

REPORT TO: Audit and Governance Committee

MEETING DATE: 20 February 2018

BY: Chief Executive

SUBJECT: Infrastructure Risk Register

1 PURPOSE

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

2 RECOMMENDATIONS

- 2.1 It is recommended that the Audit and Governance Committee notes the Infrastructure Risk Register and in doing so, the Committee is asked to note that:
 - the relevant risks have been identified and that the significance of each risk is appropriate to the current nature of the risk.
 - the total profile of the Infrastructure risk can be borne by the Council at this time in relation to the Council's appetite for risk.
 - although the risks presented are those requiring close monitoring and scrutiny over the next year, many are in fact longer term risks for Infrastructure and are likely to be a feature of the risk register over a number of years.

3 BACKGROUND

- 3.1 The Risk Register has been compiled by the Infrastructure LRWG. 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).

3.2 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.

3.3 The current Infrastructure Risk Register includes 10 High risks, 49 Medium risks and 14 Low Risks. As per the Council's Risk Strategy, only the Very High and High risks are being reported to the Committee.

3.4 A copy of the risk matrix used to calculate the level of risk is attached as Appendix 2 for information.

4 POLICY IMPLICATIONS

4.1 In noting this report the Council will be ensuring that risk management principles, as detailed in the Corporate Risk Management Strategy are embedded across the Council.

5 INTEGRATED IMPACT ASSESSMENT

5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

6.1 Financial - It is the consideration of the Infrastructure Local Risk Working Group that the recurring costs associated with the measures in place for each risk are proportionate to the level of risk. The financial requirements to support the Risk Register for the year ahead 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 – Infrastructure Risk Register 2018

7.2 Appendix 2 – Risk Matrix 2018

AUTHOR'S NAME	Scott Kennedy	
DESIGNATION	Emergency Planning and Risk Officer	
CONTACT INFO	skennedy@eastlothian.gov.uk	01620 827900
DATE	09 February 2018	

Infrastructure Risk Register 2018

Date reviewed: 9th February 2018

Risk ID	Risk Description (Threat/Opportunity to achievement of business objective)	Risk Control Measures (currently in place)	Assessment of Current Risk			Planned Risk Control Measures	Assessment of Residual Risk [With proposed control measures]			Risk Owner	Timescale for Completion / Review Frequency	Single Outcome Agreement Outcome Number Link	Evidence held of Regular Review
			Likelihood	Impact	Risk Rating		Likelihood	Impact	Residual Risk Rating				
			L	I	L x I		L	I	L x I				
INF 1	<p>Maintenance of Burial Grounds</p> <p>Failing to maintain the Council's burial grounds could result in a serious injury/death to the public or ELC employees from falling headstones/memorials and a resulting financial loss due to insurance claims. There is also the risk of losing part of East Lothian's cultural heritage through the loss of family history records on headstones and memorials and failure to comply with the Equalities Act if access paths aren't maintained.</p>	<p>Responsibility for maintenance of facilities shared with Property Maintenance. Inspection of all headstones now complete North Berwick Cemetery extension has concrete foundation provided for headstones.</p> <p>A Community Pay Back scheme to repair headstones/memorials has been set up but will take time to make any significant impact.</p> <p>St Mary's Haddington has had emergency stability work undertaken on headstones. ELC staff now responsible for installation of foundations for all new memorial stones.</p> <p>Additional equipment purchased to assist with roll out of headstone safety works and improve output. Priority for safety works now moved over to Amenity Services Staff from Criminal Justice Team</p> <p>Now in year 3 of a 6 year programme to Dig and Deepen unstable headstones. Risk reduced by 26% volume – 1,600 of 6,000 stones now safe with most high risk stones now dealt with.</p> <p>Round 2 of Headstone Inspection Programme completed November 2017 and Risk Assessment reviewed December 2017 with results used to prioritise consolidation programme for Spring 2018.</p> <p>Toolbox talks for staff completed to cover safety aspects of working in and around headstones and to ensure consistent approach towards consolidation works.</p>	4	4	16	<p>Further programme of consolidation works programmed for completion March 2018 based on revised risk assessment.</p> <p>Round 3 of Headstone Inspection Programme to be completed by March 2020 according to agreed 3 year rolling programme.</p>	3	4	12	Principal Amenity Officer	<p>March 2018</p> <p>March 2020</p>	11	<p>Risk refreshed by Principal Amenity Officer January 2018 with no change to assessment of current score.</p> <p>Risk Refreshed by Principal Amenity Officer November 2014 and by Head of Infrastructure December 2014 with Current Risk Score reduced from 20 to 16.</p>

