East Lothian Council

REPORT TO:	Audit and Governance Committee
MEETING DATE:	25 September 2018
BY:	Chief Executive
SUBJECT:	Corporate Risk Register

1 PURPOSE

1.1 To present to the Audit and Governance Committee the Corporate Risk Register (Appendix 1) for discussion, comment and noting.

The Corporate 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 Corporate Risk Working Group (RWG).

2 RECOMMENDATIONS

2.1 It is recommended that the Audit and Governance Committee notes the Corporate Risk Register and in doing so, 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 Corporate 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 Corporate and are likely to be a feature of the risk register over a number of years.

- note that the Council Management Team will review all risks in the Corporate Risk Register on a regular basis.

3 BACKGROUND

3.1 The Risk Register has been compiled by the Corporate RWG on behalf of and in consultation with Council Management Team. All risks have been evaluated using the standard (5x5) risk matrix (Appendix 2) 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 Corporate Risk Register includes 8 High risks, 9 Medium risks and 2 Low Risks.

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 Corporate Risk Management 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 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 None.

Appendix 1 – Corporate Risk register

Appendix 2 – Risk Matrix

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DATE	13 September 2018

East Lothian Council Corporate Risk Register (V25: 13th September 2018)

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Residual Risk			Planned Risk Control Measures	Assessment of Predictive Risk			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
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ELC CR 1	**Managing the Financial Environment** The Council may not be able to manage its obligations within the resources available. Reducing funding levels, increasing demand and short term funding means that the Council is having to ensure that it remains financially resilient and services can be delivered sustainably. The Council is managing a multitude of pressures, and if these are not successfully planned for and managed effectively over the medium to longer term (i.e. the next 3 and possibly up to 7 years), there would be a serious risk of unplanned / reactive budget realignments with significant adverse impact on availability and quality of both front-line services and required investment in the Council's infrastructure and asset base. Over the medium term it is highly likely that the Council's income will, 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: (1) Supporting the resource requirements associated with the delivery of the growth agenda resulting from the Local Development Plan; (2) Associated demographic change and social-economic pressures;; (3) Growing inflationary pressures and contractual commitments including pay and pensions; Potential financial costs associated with a wide range of new obligations / legislative changes	The Council has well developed medium term financial planning arrangements. These include: • Five year financial strategy; • Three year General Services revenue budgets; • Five year General Services capital plan budgets; • Five year Housing Revenue Account revenue and capital budgets. In addition, it has an enhanced range of cost control and financial management arrangements for managing in year budget performance and delivery of planned efficiencies. This includes monthly management information to CMT and management and quarterly financial information to Council. This provides mitigating controls in terms of the immediate financial risk and pressures the Council is faced with. 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 for the foreseeable future. The current financial strategy covers the medium term planning period of the next 5 financial years and more recently has been informed through greater alignment with the Local Development Plan and by a range of scenario based planning assumptions. The Financial Strategy also contains an enhanced reserves strategy which sets out the current level of reserves and associated commitments, including a requirement to maintain a minimum level of uncommitted reserves to support any unforeseen event. The Budget Review Group continues to monitor and oversee control actions regarding the budget. Continue to closely monitor information arising from both UK and Scottish Financial settlements through intelligence gathered from COSLA, professional bodies such as CIPFA Directors of Finance and also credible professional commentators.	4	4	16	Enhanced in year monitoring and review of expenditure commitments against approved budgets. Continued development of budget proposals to ensure that the Council can continue to deliver its obligations within financial resources. Continued development of longer term scenario based financial planning to inform future decisions and longer term financial strategies. Continued scrutiny and challenge of longer term efficiency measures to ensure they can be delivered and achieved within agreed timescales. Continued development of longer term financial plans for both capital, revenue and HRA. Development of a Capital Strategy which sets the high level overview of capital expenditure financing, treasury management activities, service delivery and the management of associated risk to ensure future financial sustainability. Exploring new options for enhanced commercial opportunities within the organisation to maximise income generation for the Council. Ensure the financial strategy sets a clear financial framework for the Council to operate within and that it is appropriately implemented and monitored. Prepare a new Capital Strategy in accordance with the requirements of the CIPFA Prudential Code. – apply owner and timescale (April 2019) Ensure the delivery of the workforce development plan. The Chief Executive along with the Depute Chief Executives has established a transformation board to oversee delivery of a transformational programme of strategic change projects to improve services and secure planned efficiencies.	3	4	12	Chief Executive Depute Chief Executive – Resources and People Services Depute Chief Executive – Partnerships and Community Services Head of Council Resources Council Management Team	Action ongoing and continuous review. Monitoring arrangements will continue to be applied.	Risk reviewed by Head of Council Resources and Service Managers - Finance (August 2018) with no change to assessment of scores. Risk reviewed by Head of Council Resources and Service Managers - Finance May 2017 with Current Score reduced from 20 to 16. Risk reviewed by Head of Council Resources and Service Manager Business Finance May 2016 with no change to assessment of current scores. Risk reviewed by CMT in May 2014 and current score increased from 15 to 20.

