate impact.
6.3 Other – None

7 BACKGROUND PAPERS

- 7.1 Revised Managing Employee Performance Policy with proposed amendments highlighted as track changes, attached as an appendix.

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DATE	16 March 2015

This policy applies to all employees of the Council except where matters relate to the Standards for Full Registration of a Teacher.

MANAGING EMPLOYEE PERFORMANCE POLICY

Section

- 1 Introduction
- 2 Recruitment and Selection
- 3 Learning and Development
- 4 What is Poor Performance
- 5 Managers Responsibilities
- 6 Employees Responsibilities
- 7 Salary Progression
- 8 Identifying Performance Issues
- 9 Timescales
- 10 Procedure for Managing Employee Performance
- 11 Appeals
- 12 Review

Appendix A – Chief Executive Capability Framework

This is a Council policy which has been subject to consultation with the Joint Trades Unions and was agreed at Cabinet on 11th November 2014. Any review or amendment by the Council will be following consultation with the Trades Unions.

**w.e.f. 12
November
2014**

**MANAGING EMPLOYEE
PERFORMANCE POLICY**

1. Introduction

1.1 The Council recognises that to achieve its objectives of delivering a high level of service to its citizens and communities, it is essential to establish and maintain relevant performance standards across the workforce. Generally employees perform to a high standard at work however this Policy aims to ensure that an employee is notified of any concerns with regards to their performance and that a reasonable amount of time and support are provided to the employee in achieving the required levels of performance. The Council aims to promote a high performance culture across the organisation using the following key principles:

- Promoting and applying effective recruitment and selection processes
- Ensuring that all employees know and understand the standards expected of them
- Ensuring that performance feedback is given on a regular basis and that poor performance is dealt with quickly, effectively and ensuring that clear outcomes are identified throughout the process
- Encouraging continuous learning, development and support
- Providing a supportive and constructive approach to the management of performance

1.2 All employees should have a clear understanding of the role they are employed to carry out and the performance standards they are expected to achieve through the recruitment and selection process, regular supervision meetings and their Performance/~~Career~~ Professional Review and Development (PRD)/~~Long Professional Learning (CLPL)~~ meetings. Employees have a contractual duty to perform their duties to the standards required by their Employer. It is recognised that there will be occasions when an employee may fall below the required standards for a number of possible reasons and this Policy will ensure that fair and supportive procedures are in place to address these situations.

1.3 For employees that don't have access to EInet hard copies of any policies referred to in this document will be available from either your line manager or HR.

2. Recruitment and Selection - [R&S Policy](#)

On appointment all employees should meet at least the minimum criteria for the position, measured against the Person Specification. The recruitment and selection process should enable objective evidence to be gathered to measure the employee's competence to perform the job to the required standard. This could be evidenced through appropriate skills testing at the recruitment process i.e. presentation, case study, in-tray exercise, skills test.

3. Learning and Development

It is recognised that the continuous development of employees is essential to maintain and enhance job performance and service delivery, as the skill requirements for jobs change. All employees should have access to appropriate learning in line with the [Learning at Work Policy](#) and every employee should have an updated personal

development plan following their Performance/~~Career Long Professional Learning (CLPL)~~ Professional Review and Development (PRD) meeting.

4. What is Poor Performance?

Poor performance is when the employee does not meet the necessary standards of work for their job, or demonstrate the appropriate behaviours expected of an employee of the Council. This could include, but is not limited to: not meeting agreed targets or providing satisfactory service, and may be the result of a lack of necessary skills and/or other factors.

Poor performance can manifest itself in a number of ways that could include:

- Unacceptable quality of work
- Unacceptable quantity of work completed
- Not meeting timescales
- Poor judgement
- Behaviour leading or contributing to poor working relationships
- Poor practice, which does not follow Council Policy or service practice
- Poor attitude
- Not meeting the demands/requirements of the post due to skills or knowledge gaps
- Inappropriate behaviour e.g. lack of respect, not being courteous. Employees should adopt the principles defined within the [East Lothian Way](#), and within the [Customer Care Charter](#)
- Unwillingness to meet the demands/requirements of the post or to gain the necessary skills

Occasionally poor performance can be caused wholly or in part by health conditions. In this case, the employee should be referred to Occupational Health. Depending on Occupational Health advice, it may be appropriate to manage under the Council's Managing Attendance Policy.

5. Manager's Responsibilities

Line managers have a responsibility for ensuring that:-

- The performance standards expected of employees are based on job requirements as detailed in the job overview, job outline and person specification.
- All employees are aware of and understand the performance standards expected of them through the recruitment process, regular supervision meetings and their PRD/~~CLPL~~ meetings.
- Individual employees are given regular, constructive feedback on performance and are informed of any failure to meet performance standards as soon as possible.
- If changes are made to the Job Outline as part of a Service Review or other consultative process, all employees have an up to date copy

- Employees are given reasonable time, support and training to enable them to improve job performance
- An employee's workload is reasonable

6. Employee Responsibilities

Employees are responsible for ensuring that:-

- They make reasonable efforts to keep themselves up to date with the skills and knowledge needed to perform their duties to the standard required of them
- Where appropriate, they fulfil the continuous professional development (CPD)/[Career Long Professional Learning \(CLPL\)](#) requirements of their profession, keeping records as appropriate
- They behave in a professional manner and are aware of how their behaviours affects others
- They inform their line manager of any potential difficulties or concerns including health issues that may affect their ability to carry out the duties of their post effectively.

7. Salary Progression

[For Local Government Employees](#) The Council's [Salary Assessment & Progression Policy](#) identifies criteria for determining whether an employee should receive an annual increment and how the application of specific Council procedures may result in the withholding of an increment, where applicable.

Where an employee's unacceptable performance has been addressed under the Managing Employee Performance Policy their progression to a further increment may be affected.

For Craft Operatives please refer to the Performance Related Salary and Conditions of Service Agreement (Green Book) [for provisions relating to incremental progression.](#)

8. Identifying Performance Issues

When assessing an employee's performance, an objective comparison should be made against the specific requirements of the job. ~~Performance should be measured against~~ [The following documentation may be helpful in assisting in this process:](#)

- The job outline/job overview
- Person specification
- Recognised competencies for the job (if applicable)
- Individual work plans
- **PRD/CLPL documentation**
- Behaviours as defined in the East Lothian Way

In some instances poor performance may be related to specific individual issues, including health-related issues. It is essential that managers are aware of this and, where appropriate, respond positively by implementing measures that aim to remove

any barriers, to satisfactory performance. This may include implementing “reasonable adjustments” in accordance with the requirements of the Equality Act 2010. HR in conjunction with Occupational Health, if required, will provide appropriate advice and support to managers.

9. Timescales

The line manager should agree a suitable period for reviewing the employee’s performance. This period of time should be sufficient to allow any areas of necessary improvement to be addressed. This time period may vary depending on the improvements required, but should be for no more than a period of 8 working weeks for each of stages 1 and 2 of the Policy. If the necessary improvement has not been made within this time scale then the matter should be progressed to the next relevant stage of the Policy.

10. Procedure for Managing Employee Performance

Where performance matters relate to the Chief Executive the procedure set out in Appendix A should be followed.

This Policy need not stand alone, but should be used in conjunction with other policies where appropriate i.e. absence issues through the Managing Attendance Policy.