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INF 2	<p>Burial Service</p> <p>Inability to provide an efficient burial service and sufficient land for burial purposes would mean that the Council is unable to undertake its statutory duties, and create distress to family and mourners.</p> <p>An audit highlighted there is less available burial space than indicated previously.</p>	<p>Burial Administration now centralised in single office and revised procedures from service review now operating. Risk Assessments and SOPs are in place, regularly updated and employees are aware of them.</p> <p>Training programme in place to ensure employees are qualified.</p> <p>Burial Strategy now adopted by ELC. Communication procedure with the Registration Service in place and monthly liaison meetings take place. New procedures for management of burials are now operational.</p> <p>Negotiation ongoing with landowners and consultation with Planning for new burial provision at priority site in Tranent.</p> <p>Active Planning Applications now lodged for Dunbar and Prestonpans with ground water studies ongoing to satisfy SEPA.</p> <p>Representation made to MIR consultation regarding all cluster needs for new space</p> <p>Recruitment exercise complete meaning staffing filled to budget.</p>	4	4	16	<p>Take Planning Applications for Dunbar and Prestonpans through to Full Planning Applications (progress made on provision for Dunbar and Prestonpans clusters more secure by way of partner applications for development sites being granted Planning Permission in Principal).</p> <p>Complete negotiations and secure ownership of land according to priority list.</p> <p>Deliver induction session for all burial staff on current procedures.</p>	3	4	12	Principal Amenity Officer	<p>March 2018</p> <p>March 2018</p> <p>March 2018</p>	11	<p>Risk refreshed by Principal Amenity Officer January 2018 and residual score increased from 9 to 12 to reflect reducing burial capacity at existing sites and no confirmed alternatives at time of review.</p> <p>Risk Refreshed by Principal Amenity Officer November 2014 and by Head of Infrastructure December 2014 with Current Risk Score reduced from 20 to 16.</p>
INF 3	<p>Solid Fuel Installations and Safety</p> <p>Failure to Manage Solid Fuel safety on all Solid Fuel Installations in ELC Housing Properties leading to potential CO poisoning of tenants, increased risk of house fires and potential risk of prosecution. Chimneys are generally in poor condition while the Council are unable to control fuels burnt in solid fuel appliances.</p>	<p>Programme of Solid Fuel Servicing exists. Heating replacements to energy efficient, low carbon alternative fuels are available and being installed with available RHPP /RHI funding but implementation is difficult. Servicing contractor in place for removal and replacement of solid fuel systems.</p>	3	5	15	<p>Programme for removal and replacement of solid fuel systems ongoing in remaining 50 properties. Gas supplies being installed to all Council houses in gas areas to enable rapid replacement when consent received.</p>	2	5	10	<p>Service Manager - Engineering Services & Building Standards (ESBS)</p> <p>Service Manager - Community Housing</p>	<p>March 2018 to review</p>	7,9	<p>Risk refreshed January 2018 with no change to assessment of risk scores.</p> <p>Risk score increased Feb'15 from 12 to 15 and residual score from 0 to 10.</p> <p>Risk also on Development Register.</p>