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ELC CR 2	**Welfare Reform** The rollout of Universal Credit, (UC) in East Lothian started in April 2015. Whilst initially involving only a small number of cases the subsequent rollout by JCP/DWP of the Universal Credit Full (Digital) Service in East Lothian on 23rd March 2016 has seen a significant number of households migrate from legacy benefits to UC. The main risks/issues associated with the UC rollout include: • A wider range of people in scope for claiming UC & higher volume of cases as a consequence • Additional demand for (SWF) Crisis Grants. (Risk of overspend)% increase in current tenant rent arrears • An increased risk of lowered take up of Council Tax Reduction and increased arrears • Increased risk of DWP Admin Subsidy reduction • Temporary Accommodation management charges not being covered by UC Housing Costs. • Increased demand for Discretionary Housing Payments, (DHP) risk of funding gap. A reduction in DWP (UC related) funding which has been supporting, the Welfare Development Officer and additional Benefit Officer posts along with Personal Budgeting Support and Digital Assistance for UC claimants could jeopardise these elements of service delivery. The Castle Rock HA Personal Budgeting Support, (PBS) for East Lothian UC claimants is being withdrawn.	The Benefit Service is continuing to make full use of additional Discretionary Housing Payment, (DHP). Council has actively lobbied in various relevant arenas – UK and Scottish Governments both directly and via COSLA. This has resulted in senior DWP Officers attending PPRC Committee meeting to account for UCFS impact on Council performance. The Benefit Service continues to liaise with the DWP Housing Delivery Performance Team. The Benefit Service continues to monitor its SWF & DHP expenditure. Revenues & Benefits Services engage with colleagues in other LAs/RSLs, CoSLA and DWP UC/Job Centre Plus officers to ensure a managed transition to Universal Credit is achieved. Additional resource facilitated the purchase of software deployed to assist the Rent Income team to help manage the impact of UC on rent collection. DWP funding has been utilised to appoint a Welfare Development Officer and an additional Benefit Officer to assist in responding to UC pressures. Both posts are temporary for 1 year. Council Officers continue to engage with the new Scottish Social Security Agency in relation to development of devolved and 'localised' welfare provision/administration. Additional £100k was allocated in the Administration budget 2017/18 to help mitigate the impact of UC on rent arrears. The Benefits Service and Homelessness Team have agreed a methodology to disburse additional Scottish Government funding provided for DHP mitigation of Temp' Accommodation management fees and for the prevention of homelessness. Council officers have provided further reports/briefings to the Council's PPRC Committee, (Universal Credit/Rent Collection). The Council's Welfare Rights team helps to secure unclaimed welfare benefit money for people who cannot do this themselves and who are often in desperate need of help (£3.7m in 2017/18). The team also works in partnership with Macmillan Cancer Support to provide welfare advice and support to people and families affected by cancer (this project alone secured income gains of over £1.1m for clients in 2017/18). The Council also provides funding of £526k p.a. to the East Lothian Advice Consortium (Haddington and Musselburgh CAB and Carers of East Lothian) to provide free, impartial, confidential advice (including advocacy and representation) to all residents of East Lothian. Both the Council's Welfare Rights team and the partners in the Consortium are involved in delivering the Council recommendations within the Poverty Commission Action Plan.	4	4	16	Council services will continue to work with the UC Project Team in respect of timescales for the 'Managed Migration' phase rollout of UCFS. Council Services will continue to explore the potential for increased automation of UC Change of Circumstances notifications, (LCTRs). Increased 'Universal Support' funding will be used to fund an additional Welfare Rights post to provide a Personal Budgeting Support, (PBS) capability for new/recent UC claimants. 1.6 FTE Financial Inclusion positions will be funded within the Welfare Rights team to carry out campaign work to help Council tenants prepare for UC managed migration (existing HB claimants). This work will help safeguard the Council's rental income. Council services will continue to take an active role in discussions with the Scottish Government in the development of the Scottish Social Security Agency. ELC Management & staff will continue to engage with other LAs, JCP/DWP, CoSLA and Scottish Government at a range of levels.	3	4	12	Depute Chief Executive – Resources and People Services Depute Chief Executive – Partnerships and Community Services Welfare Reform Task Group	July 2019 March 2019 September 2018 September 2018 Scottish Social Security Agency rollout, (various dates, complete by 2021) Ongoing through current financial year (ending 31 March 2019)	Risk reviewed by Board of Directors August 2018 and Assessment of Current and Residual Scores reduced from 20 and 16 to 16 and 12. Risk refreshed by Service Managers – Benefits & Financial Assessments and Revenues & Welfare Support July 2018 with no change to assessment of current scores. Risk refreshed by Service Managers – Benefits & Financial Assessments and Revenues & Welfare Support July 2017 with no change to assessment of current scores. Risk refreshed by Service Manager – Benefits, November 2016 with Current Risk Score increased from 16 to 20 due to the introduction of the Universal Credit "Full Service" since March 2016. Risk refreshed by Service Managers – Revenues & Benefits March 2016 with both current and planned scored increased to 16 due to current uncertainty.

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ELC CR 3	**Information Security and Data Protection** **Information Security** Failure to have comprehensive council wide Information Security Management (ISM) 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. 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 Intrusion Detection Systems there is a high possibility of file encryption at both a local and network wide levels. The Cabinet Office has introduced zero tolerance for all LA's connected to the Public Sector Network (PSN). 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. In 2017 the Scottish Government introduced the Cyber - Public Sector Action Plan which sets out the minimum security standards for all public bodies **Data Protection** In May 2018 the UK Government introduced the Data Protection (DP) Act 2018. The 2018 Act updates DP legislation to take account of recent technological innovations and increases the Council's obligations to demonstrate and maintain compliance, as well as enhancing individual rights. Review arrangements for handling subject access requests as we anticipate a rise in the number we receive due to the removal of the £10 fee chargeable under the previous DP Act 1998. Additionally the timescale for responding to these requests will reduce from 40 days to 1 calendar month. Breach of the Data Protection Act/GDPR, 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 - harm to individuals; - legal action; - fines of up to 20 million euros; - requirement to pay compensation; - adverse publicity; - damage to reputation GDPR will also introduce a mandatory 72 hour window in which to report relevant breaches to the Information Commissioners Office.	**Information Security** The Council uses the international standard ISO 27001:2017 as the framework for its ISM 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. As part of the security controls required by the standard to mitigate risks, several control areas are set out : IS policy; IS 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); 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); Annual IT health checks on the existing infrastructure. New systems introduced are risk assessed and security checked to ensure they meet the criteria. There is a Council Information Governance and Security (IGS) Forum co-hosted by the IT Team Manager – Infrastructure and Security and the Team Manager – Information Governance / Data Protection. **Data Protection** Compliance – The Council takes measures to avoid breaches of law, statutory, regulatory or contractual obligations (including the DP Act 2018, GDPR and Public Records (Scotland) Act 2011). There is a Council Information Governance and Security (IGS) Forum co-hosted by the IT Team Manager – Infrastructure and Security and the Team Manager – Information Governance / Data Protection Officer. The Forum is attended by a network of Information Champions nominated by each Service Manager. This Forum will be used to upskill the Champions in order that they can review and improve practices in their own service areas. The role of Data Protection Officer is a statutory role which the Council filled in March 2018. The Council also now has a dedicated Data Protection inbox. IS, DP and Records Management Awareness training now forms part of our induction process. This now incorporates a mandatory GDPR module which is supplemented by paper and person-to-person training. Data Protection, GDPR and IS awareness training is mandatory for all employees and must be renewed every two years. The Data Protection Officer has developed a GDPR toolkit including templates, guidance and information to support Corporate GDPR compliance. The Toolkit will be updated and maintained on a continuous basis. The Council's Records Management Plan covers how the Council manages its records and includes links to	4	4	16	**Information Security** Upgrade of external facing systems taking place during 2019 to increase security of our internet facing gateways. The Cyber Essentials + accreditation will be introduced across our corporate and education networks to ensure we meet the Scottish Government Cyber Action Plan in 2018/19 Acceptable use policy for all ELC employees is to be refreshed during 2018 with all employees expected to sign. **Data Protection** The Data Protection Officer will oversee a series of "health checks"/audits in various Council departments to ensure compliance and to improve practice. The DP Officer will continue to seek nominations from Service Managers for an Information Champion role for each Service. The Council needs to complete and publish a Corporate Information Asset Register which identifies all Information Assets and Data Flows throughout the organisation. The Council requires to implement DP Impact Assessments (DPIA) for all new business processes which will be incorporated into the Council's Integrated Impact Assessment Process. A standalone template will also enable staff to complete DPIAs for individual processes/projects. The Council also needs to implement and publish a Corporate Information Asset Register which identifies all Information Assets and Data Flows throughout the organisation. The Council needs to ensure that data subjects are informed through Privacy Notices regarding how we use, share and retain personal information. The Council also needs to ensure that all staff are aware of and complying with the Corporate Retention Schedule. The Council needs to review information sharing agreements and contracts to ensure they are fit for purpose. As part of this review the Council will also need to introduce agreements where they are not in place. The Council requires to review and update its Data Protection Policy.	3	4	12	Depute Chief Executive – Resources and People Services Head of Council Resources Depute Chief Executive – Partnerships and Community Services	August 2019 March 2019 December 2018 March 2019 March 2019 March 2019 March 2019 March 2019 March 2019 March 2019 March 2019 March 2019	Risk further reviewed and updated July 2018 with no change to assessment of current scores. Risk further reviewed and updated March 2017 with no change to assessment of current scores. Risk further reviewed and updated May 2016 with no change to assessment of current scores. 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.