The procedure comprises 3 stages:

Stage 1 –Performance and Support Meeting

- Review Meeting. Outcome of review is either successful conclusion to stage 1, progression to stage 2, or conduct issue and therefore dealt with in accordance with the Disciplinary Procedure

Stage 2 – Formal Performance and Support Meeting

- Review Meeting. Outcome of review is either successful conclusion to stage 2, potential redeployment sought, progression to stage 3 (capability hearing)

Stage 3 – Performance Management Hearing

Stage 1 – Performance and Support Meeting

Where an employee is performing below the acceptable standard, the employee’s line manager should raise their concerns with the employee and discuss what factors could be contributing to this.

Prior to this meeting the manager should prepare the facts and specific examples regarding the performance issues and have details of any concerns in relation to the employee’s standards of work so that accurate information is available for this discussion.

This is an informal discussion between the line manager and the employee, with neither party requiring to be accompanied. It should be made clear to the employee that performance issues are being raised in accordance with this Policy.

Any issues to be addressed should be included within the **Performance Record**, along with any proposed support measures and required improvements/expected outcomes and timescales agreed for a Stage 1 review meeting.

Stage 1 – Review Meeting

If at the Stage 1 review meeting it is concluded that performance standards are now being achieved, the performance improvement will be noted within the Performance Record and normal supervision will be resumed.

If at the Stage 1 review meeting, the conclusion is that performance standards are still not being met the reasons for this will be confirmed in writing. If the issue relates to capability then the matter will be progressed to Stage 2.

If the performance issues are due to the employee's conduct, (where there is reasonable belief that the employee has the skills/abilities to perform the duties satisfactorily but the poor performance is a conduct/attitude /behavioural issue) then the matter should be addressed in accordance with the relevant Disciplinary Procedure. As the performance issues will have been considered informally, as part of this Policy, the matter will be addressed under the formal part of the Disciplinary Procedure. This should be confirmed to the employee in writing.

Stage 2 – Formal Performance and Support Meeting

If the required standard has not been achieved within Stage 1, a formal Stage 2 meeting will be held and any continuing or new areas of poor performance will be discussed, and recorded on the Performance Record along with proposed support measures and required improvements/expected outcomes.

The employee will be given 5 working days notice of this meeting and may choose to be accompanied.

A date and time for the Stage 2 review meeting will be confirmed in writing.

Stage 2 – Review Meeting

If at the Stage 2 review meeting, the conclusion is that performance standards are still not being met, the manager will then decide whether to:

- Agree that an extension to the review period is given (where there is a genuine attempt to reach the required standard and some of these standards have been achieved, but additional development needs require to be met)
- Discuss the possibility of redeployment. This option will only be pursued if there is sound reason to believe that the employee may have the skills, experience and knowledge to satisfactorily fulfil a different role. If this is agreed the employee will be required to complete a personal profile form and will be placed on the redeployment database for a period of 4 weeks. If no alternative employment is found then the performance management hearing process detailed in Stage 3 should be followed.

- Proceed to Stage 3 – Performance Management Hearing (where there has been a genuine attempt to reach the required standard but despite additional support and development the employee has failed to achieve or maintain this)

The line manager will confirm their decision in writing.

Stage 3 – Performance Management Hearing

If the required standard is still not achieved at the Stage 2 review meeting, despite reasonable efforts having been made by both parties and redeployment options considered, then the manager will prepare a report detailing the process, issues, support, resources, timescales put in place and submit to the relevant Head of Service. The relevant Head of Service/Senior Nominated Officer will convene a hearing and will forward the report to the employee explaining why the hearing has been called. The employee will be given a minimum of 5 working days notice of the hearing to give them time to prepare their response.

The Head of Service/ Senior Nominated Officer, with support from an HR representative, will make a decision based on the evidence presented as to whether a dismissal is justified.

The outcome of the hearing will be confirmed in writing to the employee, normally within 5 working days of the hearing. If a decision has been made to dismiss then the employee should be notified of their right to appeal. If the employee is not dismissed, the Nominated Officer will be clear as to how the performance concerns will continue to be supported and managed under the terms of this Policy.

11. Appeals

Any employee who feels that they have been unfairly dismissed on the grounds of their performance has the right to appeal that decision by setting out the ground(s) of their appeal in writing to the Head of Council Resources. The appeal must be submitted within 10 working days of receipt of the letter confirming their dismissal and should detail clearly the grounds of the appeal. As this is a dismissal from employment the appeal procedure, as detailed within the relevant Council Disciplinary Procedure should be followed.

12. Review

This is a Council policy which is subject to review and amendment by the Council. The Policy will be reviewed and amended from time to time by the Head of Council Resources following appropriate consultation with the recognised Trades Unions.

**Head of Council Resources
November 2014**

APPENDIX A

Chief Executive Capability Framework

The Chief Executive Capability Framework should be read in conjunction with Appendix A of the Council's Disciplinary Procedure which sets out the Chief Executive Disciplinary Framework.

1. In the first instance any question or complaint with regard to a Chief Executive's capability will be referred to an Assessment Group which will be appointed as per section 1 of Appendix A of the Disciplinary Procedure.
2. The Assessment Group will meet with the Chief Executive to discuss the nature of the complaint or question.
3. If the Assessment Group concludes that there is a question of substance as to the Chief Executive's capability they will advise the Chief Executive of the ways in which performance should improve and a period of time after which the matter will be reviewed. This period should be sufficient to allow the Chief Executive a reasonable opportunity to show the required level of improved performance.
4. If the Assessment Group consider that there is evidence of serious incapability which is not likely to be remedied within a reasonable period of time, or if a previous warning has been issued to the Chief Executive in regard to performance then the Assessment Group will refer the matter to an Investigating Officer.
5. Similarly if subsequent to 3 above there remains a question as to the capability of the Chief Executive the matter will be referred to an Investigating Officer.
6. The Investigating Officer will be appointed and the investigation conducted as per section 2 of Appendix A of the Disciplinary Procedure.
7. Upon receipt of the report from the Investigating Officer, the Assessment Group will decide whether or not the matter should proceed to a Hearing Committee.
8. The Hearing Committee will be appointed as per section 3 of Appendix A of the Disciplinary Procedure. The conduct of the hearing will be as per section 3 of Appendix A of the Disciplinary Procedure.
9. If the Hearing Committee conclude that the Chief Executive is not carrying out his/her duties and responsibilities to the level of capability that the Council believes is required, the Hearing Committee will consider issuing a written warning with the provision of a reasonable amount of time for the Chief Executive to meet the requirements of the post, or (if a previous warning has been issued or, the Hearing Committee judge the incapability to be fundamentally irremediable) confirm dismissal with notice. A satisfactory outcome may alternatively be achieved by the Chief Executive actively seeking other employment, resigning or accepting retirement.
10. The Chief Executive will have the right to appeal the decision of the Hearing Committee to an Appeals Committee. The appointment of that Committee and conduct of the appeal will be as per Appendix A of the Disciplinary Procedure.

REPORT TO: Cabinet
MEETING DATE: 12 May 2015
BY: Depute Chief Executive (Resources and People Services)
SUBJECT: Flag Flying and Mourning Protocols

3

1 PURPOSE

- 1.1 To regularise the Council's position in relation to the flying of flags and books of condolence and the steps to be taken in the event of the death of the reigning Sovereign and other senior members of the Royal Family and National Figures.

2 RECOMMENDATIONS

- 2.1 That Cabinet approves the Protocol on Flags and Books of Condolence and the Protocol for marking the death of the reigning Sovereign and other senior members of the Royal Family and National Figures as detailed in Appendices 1 and 2 to this report.