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INF 4	<p>Maintenance of Non-operational Properties</p> <p>Failure to maintain non-operational properties in compliance with statutory legislation, particularly in relation to Public Buildings Statutory Electrical Testing and inspections due to insufficient resources may expose the Council to legal proceedings, financial loss, service reduction, damage to its reputation and potential Health and Safety incidents in properties. This could result in injury/loss of life of public building users and legal action against the Council.</p> <p>Failure to make sufficient finance available to carry out testing and implement recommendations may result in all of the above.</p>	<p>Funding required from limited Property Renewals budget to address identified remedial works in public buildings.</p> <p>Programme of Fixed Electrical Installation in place in accordance with statutory requirements.</p> <p>Contractors' reports reviewed on an ongoing basis.</p> <p>Close liaison with and monitoring performance of framework electrical contractor to ensure inspections, reports, cost estimates, works and certification are completed timeously.</p>	3	5	15	<p>Programme for dealing with remedial works identified during EICR testing in place for all public buildings.</p> <p>Review and identify inspection and management resource required within SACPM and Engineering Services.</p> <p>Progress policy of asset rationalisation, disposing of public buildings in line with the Asset Strategy.</p>	2	4	8	<p>Service Manager – ESBS</p> <p>Service Manager – SA&CPM</p>	<p>August 2018</p> <p>August 2018 - review monthly until satisfactory arrangements are in place</p> <p>August 2018</p>	7	<p>Risk refreshed January 2018 with no change to assessment of risk scores.</p> <p>Risk Refreshed February 2016 by Head of Service and residual risk score reduced from 10 to 8.</p>
INF 5	<p>Building Standards Team</p> <p>Recruitment constraints faced by the Council could lead to the Building Standards Team not being able to maintain a level of staff that is adequately qualified, trained and competent to carry out the Building Standards duties of verification, enforcement, licensing etc. to the targets expected in BSD's new performance framework. This could influence service levels and result in an audit by the BSD, which could lead to the Council losing the verification role.</p> <p>A Service Review was carried out during 2016 and implemented; however, there is an ongoing inability to recruit suitably qualified BS Surveyors resulting in an inability to meet targets. Also in-house Structural Engineer retired December 2017.</p>	<p>Monitoring of workload to fee income, performance to staffing levels and project complexity to staff abilities and training.</p> <p>Involvement with the Local Authority Building Standards Scotland (LABSS) and the BSD to influence delivery of the new performance framework of 9 performance outcomes and a risk based inspection regime for Reasonable Inquiry to deliver compliance with the building regulations.</p> <p>Preparation of the Building Standards Team and review of its resources to align with the requirements and implementation of the new performance framework.</p> <p>Building Standard Surveyor appointed November 2017, however, still 2 vacancies to fill.</p>	3	4	12	<p>Measure impact of BSD's new performance framework, workload, employee costs for appraisal of warrants, acceptance of completion certificates and enforcement duties for varying project size and complexity to compare against fee income.</p> <p>Look to recruit to graduate post and discuss apprentice progression with HR.</p>	2	4	8	Service Manager – ESBS	<p>August 2018</p> <p>August 2018</p>	7	<p>Risk refreshed January 2018 with no change to assessment of risk scores.</p> <p>Risk Refreshed November 2014 and residual risk score reduced from 12 to 8.</p>
INF 6	<p>Dangerous Buildings</p> <p>Higher enforcement workload in terms of dangerous buildings for Officers due to various reasons (including increasing instances of severe weather and owners unable to maintain their properties) resulting in increased risk to members of the public.</p> <p>A Service Review was carried out during 2016 and implemented; however, there is an ongoing inability to recruit suitably qualified BS Surveyors resulting in inability to meet targets. Also in-house Structural Engineer retired December 2017.</p>	<p>Climatic and financial factors are outwith East Lothian Council's control.</p> <p>No contractual obligation for staff to provide an out of hours dangerous buildings service which therefore relies on the goodwill of the BS Manager and three Senior BS Surveyors to provide cover outwith office hours.</p> <p>Building Standard Surveyor appointed November 2017, however, still 2 vacancies to fill.</p>	3	4	12	<p>Working with HR to try to recruit by alternative means or by re-training of alternative disciplines and to implement an Out of Hours agreement.</p> <p>Continue to advertise and contact agencies with a view to filling posts.</p>	2	4	8	Service Manager – ESBS	<p>August 2018</p> <p>August 2018</p>	7	<p>Risk refreshed January 2018 with no change to assessment of risk scores.</p> <p>Risk Refreshed February 2015 with current score reduced from 15 to 12 and residual score from 10 to 8.</p>