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		our IS, DP policies and retention schedule. There is an annual approval of Progress of Records Management Plan by The Keeper.

CMT and SMT have both been briefed on GDPR/DPA 2018 and will continue to receive briefings from the DP Officer and any other relevant staff.

The Council website has been updated to include a revised privacy statement and cookie policy.

A GDPR Project team is in place to drive preparations and implementations across Service areas which will include the Service Manager (LADS), Data Protection Officer and representatives from IT, Legal and a representative from each Directorate.

Large numbers of staff Council-wide have been reviewing information sharing agreements and contracts. Revised templates for Information Sharing Agreements and Data Processing Agreements have been produced and a joint strategy with Procurement, Legal and LADS is in place to roll out updates to all new and existing contracts.

The DP Officer has been invited to multiple team meetings to brief on GDPR and required actions. The DP Officer has also held several meetings with the transformation team regarding supplier compliance and DPIAs. DPIA is also embedded in the Transformation teams' project methodology.

The DP Officer and the Communications team have created a Communications Plan including Inform briefings, e-mail updates and other training and briefings.

The Council has a close working relationship with SOLAR (Society of Local Authority Lawyers and Administrators) and attends meetings regularly. These meetings are also attended by the Information Commissioners office.

The Council attends and currently chairs ASLAWG (Archivists of Scottish Local Authorities Working Group) to share best practice with other record keeping professionals.

Data Breaches
A Data Breach Team has been established including the Team Manager – Information Governance/DPO, the IT Team Manager – Infrastructure and Security, the LADS Service Manager, the Legal Service Manager, and the Head of Council Resources. The group meets monthly and as needed to address reported data breaches quickly and effectively in line with new mandatory 72-hour reporting deadlines.

A new Data Breach Procedure has been approved by CMT including a mandatory reporting form for completion by staff upon discovering a breach. All breaches are to be reported to the Data Breach Team by phone or email within 24 hours of discovery. | | | | | | | | | | |

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CR 4	**Expansion of Early Learning and Childcare (ELCC) to 1140 hours.** Scottish Government are implementing plans to expand ELCC to 1140 hours by 2020. Potential risk that this cannot be delivered within the timescale due to challenges of expanding within existing resource, available funds and staffing. Risk that expansion cannot be delivered due to pressures on other council departments Risk that quality in existing early years provision deteriorates because the focus is on the expansion. Reputational risk to the Council from Scottish Government reporting on progress in relation to the delivery of 1140hrs ELCC. Parents not able to access 1140hrs of ELCC There is a risk to the Council that a significant increase in workload reduces the availability of other Council service areas to ensure delivery to timescale. There is a risk that the increase in entitlement for vulnerable 2 year olds cannot be delivered due to challenges of expanding provision given the different requirements regarding staffing and resources for this age group. Reputational risk to the Council from Partnership centres who regard the offered hourly rate as non-sustainable and decline to be in partnership.	The Council continues to develop detailed plans and work with Scottish Government to take forward the expansion. Project board and associated working groups are already in place. There is clear governance of the project through the 1140 hours project board to ensure careful planning, communication and monitoring of progress. Work underway to establish baseline of quality across all provision and ELCC across all settings will be supported and monitored by the early years team Scottish Government National Standard for Partnership and associated guidance. Ongoing discussion and collaboration with partners	4	4	16	Ensure regular planned governance meetings with focussed actions and reporting on key priorities. Continue to review the strategic leadership and planning for full implementation by 2020. Ongoing work with council departments to ensure key priorities are met. Liaison with SG to ensure that risks are flagged and that the service is aware of expectations and demands. Further develop relationships with neighbouring authorities in learning from other approaches and ensuring that progress is on track. Ensure ongoing focus on the quality of existing provision alongside the expansion and enhance the number of staff focussed on both areas. Ongoing engagement with partner nursery providers of early learning and childcare to ensure planning meets the Scottish Government brief regarding parental choice, flexibility, quality and accessibility. Establish new work stream groups, including cross sector representation, and network meetings that feed in to the project board to ensure collective detailed planning across service areas and consider risks associated with delay.	3	4	12	Head of Education Head of Council Resources Head of Finance Quality Improvement Manager	June 2019 for all	New risk created August 2018 by Education Senior Management Team.
ELC CR 5	**Limitation (Childhood Abuse) (Scotland) Bill** On 16 November 2016 Scottish Government introduced the Limitation (Childhood Abuse) (Scotland) Bill to remove the three year limitation period for civil actions arising out of childhood abuse (defined to include sexual abuse, physical abuse, and emotional abuse) relating to children who have been in the care system. This means survivors no longer have to persuade a court to exercise its power to allow an action to proceed notwithstanding the three year limitation period and may raise action relating to the predecessors Councils responsibilities In conjunction with the Scottish Child Abuse Inquiry there is an increased likelihood of claimants coming forward potentially resulting in financial implications if historic allegations of child abuse are made and upheld against East Lothian Council as the statutory successor. There is no way of knowing how many claims may be made (i.e. all 'living' potential claimants). The Council has received intimation of several claims for compensation and at least two court actions have been raised and are progressing through the Court. It is anticipated this number will rise considerably. The Council's insurers have indicated that they will cover appropriate external legal costs and compensation payments but the cases will place considerable strain	Child Abuse Claims Group and SCAI Overview Group – East Lothian co-ordination of responses, reported strategically, managed flow and collaboration. Close monitoring of the work of the Scottish CAI itself and review of any published materials. Records Management Expertise allows us to respond effectively to SAR requests and information requests / provide evidence. Cross Lothian collaboration on Lothian Region period 1975 to 1996 (and predecessor authorities) re records management etc. Accurate records post 1996 relating to East Lothian Council clients. Scotland-wide networking and information sharing on SCAI between authorities. Council Financial Reserve – may reduce the impact to service provision if claims extend beyond budget. Continue current working practices with care experienced young people in accord with national legislation and care standards, reducing likelihood of any 'new' claims arising.	4	4	16	CACG and SCAIOG reports to CMT – to sustain level of awareness of risk. Monitor and build a timeline showing the Councils control of the schools from 1975 onwards. Monitor to ensure that there is sufficient staffing resource available to deal with claims, court actions and recovery of documentation and to preserve the Council's position. Make budgetary provision for any additional costs/claims that may not be covered by insurance.	3	3	9	East Lothian Council	Continue to progress all and report quarterly to CMT.	New risk created March 2017 and further reviewed and updated August 2018 with no change to assessment of risk scores.