3 BACKGROUND

- 3.1 The Council's current flag flying protocol was developed some time ago by the then Provost and the Communications Manager and is published on the Council's website. It recognises the fact that East Lothian is the birthplace of Scotland's flag and that the Saltire will be flown at all times apart from on specifically listed occasions.
- 3.2 The Council continues to recognise East Lothian's special association with the Saltire. However, because Haddington Town House flagpole was recently reinstated following prolonged repair work to the building, this now means that two Saltires are currently being flown in close proximity to each other in Haddington with each being lowered and raised on several specified days throughout the year. The Protocol at Appendix 1 proposes that the Saltire now be flown permanently at Council Headquarters at John Muir House, Haddington, and at the Brunton Hall in Musselburgh, apart from only three occasions in a year to mark the Queen's birthdays and Remembrance Sunday. It proposes that

the Union Flag be flown permanently at the Town House in Haddington apart from on Commonwealth Day, Europe Day and Armed Forces Day, when the appropriate flags will be flown to mark those occasions. The Union Flag will also be lowered when it is felt more appropriate to fly other flags to mark significant occasions such as a twinning event, a VIP visit etc.

- 3.3 Consultation on the new Protocol has taken place with the Saltire Society and, while they have expressed disappointment at any reduction in the number of Satires being flown permanently, they have no objection to the new Protocol.
- 3.4 The Protocol at Appendix 2 is new to the Council. It specifies the steps to be taken in the event of the death of the Reigning Sovereign, senior members of the Royal Family and certain other National Figures. The protocol also deals with the role of the Lord Lieutenant, who has been consulted, and who has indicated that he is content with the Protocol so far as it relates to him. It goes on to deal with those occasions when flags should be flown at half-mast, the deployment of books of condolence, events during the period of mourning, dress code, marking by silence and letters of condolence. This will provide clarity and guidance to those officers responsible for these tasks on occasions such as this and will ensure that the Council is prepared to react quickly and efficiently as events unfold.

4 POLICY IMPLICATIONS

- 4.1 These protocols will form the Council's practice and policy in relation to the flying of flags and the steps to be taken in the event of the death of the Reigning Sovereign, senior members of the Royal Family and certain National Figures

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 – small outlay to purchase a stock of arm bands and black ties, books of condolence etc. This can all be met from within current budgets.
- 6.2 Personnel - None
- 6.3 Other - None

7 BACKGROUND PAPERS

7.1 Current flag flying protocol

AUTHOR'S NAME	Kirstie MacNeill
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DATE	16 April 2015

APPENDIX 1

Protocol for Flags and Books of Condolence

In recognition of East Lothian's place as the Birthplace of Scotland's Flag, East Lothian Council will fly the Saltire permanently from John Muir House, Haddington and Brunton Hall, Musselburgh. The Union Flag will fly from the Town House, Haddington.

On the occasions listed below (2015 dates), the appropriate flag will be flown.

Date	Event	Flag	Location(s)
9 March	Commonwealth Day	Commonwealth Flag	Town House, Haddington
21 April	Birthday of Her Majesty The Queen	Union Flag	John Muir House, Haddington Brunton Hall, Musselburgh
9 May	Europe Day	European Flag	Town House, Haddington
13 June	Official Celebration of Her Majesty's Birthday (Trooping the Colour)	Union Flag	John Muir House, Haddington Brunton Hall, Musselburgh
22 - 27 June	Armed Forces Day (27th)	Armed Forces Day Flag	Town House, Haddington
8 November – 11 November	Remembrance Day (2nd Sunday) /Armistice Day	Union Flag	John Muir House, Haddington Brunton Hall, Musselburgh

By special request, and with the approval of the Provost and Chief Executive, other flags may be flown at the appropriate location (usually the Town House, Haddington) to mark a significant occasion, such as: the visit of a foreign delegation or a town twinning event, VIP visit, royal occasion or other key event. On St Andrew's Day, the Saltire will take precedence over any request to fly other flags.

Flags are raised in Haddington by John Muir House Mail Room Staff and in Musselburgh by Brunton Hall Caretaking Staff.

Flying of Flags at Half-mast

The occasions on which flags are to be flown at half-mast are:

(‘Half-mast’ actually means that the flag is flown two-thirds up the flag pole)

- from the announcement of the death until the funeral of the Sovereign, both days inclusive (except on Proclamation Day, when the flag will be flown at full mast from the time the Principal Proclamation of the New Sovereign is read in London until after Proclamations have been read in all the devolved administrations the following day. Official flags will then revert to half-mast until the funeral)
- the funerals of foreign rulers, subject to special commands in each case
- from the announcement of the death until the date of the funeral (inclusive) of:
 - senior members of the Royal Family (Union Flag)
 - Prime Minister of UK or past holder of that Office (Union Flag)
 - First Minister of Scotland or past holder of that Office (Saltire)
 - A serving Provost or Leader of the Council
 - A serving member of the Council
- In the event of an act of terrorism or other human tragedy involving multiple fatalities within the United Kingdom the Provost, in conjunction with the Chief Executive, will make the decision as to what is appropriate.

Books of Condolence

In certain circumstances the Provost and Chief Executive may deem it appropriate to make Books of Condolence available in council offices (typically, John Muir House, Haddington & Brunton Hall, Musselburgh) to allow members of the public to record their respects.

Completed Books of Condolence are a local record of the sentiments expressed by local people on the death of a national figure. As such, they should form part of the Authority’s archive so that future generations are able easily to gain access to them and find out the way in which national events were marked in the area.

APPENDIX 2

Protocol for Marking the Death of the Reigning Sovereign, Senior Members of the Royal Family and Certain National Figures

This protocol sets out the action to be taken in the event of the death of:

The Reigning Sovereign
Senior Members of the Royal Family
The Prime Minister
The First Minister
A serving Provost or Leader of the Council
A serving member of the Council

PART 1 Implementation of the Protocol on hearing of the death

Action Required	Authorised by	Notes
This Protocol will be implemented on the formal announcement of the death of any one of those persons named above.	Implementation will be authorised by the Head of Council Resources or in his/her absence by the Chief Executive or either of the Depute Chief Executives	

PART 2 Lord- Lieutenant

Action Required	Authorised by	Notes
Lord-Lieutenants observe both national and Royal mourning. In both instances, a black crape band is worn on the left arm of the uniform coat above the elbow. Black or dark colours should be worn in civilian dress (men wearing black ties) and the same mourning band may also be worn. Official engagements may be fulfilled. Social engagements (as Lord-Lieutenant) are not accepted and those entered into beforehand are cancelled.		Stock of arm bands to be held in Lieutenancy Office for Lord-Lieutenant and Deputy Lieutenants

PART 3 Flag Flying

Action Required	Implemented by	Notes
<p>Immediately at the request of the Head of Council Resources or in his/her absence the Chief Executive or either of the Depute Chief Executives, flags will be lowered to half-mast.</p>	<p>At Haddington by Mailroom staff and Musselburgh by the duty caretaker</p>	<p>Half-mast means the flag is flown two-thirds of the way up the flagpole.</p> <p>When a flag is to be flown at half-mast it should first be raised all the way to the top of the mast, allowed to remain there for a second and then lowered to the half-mast position. When being lowered from half-mast, it should again be raised to the top of the mast for a second before being fully lowered.</p>
<p>Applicable only following the death of the Sovereign:</p> <p>On Proclamation Day (D+1) (the day following the death of the Sovereign, when the new Sovereign is proclaimed) flags will – at 1100 – be raised to full mast and flown throughout the day at full mast. On the day following Proclamation Day (D+2) they will be returned to half-mast at 1300.</p>	<p>At Haddington by Mailroom staff and Musselburgh by the duty caretaker</p>	
<p>On subsequent days:</p> <p>Following the death of the Sovereign or other senior member of the Royal Family, flags will continue to be flown at half-mast until 0800 on the day following the funeral.</p> <p>For all others identified in the list on page 1, flags will fly at half-mast on the day of the announcement of the death. On subsequent days the usual local arrangements will</p>	<p>As above</p>	<p>The funeral of the Sovereign will take place 10 days after the day of death. For other senior members of the Royal Family the number of days will be fewer.</p> <p>The phrase ‘usual local arrangements’ should be read as meaning that where a flag is usually flown it can, on the day following the funeral,</p>

resume (<i>see note opposite</i>) until the day of the funeral when they will again fly at half-mast.		again be flown at full mast.
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PART 4 Books of Condolence