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INF 7	<p>Future Required Maintenance of New or Extended Assets</p> <p>Insufficient budget allocation to manage and maintain the increased asset base may result in deterioration in condition of the assets with consequential risk of failure.</p> <p>Repairs and maintenance cost pressures and adoption of new facilities e.g. school extensions mean a real term reduction in resource and availability.</p> <p>This could ultimately result in a failure of building elements with the risk of closure or enforcement by Statutory or Regulatory authorities.</p>	<p>Annual update of programme of works based on Condition, Suitability and Statutory Compliance assessments to inform budget requirement.</p>	3	4	12	<p>Ensure Condition and other data is maintained up to date to inform the planned delivery of works required to ensure buildings comply with statutory and legal requirements and are maintained in a good condition.</p> <p>Continue to look for opportunities to co-locate and share facilities to reduce the number of assets held by the Council.</p> <p>Looking at Lifecycle Costing as part of project/business plan.</p>	2	4	8	<p>Service Manager – ESBS</p> <p>Service Manager – SA&CPM</p>	<p>August 2018</p> <p>Ongoing – long term</p> <p>August 2018</p>	7	<p>Risk refreshed January 2018 with no change to assessment of risk scores.</p> <p>Current Risk scores reduced from 16 to 12 February 2015.</p>
INF 8	<p>Current Asset Data</p> <p>Asset data for operational properties is not current, resulting in insufficient information to prioritise planned investment in buildings and potential risk to occupants, contractors and members of the public at risk from failure of building elements or systems.</p>	<p>Limited annual desktop updates carried out on existing data informed by feedback from maintenance team.</p> <p>2nd Phase of 3 Phase building survey now complete.</p>	3	4	12	<p>3rd Phase of 3 Phase building survey now underway. External resources allocated to enable ongoing surveys and comprehensive 5 yearly reviews.</p>	2	4	8	Service Manager – ESBS	April 2018	7	Risk refreshed January 2018 with no change to assessment of risk scores.
INF 9	<p>Tree Estate</p> <p>Failure to manage and maintain the Council's tree estate including a failure to monitor for the current risk from tree diseases resulting in potential damage to people and or property. Also potential negative impact on the landscape and character of East Lothian and its towns and villages, biodiversity, health & wellbeing of residents and the local economy and tourism.</p>	<p>Regular inspections undertaken as well as monitoring for tree diseases within the tree estate with record kept of trees inspected. Record kept of arboriculture work undertaken.</p> <p>Annual programme of tree planting and record kept of trees planted.</p> <p>All forestry staff have appropriate qualifications, training and experience.</p> <p>Risk Assessments and SOPs in place and regularly updated for all arboriculture and forestry work which employees are aware of.</p> <p>Woodland Action Plan in the Biodiversity Action Plan.</p>	3	4	12	<p>Survey of all Council owned trees on their condition and location has commenced and a rolling inspection programme to be set up. Resourcing issues are such that survey progress will be limited and completion will take an extended period of time.</p> <p>Purchase of specialised Tree Management software to allow mapping and detailed recording of condition & history.</p>	2	4	8	Tree Officer	<p>March 2021</p> <p>December 2018</p>	11	<p>Risk refreshed by Principal Amenity Officer January 2018 with no change to assessment of current score.</p> <p>Risk refreshed by Head of Infrastructure Dec'14 with Current Score reduced from 16 to 12 and residual score from 10 to 8.</p>

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INF 10	<p>Statutory Water & Air Hygiene monitoring and testing</p> <p>Failure to comply with statutory Water & Air Hygiene monitoring and testing may expose the Council to legal proceedings, financial loss, service reduction, damage to its reputation and potential injury or loss of life to building users through Legionella.</p> <p>Failure to make sufficient budget available to carry out testing and implement recommendations may result in the above.</p> <p>Now sharing framework agreement for Advanced Procurement for Universities & Colleges (APUC) giving us a further means of procurement to enable further works to take place and reduce the risk.</p> <p>Risks to be updated when assessments received but concerns over likely significant budget requirement to deal with remedial works identified.</p>	<p>Performance will be monitored through risk assessment and regular inspection and testing. Funding required from the Property Renewals budget and Day to Day Maintenance budget to address identified remedial works in public buildings.</p> <p>Existing contractors risk assessments and reporting being reviewed on ongoing basis. Programme of risk assessment, maintenance and testing tendered and accepted 2018. Contract extended to cover all buildings.</p> <p>Transition of Housing Management areas to new Housing Asset team.</p>	2	5	10	<p>Majority of risk assessments now nearing completion and remedial works being addressed as identified.</p>	2	4	8	Service Manager – ESBS	March 2019	7	<p>Risk refreshed January 2018 with no change to assessment of risk scores.</p> <p>Risk Refreshed February 2015 with current score reduced from 15 to 10 and residual score from 10 to 8.</p>
Original date produced (Version 1)		9 th January 2013									Risk Score	Overall Rating	
File Name		Infrastructure Risk Register									20-25	Very High	
Original Author(s)		Scott Kennedy, Risk Officer									10-19	High	
Current Revision Author(s)		Scott Kennedy, Risk Officer									5-9	Medium	
Version		Date	Author(s)		Notes on Revisions							1-4	Low
1		09/01/2013	S Kennedy		Environment Register updated to Infrastructure Risk register following Senior Management Restructure and updates to Risk Strategy and Corporate Risk Register.								
2		April-May 2013	S Kennedy		Updated by M Johnston and T Reid and risks combined following Working Group meeting. Dog Fouling/Dangerous Dogs risk split by M Johnston. Transport Services updated by I Dagleish. Facilities Management updated by J Marlow. Property Maintenance updated by R Rafferty.								
3		September 2013	S Kennedy		Landscape & Countryside Risks updated by S Pryde.								
4		October 2013	S Kennedy		Waste Management Risks updated and two added by T Reid and no change to Road Services Risks (A Stubbs) or Transport Services Risks (I Dagleish). Facilities Mgmt risks updated.								
5		December 2013	S Kennedy		Roads Network Risks Added								
6		January 2014	S Kennedy		Dangerous Dogs & Dog Fouling Risks transferred to Communities & Partnerships (Customer Services) Risk Register; Healthy Living Risks added and Print Unit Risk added to Facilities to create initial Infrastructure Risk Register following realignment process.								