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	on internal resources within the legal, social work and records management teams for which there is no additional budget.											
ELC CR 6	**Flooding and Coastal Erosion** 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. The Severe Weather Response Plan has been developed 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. A National Flood Risk Management Strategy has been produced and a Local Flood Risk Management Plan for the Forth Area has also been published to meet the requirements of the Flood Risk Management (Scotland) Act 2009 which includes specific actions to be discharged by the Council. Flooding advice is on the Council website and directs people to the relevant pages on the SEPA website. The Council is working with various organisations to promote and progress "Resilient Communities" as per the Scottish Government initiative "Ready Scotland". Communication with vulnerable groups regarding access and assistance during severe weather events.	4	4	16	ELC have commissioned Flood Studies for Haddington and Musselburgh and are progressing a Flood Protection Scheme on the River Esk through Musselburgh. Flood Protection Schemes for Musselburgh and Haddington have been included in the List of Prioritised Actions in the Local Flood Risk Management Plan for the Forth Estuary Local Plan District. Implementation of Flood Protection Works is reliant on available funding. These two schemes are being funded 80% by Scottish Government and 20% by East Lothian Council. The Musselburgh Flood Protection Scheme is a fully established project. It has completed two of its nine stages, and is undertaking Stage 3 – the Option Appraisal Process. The project is programmed to achieve construction completion and flood protection achieved by October 2024.	3	3	9	Depute Chief Executive – Partnerships and Community Services Depute Chief Executive – Resources and People Services	2024 2016-2022 2024 2024	Risk further reviewed and updated August 2018 with no change to assessment of current scores. Risk further reviewed and updated March 2017 with no change to assessment of current scores.
ELC CR 7	**Duty of Care to Public and Public Protection** 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 legislative duties, health, safety and wellbeing, impacting on, for example, the protection of children and adults. Failure to fulfil the duty of care could also result in serious harm/death to an individual/s, prosecution, having to pay compensation and have a negative impact on the reputation of the Council. A failure to secure efficient and effective Public Protection arrangements, covering Child Protection, Adult Support and Protection, Offender Management, Violence against Women and Girls and Substance Misuse services, may see the Council being unable to fulfil its statutory duties/duty of care which could contribute to a service user suffering harm/death or detriment. This would in turn result in reputational damage to and increased scrutiny of the Social Work services. The duty of care is at the heart of the Council's approach to risk management. The likelihood of this risk occurring is influenced by a range of factors including: (1) Complexity of service delivery, infrastructure, environment and partnership arrangements across the Council services;	The East and Midlothian Public Protection Committee (EMPPC) incorporates the Adult Protection Committee, Child Protection Committee, Offender Management Committee and Violence Against Women Partnership and ensures robust links with Midlothian and East Lothian Drug and Alcohol Partnership (MELDAP). Ongoing review of the Public Protection Performance Framework through the EMPPC Performance & Quality Improvement Sub Group. Violence Against Women and Girls Services reviewed and recommendations were agreed in July 2017. Governance and scrutiny arrangements through Critical Services Oversight Group (CSOG), including Self Evaluation. The Public Protection Office Business Plan is reviewed six monthly by CSOG. East Lothian and Midlothian Public Protection Strategic Business Plan 2014-18 approved by CSOG 03/12/15. The business plan 2015-2018 is a working document and exceptions are reported to EMPPC / CSOG on a quarterly basis. Policies, Protocols, Procedures and Guidance are in place, subject to ongoing review and update and available on Public Protection website: www.emppc.org.uk. Chief Social Work Officer (CSWO) fulfils statutory role and responsibilities, overseeing and reporting on Public Protection issues to Chief Executive and	3	4	12	Assess implementation of Adult Support and Protection procedures across partnership services to fully embed procedures in practice meeting legislative duties. The East Lothian and Midlothian Public Protection Strategic Business Plan has been refreshed and will be taken to the Critical Services Oversight Group on 23 October 2018 for approval and sign off.	2	4	8	Chief Executive Critical Service Oversight Group Depute Chief Executives Director of East Lothian Health and Social Care Partnership Heads of Service Chief Social Work Officer Public Protection Team Manager Health and Safety Team Emergency Planning and Risk	Ongoing October 2018	Risk further reviewed and updated August 2018 with no change to assessment of current scores. Risk further reviewed and updated August 2017 with no change to assessment of current scores. Former Public Protection and Duty of Care to Public Risks combined and reviewed May 2016. Current risk score reduced from 16 to 12 and Predictive Risk score reduced from 12 to 8 as likelihood reduced. Risk reviewed and updated April 2015 by CMT with further review planned throughout 2015/16.

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	(2) Increasing population and the number of vulnerable people in East Lothian; (3)Increased population and more complex service demands presented by an increasing number of service users whilst resources have reduced (4) Levels of deprivation in East Lothian; (5) Capacity in partnership and purchased services.	Elected Members, reporting annually to Council giving oversight of Public Protection performance including assessment of risks and pressures. The Council delivers services within a comprehensive framework of business control arrangements i.e. Council and Service Plans, Business Continuity and Risk Management Plans, CONTEST and a suite of corporate health and safety policies. This framework provides a robust control and ongoing review for public duty of care and public protection risks. The Council employs staff through robust recruitment policies including pre-employment vetting through Disclosure Scotland and the PVG scheme. The Council continues to work towards delivering the UK Governments Counter Terrorism strategy, known as Contest, of which Prevent is a key element. All employees access appropriate training/E-Learning covering core Public Protection and Health and Safety training e.g. GIRFEC, Child Protection, Prevent, Adult Protection and Health & Safety. All Regulated Services e.g. Care homes for older people, residential units for young people, Schools are inspected by Care Inspectorate and HMiE. Action Plans are implemented following on from all Regulated Services inspections. Revisions to the Children & Young People (Scotland) Act 2014 concerning the 'Named Person' role and information sharing are being monitored and action required to implement any new responsibilities will be put in place. Suite of Health and Safety Management Arrangements being introduced. There is a weekly audit of decisions made with regards to duty to enquire referrals to Adult Wellbeing by the Lead Officer for Adult Support and Protection. The Lead Officer has oversight of the training programme for council staff to ensure compliance with statutory requirements for council officers.								Management Team		
ELC CR 8	**Duty of Care to Council Staff (Health & Safety)** East Lothian Council has a duty of care and has existing Health and Safety Polices to look after the care of staff 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. Lone Working Failure of the Council to provide employees with effective Lone Working Arrangements and the appropriate training could result in injury or death to	All employees receive an induction, have job outlines and follow the PRD process ensuring all are capable and trained to perform safely in their roles. Quarterly Joint Health and Safety Committees oversee the Health and Safety Agenda of Council. This is supported by Joint Consultative Committees/Departmental committees examining health and safety at a department level. 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. Revised Managing Attendance Policy. Workshops (by HR Team) for Managers undertaken prior to and after release to ensure all are familiar with the revisions. More robust scheme which will help to identify any	3	4	12	Imminent re-specification and re-tender of the Contact Centre Client Management System, hosting the staff lone working component, in progress to sustain lone working system and process. Review SDAW Policy and Guidance through the SDAW Group. Management self-inspection programme to be put in place to ensure managers monitoring their identified risk control measures.	2	4	8	Depute Chief Executive – Partnerships and Community Services SDAW Group Health and Safety Team Human Resources	March 2019 December 2018 December 2018	Risk reviewed and updated July 2018 with no change to assessment of current scores. Risk refreshed December 2015 by CMT with current residual score reduced from 15 to 12 and planned score reduced from 10 to 8. Risks on Lone Working, Safe Driving at Work and Duty of Care amalgamated into one Duty of Care