Action Required	Implemented by	Other Notes
<p>On the day following the announcement of the death of the Sovereign, or other senior member of the Royal Family, a Book of Condolence will be opened at John Muir House, Haddington and Brunton Hall, Musselburgh.</p> <p>Books of Condolence will be open from 0930–1630, Monday – Friday, and will remain open until the day following the funeral.</p> <p>An online Book of Condolence will be posted on the Council Website.</p> <p>A framed photograph of the relevant person will be put in place on the table with the Book of Condolence.</p>	<p>Democratic Services Assistant or in their absence by the Team Manager - Democratic Services or Service Manager – Licensing, Administration and Democratic Services</p> <p>Web Manager</p> <p>Democratic Services Assistant or in their absence by the Team Manager – Democratic Services or Service Manager – Licensing, Administration and Democratic Services</p>	<p>A stock of Books of Condolence is kept in the Provost’s office.</p> <p>Suitable frames will be purchased and kept with books of condolence. Suitable photographs of the Royal Family are available to download from www.royal.gov.uk</p>
<p>The Provost will issue a statement via the Press Office, expressing the sadness of the Council and people of East Lothian at the news of the death. The statement will also appear on the home page of the Council website.</p>	<p>Statement to be issued by Communications & Marketing.</p>	<p>The statement should also state that flags will be flown at half-mast and will inform where Books of Condolence will be available.</p> <p>It may also state if any events are being cancelled as a mark of respect or that they will begin with a period of silence.</p>

When the Books of Condolence have been closed arrangements will be made to have these stored in the Council archives.	Democratic Services Assistant or in their absence by the Team Manager – Democratic Services or Service Manager – Licensing, Administration and Democratic Services	
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PART 5 Events during the period of Mourning

Action required	Implemented by	Other notes
To review the programme of engagements undertaken by the Provost to ensure it is appropriate in a time of national mourning and that it sits comfortably with the national mood.	The Provost in discussion with the Leader and Chief Executive.	Consideration will also be given to arrange some sort of Service on the eve of the funeral.

PART 6 Dress Code

Action required	Implemented by	Other Notes
A stock of black ties and black arm bands will be held in the Provost's Office for use by Councillors and senior officers if required.	Democratic Services Assistant	
On the death of the Sovereign, the chain of office will not be worn by the Provost. From the day of death until and including the day of the funeral the Provost should wear a black tie.		

PART 7 Marking by Silence

Action required	Implemented by	Other Notes
Where the death of a senior member of the Royal Family is to be marked by a Silence, an announcement will be		

made by Buckingham Palace.		
The Public Observing of the Silence to be publicised.	Communications & Marketing to ensure that the public are informed by way of a press release and item on the Council's website.	

PART 8 Letters of Condolence

Action required	Implemented by	Other notes
As soon as practical, a letter of condolence will be drafted and circulated to the Provost, Leader of the Council and the Chief Executive before dispatch.	Communications & Marketing	

REPORT TO: Cabinet

MEETING DATE: 12 May 2015

BY: Depute Chief Executive (Resources & People Services)

SUBJECT: Freedom of Information (Scotland) Act 2002 and Data Protection Act 1998 – Compliance Statistics

4

1 PURPOSE

- 1.1 To report on the Council's compliance with the 20 working day timescale laid down by the Freedom of Information (Scotland) Act 2002 for the period from 1 October 2014 to 31 March 2015.
- 1.2 To report on the Council's compliance with the 40 calendar day timescale laid down by the Data Protection Act 1998 for the period from 1 October 2014 to 31 March 2015.

2 RECOMMENDATIONS

- 2.1 Cabinet is asked to note the report and for Members to provide feedback on the compliance statistics.

3 BACKGROUND

- 3.1 **Freedom of Information (Scotland) Act 2002** - During the period 1 October 2014 to 31 March 2015, East Lothian Council operated in accordance with the statutory requirements, particularly:

Requests for information – to be answered within 20 working days

Requests for review – to be answered within 20 working days by a Chief Officer

If requesters remained dissatisfied after completing this process, then they had a legal right to appeal to the Scottish Information Commissioner (SIC).

3.2 Freedom of Information (FOI) statistics are recorded by Licensing, Administration and Democratic Services. Guidance on how to handle information requests, and requests for review, are on the Council's intranet, accessible to all employees.

3.3 The total number of FOI requests received from 1 October 2014 to 31 March 2015 was **673**, an increase from the previous half year (637). Overall numbers of FOI requests have been increasing steadily since the Freedom of Information (Scotland) Act 2002 came into force.

This figure includes information requests processed under the Environmental Information (Scotland) Regulations 2004 (EIR). A split of the FOI and EIR requests is provided at 3.5 of this report.

3.4 The total number of requests for review received from 1 October 2014 to 31 March 2015 was **16**, an increase from the previous half year (4).

This figure includes reviews processed under the Environmental Information (Scotland) Regulations 2004 (EIR). A split of the FOI and EIR reviews is provided at 3.6 of this report.

3.5 Since January 2013, the recording system used has distinguished between FOI requests and requests falling within the Environmental Information (Scotland) Regulations 2004 (EIR). The table below provides a breakdown of the response timescales for both FOI and EIR requests between 1 October 2014 to 31 March 2015:

	FOI		EIR	
On time	496	96.5%	85	96.5%
Late	18	3.5%	3	3.5%
Lapsed/Written Off	0		0	
Date of Completion Unknown	0		0	
Cancelled/Withdrawn	7		3	
Suspended	31		4	
Ongoing	22		4	
TOTAL ACTIONED	552		95	

3.6 The table below provides a breakdown of the response timescales for FOI and EIR requests for review between 1 October 2014 to 31 March 2015:

	FOI		EIR	
On time: Within 20 Working Days	11	92%	2	67%
Late	1	8%	1	33%
Upheld	2		2	
Partially Upheld	5		0	
Overturned	0		0	
Additional Info Provided	4		1	
Total Received	13		3	
Total Actioned	11		3	
Still Outstanding	2*		0	
Grand Total of Internal Reviews	16			

*At the time of writing this report, of the two outstanding internal reviews, one has missed the 20 working day deadline so has been included in the "Late" figures.

3.7 The top three enquirers were:

- 1) General Public
- 2) Commercial Organisations
- 3) Journalists

3.8 **Data Protection Act 1998** – East Lothian Council operates in accordance with the statutory requirements, particularly:

Requests for personal information ("Subject Access Requests") – to be answered within 40 calendar days

3.9 Data Protection (DP) statistics are recorded by Licensing, Administration and Democratic Services. Guidance on how to handle requests for personal information ("Subject Access Requests") are on the Council's intranet, accessible to all employees.

3.10 The total number of DP "Subject Access Requests" received from 1 October 2014 to 31 March 2015 was **34**, a slight increase from the previous half year (31).