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7		May 2014	S Kennedy			Waste risks reviewed by Tom Reid. Land Management Risk transferred from Corporate RR at the request of CMT.							
8		November 2014	S Kennedy			Waste, Transport, Road, Facilities Services and Property Maintenance Risks all reviewed and refreshed by respective Service Managers. Amenity Risks reviewed by Principal Amenity Officer.							
9		December 2015	S Kennedy			All Infrastructure risks reviewed and refreshed by all Service Managers. Risks on postal strike and print unit deadlines removed by Head of Infrastructure. Risk on staffing levels also removed as covered in Corporate Risk Register.							
10		December 2016	S Kennedy			All Infrastructure risks reviewed and refreshed by all Service Managers.							
11		November 2017	S Kennedy			Property Maintenance Risks moved to Development Risk Register while Engineering Services & Building Standards and Strategic Asset and Capital Plan Management risks moved from Development Risk Register following Council Service Review. Two Waste Services Risks on Carberry Landfill Site removed as risk removed.							
12		December 2017 - January 2018	S Kennedy			Transport, Waste and Roads (Traffic Warden Risk Removed) Risks updated followed by January updates to Engineering Services & Building Standards, Sport Countryside & Leisure, Facilities and Strategic Asset & Capital Plan Management.							

East Lothian Council

Risk Matrix

Likelihood Description

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

Impact Description

Impact of Occurrence	Score	Description							
		Impact on Service Objectives	Financial Impact	Impact on People	Impact on Time	Impact on Reputation	Impact on Property	Business Continuity	Legal
Catastrophic	5	Unable to function, inability to fulfill obligations.	Severe impacts on budgets (emergency Corporate measures to be taken to stabilise Council Finances)	Single or Multiple fatality within council control, fatal accident enquiry.	Serious - in excess of 2 years to recover pre-event position.	Highly damaging, severe loss of public confidence, Scottish Government or Audit Scotland involved.	Significant disruption to building, facilities or equipment (Loss of building, rebuilding required, temporary accommodation required).	Complete inability to provide service/system, prolonged downtime with no back-up in place.	Catastrophic legal, regulatory, or contractual breach likely to result in substantial fines or other sanctions.
Major	4	Significant impact on service provision.	Major impact on budgets (need for Corporate solution to be identified to resolve funding difficulty)	Number of extensive injuries (major permanent harm) to employees, service users or public.	Major - between 1 & 2 years to recover pre-event position.	Major adverse publicity (regional/national), major loss of confidence.	Major disruption to building, facilities or equipment (Significant part of building unusable for prolonged period of time, alternative accommodation required).	Significant impact on service provision or loss of service.	Legal, regulatory, or contractual breach, severe impact to Council.
Moderate	3	Service objectives partially achievable.	Significant impact on budgets (can be contained within overall directorate budget)	Serious injury requiring medical treatment to employee, service user or public (semi-permanent harm up to 1yr), council liable.	Considerable - between 6 months and 1 year to recover pre-event position.	Some adverse local publicity, limited damage with legal implications, elected members become involved.	Moderate disruption to building, facilities or equipment (loss of use of building for medium period).	Security support and performance of service/system borderline.	Legal, regulatory, or contractual breach, moderate impact to Council.
Minor	2	Minor impact on service objectives.	Moderate impact on budgets (can be contained within service head's budget)	Lost time due to employee injury or small compensation claim from service user or public (First aid treatment required).	Some - between 2 and 6 months to recover.	Some public embarrassment, no damage to reputation or service users.	Minor disruption to building, facilities or equipment (alternative arrangements in place and covered by insurance).	Reasonable back-up arrangements, minor downtime of service/system.	Legal, regulatory, or contractual breach, minor impact to Council.
Minimal	1	Minimal impact, no service disruption.	Minimal impact on budgets (can be contained within unit's budget)	Minor injury to employee, service user or public.	Minimal - Up to 2 months to recover.	Minor impact to council reputation of no interest to the media (Internal).	Minimal disruption to building, facilities or equipment (alternative arrangements in place).	No operational difficulties, back-up support in place and security level acceptable.	Legal, regulatory, or contractual breach, negligible impact to Council.

Risk	Impact				
Likelihood	Minimal (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	5	10	15	20	25
Likely (4)	4	8	12	16	20
Possible (3)	3	6	9	12	15
Unlikely (2)	2	4	6	8	10
Remote (1)	1	2	3	4	5

Key

Risk	Low	Medium	High	Very High
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