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Residual Risk			Planned Risk Control Measures	Assessment of Predictive Risk			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
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			L	I	L x I		L	I	L x I			
	those employees resulting in H&S prosecution, civil insurance liability, reputational risk, increased sickness absence and pressures on service delivery. Safe Driving at Work "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 and maintain a Safe Driving at Work (SDAW) Policy and Guidance to ensure that the Council meets current Health & Safety guidelines could result in the Council facing legal action if a serious road accident were to take place involving any driving operation undertaken by employees, 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.	employee health and wellbeing issues earlier to enable managers to put appropriate support mechanisms in place. Managers' guidance notes issued and HR Team available to support Managers as required. Managing attendance and Managing sickness Absence Policies in place. Training for managers in managing attendance and sickness absence in place Risk assessments carried out to identify significant workplace hazards and to establish suitable workplace controls e.g. safe systems of work. Health Surveillance is carried out on employees where they are exposed to specific hazards. Safety Management System supported by audit and inspection programme across the Council. Health and Safety Training needs are identified from project plans and Risk Assessment Findings. . Ongoing HWL initiatives programme rolled out across all Services promoting workplace health and wellbeing. 24/7 Employee Assistant Programme in place available to all employees including Physiotherapy and OH service in place. Lone Working Information on Lone Working is part of the Service Level Induction process. Lone Working employees who require access to the lone worker system receive training on the use of this. Specific procedures are in place in services with a high level of lone working such as Health and Social Care and Revenues, including risk assessments, electronic diaries, mobile phones and signing in/out books. Lone workers register and use the Corporate Lone Working System operated through the Contact Centre. Lone workers have access to lone worker devices (Reliance personal alarm) which have 24/7 GPS monitoring. http://secure.relianceprotect.com/SentinelWeb Lone workers can be tracked via a dedicated website and are able to raise an alarm by activating their device and an 'officer down' alarm will also trigger intervention procedures if activated. This service is also being utilised elsewhere within the organisation. A Potentially Violent Clients Register has been set up which enables 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. Since April 2017 all Council Vehicles have a Vehicle Tracking system, including those used by lone staff working directly with clients. Safe Driving at Work									(H&S of employees) Risk in May 2014 at the request of CMT.

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Residual Risk			Planned Risk Control Measures	Assessment of Predictive Risk			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
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			L	I	L x I		L	I	L x I			
		A Safe Driving at Work Policy and a Guidance Manual in place to ensure that safe driving principles are embedded across the Council. This policy is now available online for all Managers to utilise. Arrangements are 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. 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". The E Davis system used by East Lothian Council records and monitors grey fleet users driver details including insurance, RFL and driving licence. This ensures that the registered drivers have the correct credentials to drive on behalf on the Council. Fire Safety Fire Safety Risk Assessments are carried out on all our operational buildings where employees work and any remedial action prioritised and put in place.											
ELC CR 9	**Failure to maintain a Highly Skilled Workforce** The Council's salary and grading structure may not be competitive compared to other employers making it more difficult to recruit qualified staff to certain posts. The high number of specialist roles/skills within the Council means that service reviews, budget restrictions, long-term absence, cessation of contract etc. could compromise service delivery. Reduction in skilled, qualified and experienced workforce would result in an inability to provide good quality services, increased pressure on existing staff and increased likelihood of poor operational performance. The Council recognises that a large proportion of the workforce is aged over 55 years and many staff with significant knowledge and experience could leave the Council leaving the Council at risk in key areas.	The Council has an approved Workforce Plan 2018-2022 which addresses the issues relating to this risk. The Plan contains 38 actions which are being brought together into a detailed Implementation Plan seven workstreams which are being taken forward by lead officers. Actions, such as developing a Management and Leadership Programme, reviewing the Managing Attendance Policy, renewed focus on Healthy Working Lives and implementing the Early Learning and Childcare Workforce Plan are already underway.	3	3	9	Keep the implementation of the Workforce Plan under review.	3	3	9	Service Manager HR & Payroll Service Manager Corporate Policy & Improvement	Ongoing through to 2022	Risk reviewed and refreshed July 2018 with Current Risk Score reduced from 12 to 9. New risk created May 2016 and further revised July 2017 with no change to assessment of current scores.
ELC CR 10	**Severe Weather** There is a risk that an extended period of severe winter weather will lead to an increase demand for gritting and snow clearing of roads/footpaths which exceeds normal capacity and supplies of salt. This could result in travel disruption, difficulties for people in accessing services, failure to maintain refuse collection timetable and school closures at short notice as well as a possible increase in insurance claims related to pothole damage.	East Lothian Councils Winter Maintenance Plan has been in place for some time and ensures that the main transport routes are treated as priority. The ELC 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 and is reviewed annually. Claims protocol in place within the Insurance section. Council's Salt Barn has a capacity of 8,000 tonnes to meet demand arising from severe cold weather. Snow clearing equipment has been supplied to Primary Schools. Snow clearing equipment has	3	3	9	A workshop, hosted by East Lothian Council, to further progress Resilient Communities, for the benefit of Community Councils and other voluntary organisations, will take place on Saturday 27th October 2018. Community Councils and TRAs have been asked to appoint SPoC and deputies for resilient matters including severe weather. During such an incident ELC will communicate directly with these SPoCs/Deputies.	3	3	9	Depute Chief Executive – Partnerships and Community Services	October 2018 December 2018	Risk refreshed July 2018 with no change to assessment of current scores.

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			L	**I**	**L x I**		**L**	**I**	**L x I**			
		been offered to Community Councils with some taking up this offer. A number of grit bins are provided to enable self-help gritting of adopted roads and footways.

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.

Guidance and information on ELC website.

Several Community Councils have started to create or have created their own emergency response plans or asset registers of volunteers and skills available at a time of crises. ELC now finance all 20 Community Councils annual insurance premiums ensuring that Insurance is not perceived as a barrier to invoking such plans.

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".

Training and awareness sessions for staff.

Training and exercising with partner agencies. | | | | The ELC Severe Weather plan review for 2018 will include reference to and improvements learned from the 'Beast from the East' incident when many parts of East Lothian ground to a halt because of the heavy snow falls. | | | | | December 2018 | |
| ELC CR 11 | **Contest**

Deliver the UK Governments Counter Terrorism (CT) strategy, known as CONTEST.

All Local Authorities in Scotland are required to comply with the statutory legislation issued under section 24 of the Counter Terrorism and Security Act 2015.

Failure to discharge this duty could mean sufficient steps are not taken to prevent an incident taking place and could result in the Secretary of State issuing a direction to the Council via the powers within the act and would also result in a loss of reputation and negative publicity. | Multi agency 'J' Division CONTEST Meeting attended by East Lothian Council representatives.

ELC has established a CT WG chaired by the Deputy Chief Executive with members consisting of the CMT and Police Scotland.

ELC has appointed senior members of staff as SPoC and Deputy for Prevent as per statutory guidelines. A SPoC for Prepare and Protect, although not a statutory requirement, has also been appointed.

Under Protect the CMT are prepared for the Government to raise the Security Level to Critical. This includes ensuring BC plans are fit for purpose.

ELC follows and contributes towards the 'J' Division Contest group implementation plan.

Training gap analysis completed in respect of Prevent.

Education personnel are fully engaged with Prevent and appropriate filters have been installed on the Education infrastructure.