Completed on time (within 40 calendar days)	14	93%
Late	1	6%
Suspended	15	
Withdrawn	1	
Ongoing		
	3	
Total Actioned	31	

4 POLICY IMPLICATIONS

4.1 None.

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 - None

6.2 Personnel - None

6.3 Other – None

7 BACKGROUND PAPERS

7.1 None

AUTHOR'S NAME	Dr Renate Gertz
DESIGNATION	FOI & DP Compliance Officer
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DATE	20 April 2015

REPORT TO: Cabinet

MEETING DATE: 12 May 2015

BY: Depute Chief Executive (Partnerships & Community Services)

5

SUBJECT: Developing the Young Workforce – Implementing the Recommendations of the Commission for Developing Scotland’s Young Workforce

1 PURPOSE

- 1.1 To raise awareness of Developing the Young Workforce - Scotland’s Youth Employment Strategy – Implementing the Recommendations of the Commission for Developing Scotland’s Young Workforce. The full Strategy has been placed in the Members’ Library (Ref: 64/15, May 2015 Bulletin).

2 RECOMMENDATIONS

That Cabinet:

- 2.1 Notes the Scottish Government publication of Developing the Young Workforce - Scotland’s Youth Employment Strategy -- Implementing the Recommendations of the Commission for Developing Scotland’s Young Workforce.
- 2.2 Acknowledges that implementation of the seven-year programme will require significant cultural change to develop the young workforce in constructive partnership with all partners involved in East Lothian’s education and employer communities.
- 2.3 Notes that a further report will be brought to Cabinet in due course, detailing East Lothian’s approach to implementing the Strategy.

3 BACKGROUND

- 3.1 Even as the economy continues to recover, youth unemployment nationally continues to be a challenge and is a major social and

economic issue. Today in Scotland we have 53,000 young people not in work and not in education, and the unemployment rate for young people is almost three times the all-age unemployment rate and double that of the best performing European countries.

3.2 In January 2013 the Scottish Government established the Commission for Developing Scotland's Young Workforce to meet these challenges. Chaired by Sir Ian Wood, the Commission was independent of Government and was tasked with bringing forward a range of recommendations designed to improve young people's transition into employment.

3.3 The Commission comprised a breadth of expertise covering business, further education, schools, trade unions and HR management, and its work builds on the introduction of Curriculum for Excellence and the extensive reforms of Post-16 Education. Following extensive consultations with leading figures in education, business and equalities groups, the Commission's final report was published in June 2014 and highlights the importance of business and industry working with schools and colleges to ensure that young people are more prepared for employment and better informed in career choice.

3.4 The East Lothian Hospitality & Tourism Academy was indeed highlighted in the Commission's report as an area of good practice and it is recognised as essential to build on such good practice, whilst ensuring future sustainability. Other Academies have also recently been developed in Health and Social Care, Food Technologies and Creative Industries with a further in Construction currently being explored.

3.5 In December 2014 the Scottish Government published Developing the Young Workforce – Scotland's Youth Employment Strategy - Implementing the Recommendations of the Commission for Developing Scotland's Young Workforce, making clear Government's commitment to improving youth employment. In summary the Youth Employment Strategy sets out:

- how a high quality intermediate vocational, education and training system, which complements our world class higher education system, can be developed to enhance sustainable economic growth with a skilled workforce;
- how to achieve better connectivity and co-operation between education and the world of work to ensure young people at all levels of education understand the expectations of employers, and that employers are properly engaged;
- how to achieve a culture of real partnership between employers and education, where employers view themselves as co-investors and co-designers rather than simply customers.

3.6 Strategic recommendations span the education and training system and call for more effective joint working between schools, colleges, training

providers and employers. The aim must be to provide the best possible blend of learning for young people to equip them for work. Importantly, the Commission highlighted the need for markedly different attitudes to options and qualifications which are of a more vocational nature. The Commission's report contains stretching targets that will lead us to a sustained reduction in youth unemployment levels.

- 3.7 Nationally much has been done to shift cultural attitude. Reforms to college education; growth in the number of Modern Apprenticeship opportunities; a strong system of vocational qualifications underpinned by the well-established Scottish Credit and Qualifications Framework (SCQF); career services, much better informed by labour market information; Opportunities for All measures - ensuring that all 16-19 year-olds are guaranteed an offer of a place in learning or training and providing – all providing a strong platform to take the strategy forward.
- 3.8 Much has also been done locally. East Lothian Works, East Lothian's employability hub, brings together all employability-related services under the East Lothian *One Council Approach*. East Lothian Works is the central point of contact for employment advice and training and works closely in partnership with a number of external partners including Queen Margaret University, Edinburgh College, Skills Development Scotland, DWP Job Centre Plus and a range of Third Sector Agencies, local business and industry.
- 3.9 East Lothian Works adopts a Strategic Skills Pipeline approach to managing throughput of client referrals. This approach is a route map identifying national and local service provision which is available to support people into employment through a staged process, at the core of which, is the identification of individual need. The various stages of the pipeline include initial engagement, assessment and referral; needs assessment and barrier removal; vocational activity; employer engagement and job matching; and finally in work support and aftercare. Individuals can progress at different rates through the pipeline, and it is not always essential to move through every stage.
- 3.10 Numbers of unemployed people participating in Council-funded or operated employability programmes, and numbers of unemployed people assisted into work from Council-funded or operated employability programmes both continue to reveal positive upturns in trends. East Lothian continues to achieve year-on-year incremental improvement in school leaver positive destination results, the most recent increasing from 89.9% to 92.2% of young people leaving school and moving into employment, training or further education.
- 3.11 The headline target for Scotland's Youth Employment Strategy is to reduce 2014 levels of youth unemployment by 40% by 2021 with an undertaking to report annually on progress. The strategy is a seven-year national programme to develop the young workforce in constructive partnership with the Convention of Scottish Local Authorities (COSLA) and Scotland's education and employer communities. Achieving our

ambitions for the young workforce therefore requires local authorities, schools and their delivery partners to focus on certain key themes identified for schools, colleges, apprenticeships and employers and outlined as follows:

Key themes for schools

Achieving our ambitions for the young workforce requires a focus on the following themes by local authorities, schools and their delivery partners:

- Expanding the offer – increasing the routes from school into employment, or further education which is closely linked to employment
- Promoting and shaping the offer - engaging with young people, parents, teachers and practitioners, partners and employers
- Supporting teachers and practitioners to develop children’s and young people’s learning about the world of work
- Providing earlier relevant labour market focussed careers advice when young people need it, leading to better outcomes
- Embedding meaningful employer involvement
- Consolidating partnership working with colleges and other training providers

Key themes for colleges

Achieving our ambitions for the young workforce requires a focus on the following themes in relation to colleges:

- Young people able to access more vocational options during the senior phase of secondary school, which deliver routes into good jobs and careers, developed through effective partnership between schools, colleges, local authorities and other partners
- Improving opportunities and experiences for all learners, with a focus on reducing gender imbalance on course take-up
- Provision aligned with economic needs and regional planning, with a focus on Science, Technology, Engineering and Maths (STEM) where appropriate
- Supporting college leaders and staff to develop the skills required to meet the Commission’s ambitions for the sector
- Further developing college outcome agreements to underpin improvements and measure progress

Key themes for apprenticeships

Achieving our ambitions for the young workforce requires a focus on the following themes in relation to apprenticeships:

- Development of foundation apprenticeships in schools
- Development of advanced apprenticeships
- Modern Apprenticeship expansion including STEM and higher level apprenticeships
- Supervisory Board established, supporting greater responsiveness to labour market need meaning MAs are better aligned with job opportunities
- Clearer pathways into apprenticeships for those not in work or those from previously under-represented groups

Key themes for employer engagement

Achieving our ambitions for the young workforce requires a focus on the following themes in relation to employer engagement:

- Enhanced industry leadership and engagement
- Stronger partnerships between employers and education
- Recruitment of young people at the heart of workforce planning across the private, public and third sectors

Developing the Talents of All Our Young People

- Diversity in the workplace, reflecting the diversity in our communities, will make a tangible contribution to addressing wider inequality issues in society
- To achieve sustainable economic growth, we will need to develop the talents of all our young people
- Whilst the Commission's report sets out the challenge, our response is to see our action not as separate activity but as an approach to advancing equality, embedded throughout these recommendations

3.12 The broad principals and approaches of Scotland's Youth Employment Strategy will be adopted and an East Lothian approach; *Developing East Lothian's Young Workforce* developed. A set of local targets to be achieved over the period 2014–2021 for unemployed young people, aged 18–24, mirroring and reflecting the intentions of the Council Plan and Single Outcome Agreement, is set out in Table 1.