ELC Managers have received Prevent training.

A mandatory e-learning (level 1) training package available to all staff.

A good level of engagement will be maintained with Community Planning Partners.

Prevent reporting process has been established. | 3 | 3 | 9 | Programme of awareness training and delivery of packages such as WRAP/ACT Now training to be followed in ELC.

Head of Education will continue to progress Prevent associated training for staff and pupils.

A register and/or system of recording the names and positions of those having completed Prevent training will be established.

Access to Prevent training and particularly the mandatory e-learning package, through the ELC IT, is to be established for staff who are unable to access a computer. | 2 | 3 | 6 | Chief Executive Depute Chief Executives Council Management Team | March 2019

December 2018

March 2019

December 2018 | Risk reviewed August 2018 by Board of Directors with Current Score reduced from 12 to 9.

New risk created May 2016 and further reviewed April 2017 with no change to assessment of current scores. |

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			L	I	L x I		L	I	L x I			
ELC CR 12	**Carbon Management** 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.	Sustainable Energy and Climate Change Officer recruited April 2018, who will lead on driving and coordinating the work of the Council to meet its climate change obligations and commitments. A Climate Change Mitigation and Adaptation Strategy and Action Plan is being prepared, which will update and replace the Environment Strategy (2010-15) and Carbon Management Plan (2009-14, extended to 2015). To inform this, the East Lothian Local Climate Impacts Profile (2000-2010) will be updated. A Climate Change Planning and Monitoring Group is established, under the East Lothian Partnership. The Group will play a critical part in driving and coordinating the work of the Partnership to meet its climate change obligations and commitments and will also be responsible for developing and monitoring the Climate Change Mitigation and Adaptation Strategy. 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. An Energy Transformation Board has been formed, which has been tasked to look at generating income from installing low carbon technologies across the Council's estate. Area Partnerships serving the six cluster areas of East Lothian were established in 2014, providing the main opportunities for local communities to contribute to the East Lothian Plan and influence service planning and delivery in their area. Each Partnership is responsible for developing a strategic level Area Plan, linked to the priorities in the ELP, which will be delivered by partners and involve local communities. Sustainable travel has been identified as a key priority across all the Partnerships.	3	3	9	Develop and implement a Climate Change Mitigation and Adaptation Strategy and Action Plan with associated plans and strategies as required (i.e. Local Housing Strategy, Local Heat and Energy Efficiency Strategy). Active Travel Improvement Plan now drafted, with input from the 'East Lothian on the Move' events held within each Area Partnership area, as part of the Local Transport Strategy. This is now out for consultation.	2	3	6	Depute Chief Executive – Partnerships and Community Services	April 2019 August 2018	Risk refreshed by Sustainable Energy and Climate Change Officer June 2018 with no change to assessment of scores. Risk refreshed November 2017 by Service Manager EDSI and Senior Strategy Officer with no change to assessment of current scores.

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			L	I	L x I		L	I	L x I			
ELC CR 13	**Business Continuity** Failure to ensure currency of Business Continuity Plans could lead to services not having a robust response to an incident affecting their service area or critical services may not be maintained, while critical services for the public could be affected and statutory requirements not completed. Non availability of: • premises, through fire, flood or other unexpected incident; • key staff or significant numbers of front-line staff for any reason e.g. a Pandemic; • systems (IT, telephony, power failure etc.); • any form of transportation due to a fuel shortage. The occurrence of any of these may have an adverse effect on the Council to function fully and to complete critical services and statutory requirements.	Business Continuity Framework Plan in place and regularly reviewed. Business Continuity Plans are maintained for all service areas, giving details of minimum levels of staff, alternate locations, exercise and review dates and version control. The Chief Executive has a statutory responsibility for the ELC BC process. The Heads of Service remain responsible for ensuring the BC process is completed within their area of work. Each service area now 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 Continuity² Software. ELC staff have access to an e-learning package on Business Continuity. IT –specific disaster recovery arrangements in place for the critical systems – telephony, e-mail and social care. These have duplicate servers in place off site which can be brought into action if ELC lost its main data centre at JMH. An IT Disaster Recovery Plan is in place and will be regularly updated when any changes take place in the main data centres. 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. 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. The Council will be advised by Scottish Government whenever there are Fuel Shortages on the horizon. Fuel supply is 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.	2	4	8	Progress Business Continuity 'alternative accommodation' plan and a 'site specific' plan. Progress BC with Education. Organise and plan a full real time exercise, involving a facility (possibly JMH) to test the ELC BC plans. Review the ELC BC e-learning package to ensure it is current and makes reference to the new Continuity² software. A review of the ELC BC framework to include reference to new software and subsequent processes.	2	3	6	Depute Chief Executive – Partnerships and Community Services Depute Chief Executive – Resources and People Services	December 2019 December 2018 November 2018 November 2018 November 2018	Risk refreshed July 2018 with no change to assessment of current scores. Risk refreshed April 2017 with no change to assessment of current scores.

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			L	I	L x I		L	I	L x I			
ELC CR 14	**Public Sector Reform** Major elements of public sector reform have been or are being implemented including: • Integration of Health and Social Care and creation of a new H&SC Partnership; • Implementation of the Community Empowerment (Scotland) Act 2015; • New legislative duties in procurement, regulation, and children and young people; • Reform of Education Following the Scotland Act 2016 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 Scottish Government is carrying out a Review of Local Governance which may result in further public sector reform with impact on local government. The cost of implementing changes arising from legislation is not always fully reflected in Scottish Government funding. In addition, the Scottish Government's commitment to protect and increase funding in priorities such as health and education run the risk of further eroding Scottish Government funding for other local government services. Existing public sector reforms and new reforms create uncertainty, additional workload, requirement to restructure services and new accountability, governance, scrutiny and partnership arrangements.	CMT and elected members work together to ensure that the Council is prepared for future public sector reform and differing scenarios for future governance, financial, operational and performance management arrangements are explored in order to minimise risk. 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. The Integration Joint Board has been established along with appropriate governance and scrutiny arrangements. East Lothian Partnership has a new East Lothian Plan that will meet the requirements set out in the Community Empowerment (Scotland) Act 2015 to have a Local Outcome Improvement Plan. The structure of the Partnership has been revised to provide a more focused approach to implementation of the Plan and addressing issues arising from the public sector reform agenda. Effective working relations with key partners including Police Scotland, Scottish Fire and Rescue Service, NHS Lothian and the voluntary sector are being further developed through East Lothian Partnership and bi-lateral meetings and arrangements to prepare for public sector reform. Area Partnerships now established and will be supported to enhance local service delivery. The Council has put in place processes to deal with its new duties and responsibilities arising from the Community Empowerment (Scotland) Act 2015 such as responding to Participation Requests and Community Asset Transfer requests. The Council's Transformation Programme will provide resilience to assist to respond to public sector reform.	2	3	6	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. Maintain regular communication with employees to manage any uncertainty in times of change. Reports will be submitted to Council on the implications of the reform proposals and on the Council's preparations, as appropriate which are led by the Chief Executive and senior officers.	2	3	6	Chief Executive	March 2019 Ongoing	Risk reviewed by Board of Directors August 2018 and Assessment of Current and Residual Scores reduced from 12 and 9 to 6 and 6. Risk reviewed and refreshed July 2018 with Current Risk Score reduced from 16 to 12 and residual score from 12 to 9. Risk further reviewed and updated April and August 2017 with no change to assessment of current scores. Risk reviewed and refreshed May 2016 with Current Risk Score increased from 9 to 16.

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			L	I	L x I		L	I	L x I			
ELC CR 15	**Corporate Events Management** Effective preparation and co-ordination across a number of services, for high profile events coming to East Lothian is essential and failure to achieve this could result in a risk of adverse reputational impact for the Council on a national/international level as well as possible legal procedures at fatal accident enquiries accounting for our action or non-action. COSLA, Police Scotland and the Health & Safety Executive (HSE) recommend that Local Authorities form a core group, led by a senior officer, who will meet to discuss all events taking place within their area over a pre-determined period of time. This group includes the blue lights and other appropriate organisations and decide if each individual event should be organised through a separate, specific Safety Advisory Group (SAG) or if the event can carry on without interference, other than appropriate safety advice. The following criteria would be considered by the 'over-arching' SAG: • Status of the principal e.g. HM Queen • Status of the event organiser e.g. Scottish Defence League • The size of the crowd or the number of spectators • The profile of the event e.g. North Berwick Highland games. • The requirement for a TTRO • At the request of one of the partner agencies • At the request of an event organiser The council is involved in events as they tend to take place in Council parks or on our roads and the Council issues licenses and permits for events. The Council also has a statutory role in enforcement /inspection (building control, food hygiene etc.) and will help the organisers with traffic management. If the event organisers fail to have the correct licences or processes, advised through a SAG meeting, in place then it is the organisers not the Council, who face the risk of possible criminal prosecution.	The Council now has a SAG policy and a Senior Officer – Events Co-ordination in place who is now the Single Point of Contact (SPOC) to overview events and event notifications, awareness and assessment to support overarching SAG meetings and Corporate Events Management Group meetings and the actions that flow from these. Corporate Events Management Group in place and hold regular overarching SAG meetings (monthly) to decide which events require specific SAG. Strategic SAG Group meetings co-ordinate preparation for various events as per event schedule, with representation from all relevant Services areas and Multi-Agency Partners. Council staff involved in events have considerable experience and proven track records in organising and managing events. Event guidance for organisers of events is published on the Council website. Where a SAG group is set up, for a specific event, it has no statutory power to stop it taking place; however, it can withdraw its support and co-operation which means that the event cannot proceed. This is especially true in terms of their insurance cover. Police Scotland will always provide the final advice on public safety. An ELC staff member has recently been employed to take responsibility for the events process in the Council.	2	3	6	Events information and documentation accessed through the ELC website will be reviewed by the new ELC member of staff. This new staff member will also review all processes linked with the SAG process, through his line manager, to improve the overall system in place and ensure it becomes more 'user friendly' as per 'lessons learned' from work completed in this area to date. Definition of 'events' that require to be put through the SAG process will be reviewed.	2	3	6	Depute Chief Executive - Partnerships & Community Services Head of Service (Development) Service Manager – Protective Services Team Manager, Economic Development	March 2019 March 2019	Risk reviewed July 2018 with no changes to assessment of risk scores. New risk created May 2016 and updated April 2017 with current score reduced from 12 to 6 and residual score from 8 to 6 due to implemented measures, chiefly new Senior Officer – Events Co-ordination and SAG process in place.

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			L	I	L x I		L	I	L x I			
ELC CR 16	**Equality** Failure to meet duties and legislative requirements of the Single Equality Act 2010. The Single Equality Act 2010 and related guidance places a general duty on public authorities to be active in promoting equality, eliminating unlawful conduct and fostering good relations. It also places specific duties on public authorities to • report on mainstreaming the equality duty; • publish equality outcomes and report progress; • assess and review policies and practices; • gather and use employee information; • publish gender pay gap information; • publish statements on equal pay; • consider award criteria and conditions in relation to public procurement; • publish in a manner that is accessible. The Scottish Government has introduced a 'socio-economic duty'. This will require the Council to consider the impact of our work on those living in poverty. The Council will need to respond to the full requirements of this new duty and raise awareness of the requirements on the Council. There is a risk that the Council may not be able to meet its general or specific duties and in particular at a time when difficult budget decisions are having to be made that there will be cuts in services or increases in charges that have a disproportionate impact on people who may need those services most because of their equality background. The Council would be open to legal challenge of not meeting its duties and in particular of not carrying out adequate assessment of impact of policies and budget decisions.	ELC Equality Plan in place and available online. A revised Equality Plan was produced in 2017. This includes the commitments made by East Lothian Council as a Licensing Board and as an Education Authority. The plan outlines our commitments: • Continue to lead a culture where respect, choice and understanding is fostered and diversity positively valued; • Maintain a working environment where unlawful discrimination, harassment, victimisation or bullying is not tolerated; • Continue to develop our understanding of the needs of different individuals and communities in a time of rapid change; • Continue to embed the equality agenda in all our work, and contribute to the early intervention and prevention approach adopted by the Council and its Partners; • Improve understanding of the impact of poverty and inequality on people's lives; and • Ensure that we plan and deliver services which meet modern standards of delivery and that are inclusive of a wide range of different needs from digital services to face to face interactions The Integrated Impact Assessment Process is embedded and is now widely used. This includes consideration of poverty which should allow us to meet the requirements of the new socio economic duty. A programme of support, including training on the new IIA process is ongoing. The Health & Social Care IJBs (East & Midlothian and City of Edinburgh) along with NHS Lothian will use the 'checklist and IIA form' package, with East and Midlothian Councils using the IIA form only package. HR is annually capturing the employment monitoring information required under the Act, reporting it appropriately and carrying an Equal Pay Audit. ELearning 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. A new e learning package 'Understanding Poverty' has been added to support employees to understand about taking poverty into account when designing services and will be updated once details of the Socio Economic duty are known. The actions from the East Lothian Poverty Commission have been turned into a detailed Action Plan with clearly defined responsibilities and timelines. We will be working with Police Scotland to refresh the East Lothian Hate Crime Action plan.	2	3	6		2	3	6	Depute Chief Executive – Partnerships and Community Services		Risk further reviewed and updated July 2018 with no change to assessment of current scores. Risk register updated August 2017 to include the new Equality Plan and to flag the introduction of the Socio Economic duty. No change to assessment of current scores. Risk further reviewed and updated April 2017 with no change to assessment of current scores. Risk reviewed and refreshed May 2016 with both current and predictive scores reduced from 8 to 6 due to implementation of additional measures.