Table 1. Proposed targets for unemployed young people aged 18-24 years.

Timeline	% of East Lothian unemployed young people aged 18-24 years (source nomis official labour market statistics)	Scottish Average % of unemployed young people aged 18-24 years (source nomis official labour market statistics)
April 2012	7.6 (actual)	8.1 (actual)
April 2013	7.1 (actual)	7.2 (actual)
April 2014	4.9 (actual)	5.1 (actual)
March 2015	3.7 (actual)	3.8 (actual)
April 2015	Below Scottish Average	
April 2016	Below Scottish Average	
April 2017	Below Scottish Average	
April 2018	Below Scottish Average	
April 2019	Below Scottish Average	
April 2020	Below Scottish Average	
April 2021	Below Scottish Average	

4 POLICY IMPLICATIONS

- 4.1 As per the Council Plan (2012–2017), the East Lothian Plan Single Outcome Agreement (2013) and the East Lothian Community Planning Economic Development Strategy (2012–2022), Strategic Project - Develop More Sustainable Employment Pathways in East Lothian.

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 - None
- 6.2 Personnel - None
- 6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 Final Wood Commission Report – Education Working For All – Commission for Developing Scotland’s Young Workforce
<http://www.scotland.gov.uk/Topics/Education/edandtrainingforyoungple/commissiondevelopingscotlandsyoungworkforce/finalreport>
- 7.2 The Scottish Government Economic Development Strategy
<http://www.gov.scot/Topics/Economy/EconomicStrategy>
- 7.3 East Lothian Community Planning Economic Development Strategy (2012 -2022)
http://www.eastlothian.gov.uk/downloads/download/1831/east_lothian_economic_development_strategy_2012_-2022
- 7.4 Developing the Young Workforce – Scotland’s Youth Employment Strategy - Implementing the recommendations of the Commission for Developing Scotland’s young workforce
<http://www.gov.scot/Publications/2014/12/7750/downloads>

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DATE	27 April 2015

REPORT TO: Cabinet

MEETING DATE: 12 May 2015

BY: Depute Chief Executive (Resources & People Services)

SUBJECT: Children's Wellbeing – Payments to Partners and Voluntary Organisations (Service Level Agreements) 2015/2016

6

1 PURPOSE

- 1.1 To seek approval for the payments to partners and voluntary organisations providing services for service users of Children's Wellbeing for the amounts specified, for the financial year 2015/2016.

2 RECOMMENDATIONS

- 2.1 Cabinet is asked to agree to award payments, for 2015/2016, as shown in Appendix 1.

3 BACKGROUND

- 3.1 Section 10 of the Social Work (Scotland) Act 1968 allows local authorities to make grants to voluntary organisations whose sole purpose is to promote social welfare.
- 3.2 The Council also has the power to purchase certain services, which it is obliged to provide, from the independent sector using other funding streams. Under certain circumstances the Council can tender for such services, for example Aberlour provide residential respite care and outreach to support children and young people with severe and complex disabilities. A summary of the organisations to be funded for 2015/16 is attached in Appendix 1, along with the funding amounts proposed.
- 3.3 The 2015/16 Children's Wellbeing budget for payments to voluntary organisations is £711,230.
- 3.4 Partner agencies can bring additional service and capacity building benefits to East Lothian. Children 1st, for example, co-ordinated a successful Public Social Partnership bid to the Scottish Government for an East Lothian-based project offering intense 12 weeks of support to

young vulnerable families affected by drugs and alcohol misuse and are jointly delivering this with Circle, another Children's Wellbeing partner. This project, which is being evaluated by Stirling University, commenced in February 2014. It brought significant government funds into 3rd sector service delivery in East Lothian, resulting in 4 FTE new Family Support Workers operating and located within Children's Wellbeing. An application to extend the project until March 2016 was recently confirmed. Children 1st also made a successful bid to the Big Lottery to provide support to kinship carers who are resident in East Lothian; this service will also be based within Children's Wellbeing, going live in April 2015.

- 3.5 The flexibility of our partnership and operating arrangements with Aberlour Childcare Trust has been evidenced in the provision of a full-time placement for a young person living in the community who was in crisis and known to them. This has enabled this young person with severe and enduring needs to be cared for by familiar adults, have their educational needs met locally and maintain regular contact with elderly grandparents.
- 3.6 Our partners from Who Cares? Scotland, provide support and advocacy to our Looked After Children away from home and care experienced young adults are directly involved in developing our Champions Board which will provide ambassadors within the Council to develop the services we provide to improve the life chances of our care experienced children and young people. The added value to our contract with Who Cares? Scotland this past year has been the involvement of an East Lothian care experienced young adult working as a mentor with some of our young people. Her contribution to East Lothian's Corporate Parenting agenda was acknowledged at the Star Awards Celebration in November 2014.
- 3.7 All organisations, with the exception of CHAS, have been allocated the same levels of funding that were provided last year 2014/15.

4 POLICY IMPLICATIONS

- 4.1 The Social Care (Self Directed Support) (Scotland) Act 2013 and supporting regulations were implemented on 1 April 2014 and initially have particular relevance in Children's Wellbeing to disabled children, their families and young carers. This legislation and national guidance outlines a person centred approach with participation and dignity, involvement, informed choice and collaboration with the service user being the core principles. Until now support plans have been assessed on the child's and family's needs and allocated in terms of the number of hours of support. Families eligible for a service may:
 - Receive a direct payment and commission services for their children themselves

- Decide and direct how they wish to spend their allocated budget but choose not to take responsibility for the financial management of it
 - Have East Lothian Council arrange the chosen support
 - Experience a mix of options 1–3
- 4.2 Self Directed Support is now in year five of a ten-year Scottish Government strategy. We are informing service users about Self Directed Support and seeking their vision for future services in East Lothian. We are engaging with partners and providers in East Lothian to ensure more disabled children have access to the services on offer for all children (the universal offer) and that the services we are commissioning from providers and the voluntary sector meet the specific needs of the disabled children and families we support (the targetted offer). The ongoing development of Self Directed Support will require review of some specialist support services e.g. Share the Care, family-based respite care for disabled children and proposing what should be out of scope, e.g. universal playschemes. For this reason we have taken advice from the Corporate Procurement Team and are extending the contract with Aberlour Childcare Support, provider of our residential childcare provision at 5 Bankfoot, Prestonpans, until 31 March 2016. This provides the young people and their families currently receiving this service, who have the most complex and severe conditions, assurance of continued provision, whilst giving service users, their parents and carers time to consider how they may choose to develop the young person's support plan in the future.
- 4.3 It is recommended that funding of the East Lothian Playschemes continues to be paid from this budget during 2015/16 whilst we finally decide whether the playscheme should be within or outwith the scope of Self Directed Support.
- 4.4 Children's Wellbeing needs the support of Council colleagues and partners in the voluntary sector to develop support services for children and their families in East Lothian. It will be by maintaining a shared vision and strong partnership with the voluntary sector that we will be able to attract funds required to develop the marketplace for specialist children's services.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 An Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - This report proposes awards of funding to voluntary organisations for 2015/2016, at a total cost of £695,026, leaving an as yet unallocated balance of £16,204. We monitor budgets closely with

partners. The actual amounts payable to specific voluntary organisations may differ from the figures detailed at Appendix 1 as discussions are continuing with regard to partners' year end positions. Resources to support the recommendations in this report are contained in the Children's Wellbeing budget for 2015/2016.

6.2 Personnel - There are no personnel implications arising from this report

6.3 Other – None

7 BACKGROUND PAPERS

7.1 Summary of financial assistance provided to voluntary organisations and sources of funding, attached as Appendix 1.

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Grants to Voluntary Organisations 2015/16 – Children’s Wellbeing – Summary Position

Organisation and Service Description	2014/15 Awarded	2015/16 Awards Sought	Awards Recommended for 2015/16	Notes	Funding Source
ADOPTION					
<p>Scottish Adoption Association Scottish Adoption provides expertise in this complex aspect of family placement work. The agency focuses on the recruitment of prospective adoptive parents. They also provide some Post Adoption Support. The independence they offer in some cases is extremely helpful. They provide adoption placement for 1 child, 0-8 years, per annum at a reduced rate to the current ‘spot purchase’ price of £27,000. They offer Adoption Counselling for adopted adults. Staff and service users feedback positively on the service provided.</p>	£25,000.00	£25,000.00	£25,000.00	Propose another annual Service Contract letter starting April 2015.	S10 - Children Ext Prov (5036)
<p>St Andrew’s Children’s Society St Andrew’s Children’s Society recruits Roman Catholic and non-Roman Catholic adopters and provides post adoption support. There is a legal requirement to give consideration to birth parent’s views regarding the religious upbringing of the child. Our agreement with them:</p> <ul style="list-style-type: none"> • Provides adoption placement for 1 child 0-8 years per annum at reduced rate to spot purchase price. • Post placement support after one year is covered in placement price • Pre Adoption work with relinquishing women/parents with Roman Catholic heritage • After Adoption Support/Adoption Counselling can be spot purchased • Service Manager is one of our Adoption Panel chairs providing valuable independence 	£21,000.00	£21,000.00	£21,000.00	Propose a refreshed Service Level Agreement for 2 years starting April 2015. The cost of spot purchasing an adoption placement (BAAF Interagency Fees) is £27,000.00.	Payments to Voluntary Organisations S10- Ch Ex Prov 5036
LOOKED AFTER CHILDREN - ACCOMMODATED					
<p>Who Cares? Scotland Original 3 year Service Contract to 2011 has been extended year on year following agreement with Corporate Procurement. Who Cares? provide independent advocacy and support to children and young people who are Looked After away from home, in foster care or residential care. Who Cares? Scotland provides 365 day cover and contact for these young people. They</p>	£33,818.00	£33,818.00	£33,818.00	Revised contract and service level agreement will be achieved in 2015-16	SLA - CCSF (5036)

Organisation and Service Description	2014/15 Awarded	2015/16 Awards Sought	Awards Recommended for 2015/16	Notes	Funding Source
obtain feedback from service users, including exit interviews when young people leave placement using a range of consultation methods. They co-facilitate the LAC Group with council workers and are supporting the Young People's Champions Board. One of our care experienced young adults has an internship with Who Cares? Scotland and makes a significant contribution to their work in East Lothian. Very positive feedback from Children's Wellbeing staff and service users about the service provided.					
CARE LEAVERS					
Places for People Housing Support Agency providing support to young people aged 16-25 with care experience or mental health issues, to develop skills in independent living including how to manage a tenancy. Demand for these Edinburgh tenancies continues. They provide one to one support to 2 East Lothian young adults and group support via a Drop in Centre and planned activities. The service receives positive feedback from staff providing throughcare and aftercare and young adults using the service.	£9,500.00	£9,500.00	£9,500.00		S10 - Children Ext Prov (5036)
CHILDREN AND FAMILIES					
Children 1st - Family Group Conference/Signs of Safety Project The original 3 year service contract in place until March 2012 has been renegotiated and extended year on year in consultation with the Corporate Procurement Team. Children 1 st are established, professionally integrated and co-located within Children's Wellbeing. They have been our partners in developing our Signs of Safety approach in Child Protection particularly around using Family Group Conference techniques at the early stages of intervention. Children 1st makes contribution towards this service of an additional 20%. Added value is provided through a funding bid by Children 1st and Circle for the Public Social Partnership (PSP) – Intensive Parenting Support in East Lothian, extended for a further year 2015-16. Children 1 st successfully bid to the Big Lottery to provide the support to Kinship Carers resident in East Lothian 2015-18 and are currently providing induction to recently recruited staff.	£96,240.00	£96,240.00	£96,240.00	Contract and service level agreement will be completed 2015-16	SLA – Partnership funding (5041)
Homestart Established in East Lothian in August 2000 and located at Sanderson's Wynd	£56,370.00	£56,370.00	£56,370.00	There will be exploration around a	Payments to Voluntary

Organisation and Service Description	2014/15 Awarded	2015/16 Awards Sought	Awards Recommended for 2015/16	Notes	Funding Source
<p>Early Years Centre, Tranent. The Council provides accommodation and Homestart provides regular parenting support to parents of children 0-8 years old in East Lothian via volunteer befrienders. Currently they work with 35 families. There is a continued demand for the service via other agencies and self referral, with strong community links operating. The team have a new manager and have introduced a rapid response service which has reduced waiting times. There is ongoing recruitment, training and support of volunteers. The service enjoys positive feedback from parents and Children's Wellbeing staff.</p>				Service Contract 2015-16	Organisations S10
<p>With Scotland Centre for Excellence for Looked After Children (CELCIS): A national resource supporting professionals working with children and adults at risk of harm and abuse. With Scotland connect research with practice, exchange knowledge and ideas and co-ordinate activities across child and adult protection communities. The principle of improving outcomes for children in need of care and protection and adults of risk of harm is at the heart of our work with them. This National funding agreement was established through COSLA, which determines ELC's 'share'. The service has its origin in the Eilan Siar Inspection recommendation. With Scotland are key 'independent' partners in our implementation locally of 'Signs of Safety' as our practice model for Child Protection in East Lothian.</p>	£2,171.00	£2,171.00	£2,171.00	COSLA national funding agreement regarding local authority contributions.	COSLA National Agreement
DISABILITY					
<p>East Lothian Special Needs Playscheme The Playschemes provide specialist school holiday playschemes (Easter, Summer, October) for 68 East Lothian disabled children with a broad range of complex and enduring needs. Some children are referred directly by Children's Wellbeing, many are not. Providing social recreation for the children and respite for their families, the Playschemes are located at North Berwick, Prestonpans and The Hub, Tranent. The service engages over 100 volunteers each year recruited from local secondary schools and further education colleges. The Playschemes operate with significant waiting lists.</p>	£102,860.00	£102,860.00	£102,860.00 Inclusive of maximum £39,905 Transportation costs	Service Level Agreement may be re-negotiated during 2015/16, reflecting implications of Self Directed Support on service delivery	S10 Children Ext Prov (5036)
<p>Star Youth Club A weekly youth club at North Berwick Community Centre for disabled young people aged 12 – 18 years, transport is provided and the facility is valued by families. There is positive feedback from young people and Children's</p>	£1,180.00	£1,180.00	£1,180.00	Service Level Agreement may be re-negotiated during 2015/16, reflecting	S10 Children Ext Prov (5036)

Organisation and Service Description	2014/15 Awarded	2015/16 Awards Sought	Awards Recommended for 2015/16	Notes	Funding Source
Wellbeing staff. A residential weekend is provided for young people to encourage independence – video evidences enjoyment of all who attend. Run by experienced workers and 15 volunteers per session. The Youth Club operates with a significant waiting list.				implications of Self Directed Support on service delivery	
<p>Bankfoot, Aberlour Bankfoot provides residential respite places and limited outreach support to children and young people with disabilities in a small unit in Prestonpans. The children referred have the most complex needs, for example children with physical disabilities who need specialist equipment for moving and handling and sleeping arrangements, children on the autistic spectrum with learning difficulties who present with complexity.</p> <p>Bankfoot provides a small outreach service, which forms an integral part of their core funding allocation. Placements are usually provided at weekends plus a holiday respite week. Packages of support are agreed and reviewed at our Multi-Agency Respite Support Panel. Since August 2014 Aberlour have provided a full time placement, enabling a young person to remain in East Lothian with continued access to education and contact with family members without disruption. This tailored service highlights the responsive partnership currently in place. Direct consultation with Service User's families and Children's Wellbeing is positive.</p>	£294,000.00	£294,000.00	£294,000.00	<p>Service Level Agreement to 31 March 2016</p> <p>The existing contract has been varied from April 2014 onwards to include outreach service provision within the proposed funding allocation and to extend until 31st March 2016. A tender for this service will be progressed in 2015</p>	Partnership Funding (5041)
<p>Action for Children – Gilmerton Road, Edinburgh This provider operates within a Service Level Agreement: 50% Health, 50% East Lothian, Midlothian, West Lothian and Edinburgh. The SLA was recently updated with partners to run until March 2017. They provide respite for children with complex needs and challenging behaviour. They offer an Outreach Service. East Lothian children are identified and reviewed for this service via our Multi-Agency Respite Support Panel using a Vulnerability Assessment Tool. A Clinical Psychologist is linked via the Learning Disability CAMHS team and offers training to carers and parents which has been greatly appreciated. Partners to this SLA have recently been invited by NHS to a series of meetings to map the future specification for this service.</p>	£41,000.00	£41,000.00	£41,000.00	Service Level Agreement with Health concluded May 2014 and extended to March 2017.	Partnership Funding (5041)

Organisation and Service Description	2014/15 Awarded	2015/16 Awards Sought	Awards Recommended for 2015/16	Notes	Funding Source
<p>Children's Hospice Association Scotland CHAS provide comprehensive professional care, help and support to children and young people under 16 years of age and their families and who have a terminal illness or condition. They have hospices: Rachel House in Kinross and Robin House in Balloch. They offer support from referral to the death of the child and beyond. They provide bereavement support, through one to one counselling, support groups, siblings group, spiritual and religious support, and Remembering Days. The feedback from parents and Children's Services staff rate the service very highly. CHAS also provide support to families not known to Children's Wellbeing. They operate under a National Funding Agreement negotiated and approved by COSLA, which determines East Lothian's contribution rate.</p>	£11,790.00	£11,887.00	£11,887.00	COSLA national funding agreement regarding local authority contributions	S10 Children's Ext prov (5036)
2015/16 Total Allocation of Partnership Awards:	£711,129.00	£695,026.00	£695,026.00		
2015/16 Total Budget Available for Allocation:			£711,230.00		
2015/16 Unallocated Budget to-date:			£ 16,204.00		

REPORT TO: Cabinet

MEETING DATE: 12 May 2015

BY: Depute Chief Executive (Partnerships & Community Services) **7**

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 (V18:1st 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			
			L	I	L x I		L	I	L x I			
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>

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 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>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.</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.</p> <p>Adult Wellbeing and Children's Wellbeing also have control measures in place</p>	4	4	16	<p>Implementation of Action Plans following on from Child Protection (single and multi-agency) and SWIA/Care Inspectorate inspections.</p> <p>Staged Assessment and Intervention practices continue to embed in multi-agency working practices. New obligations of the Children & Young People Bill introducing the 'Named Person' role will be further implemented during 2015/16.</p> <p>East and Midlothian Public Protection Committee (EMPPC) is established. There will be one standing sub-group which will focus on Performance and Quality across all areas and both partnerships and will have responsibility for developing and implementing a consistent framework for self evaluation, audit and scrutiny.</p> <p>Systems are being developed to take forward an integrated, "lifespan" approach to all aspects of public protection. This approach will provide innovative opportunities for a cohesive response and will support operational staff in partner agencies to safeguard and improve outcomes for the most vulnerable children and adults at risk of harm.</p> <p>Inspection of Services for Children took place in November 2013 and 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 Critical Services Oversight Group (CSOG), the ELP/RPP and also in the review of the Integrated Children's Services Plan.</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>	Actions ongoing and continuously reviewed.	Risk reviewed and updated April 2015 by CMT with further review planned throughout 2015/16.

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			L	I	L x I		L	I	L x I			
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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			L	I	L x I		L	I	L x I			
ELC CR 4	Climate Change 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.	Flooding and drainage issues are considered when processing planning applications. Inspection regimes and good housekeeping measures in place and working effectively. 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. 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. Flooding advice is given on the Council website and directs people to the relevant pages on the SEPA website.	4	4	16	The Council is working with the Community Councils to promote and progress "Resilient Communities" as per the Scottish Government initiative "Ready Scotland". Improved communication with vulnerable groups regarding access and assistance during severe weather events. 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.	3	3	9	Depute Chief Executive – Partnerships and Community Services Depute Chief Executive – Resources and People Services	Ongoing April 2016	Risk reviewed March 2015.
ELC CR 5	Duty of Care to Council Staff (Health & Safety) 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. 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. <u>Lone Working</u> 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. <u>Safe Driving at Work</u> "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,	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. Safety Management System in place and supported by audit and inspection programme across the Council. Managing attendance and Managing sickness Absence Policies in place. Training for managers in managing attendance and sickness absence in place. 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. <u>Lone Working</u> 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. 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. http://peoplesafe.co.uk/services/identicom_877.asp	3	5	15	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. Training will be identified from Risk Assessments, delivered timeously and built into H&S competency framework. 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. Following re-launch of the corporate Lone working System in November 2014, review of its operation is planned for June 2015. 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. <u>Safe Driving at Work</u> Implement and continually review Policy and Guidance through the Safe Driving at Work Group.	2	5	10	Head of Children's Wellbeing Head of Adult Wellbeing Service Manager – Revenues SDAW Group Depute Chief Executive – Partnerships and Community Services	December 2015 Review of Lone Working practice by 30 June 2015 August 2015	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. Risk refreshed March/April 2015 with no change to score.

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			L	I	L x I		L	I	L x I			
	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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			L	I	L x I		L	I	L x I			
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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	<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>

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			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>

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			L	I	L x I		L	I	L x I			
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	Embedding of new Combined Impact Assessment procedure across all Council services, including new online learning modules and face to face briefings.	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	Standards in Public Life Failure of corporate governance or to meet standards in public life. Failure of the Council's corporate governance or of officials or members to meet standards in public life could result in reputational damage.	<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 have 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