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			Likelihood	Impact	Total		Likelihood	Impact	Total			
			L	I	L x I		L	I	L x I			
ELC CR 17	**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.	The main internal controls are the Council's Standing Orders, Scheme of Administration, Scheme of Delegation 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 on a regular basis since. Councillors, officials and employees conduct is governed by Codes of Conduct. The Standards Commission is responsible for encouraging high standards of behavior by Councillors and will adjudicate where there are allegations that Councillors have breached the Code of Conduct. The Council's Monitoring Officer, Depute Monitoring Officers, legal advisers and the Team Manager, Democratic and Licensing provide advice as required. Internal Audit conducted a review of the process for Councillors' Registers of Interests and Declarations of Gifts and Hospitality and a report was submitted to the Audit & Governance committee in March 2015 for which the recommendations were implemented. A programme of briefings for Councillors established, as well as Ad Hoc briefings, with events currently scheduled every month during the committee session. The Council is developing its links with the Local Area Network of audit and inspection agencies and its Auditors. A comprehensive induction programme for Councillors was approved by Council in February 2017 and commenced immediately following the local government election in May 2017. Training continues to take place as required to ensure understanding of the importance of standards in public life including a specific session on the Councillors' Code of Conduct, and it was also referred to in several other sessions. Councillors are provided with a copy of the Code and the accompanying guidance and are provided with copies of any updates as those are issued. Councillors have an ongoing opportunity to participate in a CPD programme, which is currently being developed in conjunction with the Council's Organisational Development Team. This will be based on the offering available from the Improvement Service and the IS have offered to input into the final product. Councillors have an ongoing opportunity to attend Master classes run by the Improvement Service. A six monthly reminder is issued to Councillors regarding updating their Register of Interests and Declarations of Gifts and Hospitality. A 100-day review took place with our Elected Members between August and November 2017. This was carried out by way of face-to-face meetings with Elected Members and covered the Elected Member Induction Programme, the Councillors' Code of Conduct, PA support, office accommodation, Access to Council officers, committee papers, surgeries, and further training and development.	3	2	6	The Council will progress training sessions specifically for Councillors on the Councillors' Code of Conduct later in 2018.	3	2	6	Depute Chief Executive – Resources and People Services Depute Chief Executive – Partnerships and Community Services	December 2018	Risk reviewed July 2018 with no change to assessment of risk scores. Risk further reviewed and updated July 2017 with both current and predictive risk scores increased to 6 due to the number of newly elected Councillors.

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Residual Risk			Planned 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 18	**Development Plan** Failure to maintain an up-to-date Strategic and Local Development Plans could result in an out of date planning strategy and policy context for planning decisions in East Lothian and lead to a shortfall in the effective 5 year housing land supply. This could prevent us from meeting the needs of our growing population and undermine our ability to defend local 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. 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.	Finalisation and adoption of the proposed Local Development Plan is part of a Planning Business Plan objective (ongoing review). Details are set out in the Local Development Plan Scheme with timescales (to be reviewed by April 2019). Detailed timeline drawn up for LDP production, examination and adoption. ELC and SESplan Development Plan Schemes commit to a programme of Development Plan Scheme review (reviewed annually). SESplan Joint Committee, Project Board and Steering Group guide joint authority preparation of Strategic Development Plan for Edinburgh and SE Scotland. Community Planning Partnership liaison and involvement through East Lothian Strategic Land Use Planning Group. Proposed LDP approved September 2016, Schedule 4 responses to representations approved March 2017. This gives a basis to consider the principle of housing development on sites that may contribute to a 5 year housing land supply, subject to technical assessment including cumulative impacts. A fully collaborative and corporate approach prioritises the Council's case for Examination of the proposed plan. Work on schools consultation(s) and transport modelling completed. Infrastructure constraints identified collaboratively in accordance with proposed plan development work and integrated in terms of future financial planning. 2017 Housing Land Audit agreed with development industry as basis of 6.17 year effective housing land supply, backing up plan process. Examination report reviewed and plan amended in line with recommendations. Briefing and Council meeting considered and agreed intention to adopt the plan and that plan be adopted if Ministers make no amendments. ELLDP 2018 was submitted to Scottish Ministers for final review on 7th June 2018. Scottish Ministers have extended the period of review to the 27th of September 2018. A number of factors have contributed to delay including Planning Review and Parliamentary recess however ELC was also made aware, during the period of review, of a ruling of the European Court of Justice in relation to Habitats Regulation Appraisal (HRA) and how that should be applied in the United Kingdom. This may	2	2	4	ELC has undertaken a review of relevant technical work with its Habitats Regulation Appraisal (HRA) in the context of the ruling and will now revert to Council on 11 September 2018 with the intention of approving a modified HRA record and confirming that ELLDP 2018 as submitted to Scottish Ministers is intended to be adopted.	2	2	4	Head of Development	September 2018	Risk Refreshed by Head of Development and Service Manager – Planning July 2018. Current risk score reduced from 8 to 4 and predictive risk from 8 to 4 due to implemented measures over past 12 months. Risk Refreshed by Head of Development and Service Manager – Planning March 2017. Current risk score reduced from 12 to 8 and Predictive risk reduced from 8 to 6 due to implemented measures over past 12 months. Risk Refreshed by Head of Development and Service Manager – Planning February 2016. Current risk score reduced from 15 to 12.

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Residual Risk			Planned 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			
		have implications for guidance prepared by Scottish Natural Heritage that advises plan making bodies how HRA should be applied in plan making. In turn this may have implications for development plans across Scotland.										
ELC CR 19	**Stability of the Council Plan** The 2017-2022 Council Plan (adopted by Council in June 2017) is a key element in securing long term stability for future service delivery planning. The risk of not fulfilling this would present challenge for the council in maintaining high quality service delivery, meeting the aspirations of our customers and the longer term effectiveness of the organisation.	The Plan is regularly monitored and reviewed by CMT and reported to Audit and Governance on an Annual basis. The following are all currently in place: 2017-2022 Council Plan Council Vision / Key priorities / Strategic Goals Long term budget planning Service Plans based around the Council Plan. The implementation of the Council Plan is being monitored by the Council Management Team and through Annual Report to Council.	2	2	4		2	2	4	Council Management Team		Risk created July 2018 with no change to assessment of current scores. Risk Refreshed August 2017. Current risk score reduced from 9 to 4 and Predictive risk reduced from 6 to 4 due to adoption of new Council Plan.
	Brexit Uncertainty persists over the implications of the exit from the European Union. The Council has a Service Risk on Brexit and is currently developing a full Corporate Risk on Brexit.	Paul Ritchie – Aks regarding if he know if Council approached re make up of workforce The Council continues to keep abreast of this area and monitor Government updates.				Early preparations are underway and the Council Management Team will establish a working group to review and consider implications. The Council's Risk Officer is liaising with other Local Authorities in relation to their Brexit content on Risk Registers.				Council Management Team		

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	2nd version made available to BoD for review	
3	23/08/2012	S Kennedy	Draft version updated	
4	15/11/2012	S Kennedy	Updated following BoD meeting and Strategy update	
5	07/12/2012	S Kennedy	Updates received from services following BoD recommendations	
6	18/12/2012	S Kennedy	Updated with additional risks.	
7	04/01/2013	S Kennedy	Updated following consideration by CMT	
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 and amended 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	Risks amended following consultation with CMT.	

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

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			Likelihood	Impact	Total		Likelihood	Impact	Total			
			L	I	L x I		L	I	L x I			
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			Amendments following consultation with CMT/Risk Authors. Development Plan and Public Protection risks added.						
17		23/12/2014	S Kennedy			Climate Change Risk refreshed as well as adding column for date Planned Risk Measures will be completed by.						
18		February-April 2015	S Kennedy			All Risks Refreshed by authors and reviewed by CMT						
19		December 2015	S Kennedy			All Risks Refreshed by authors and reviewed by CMT						
20		January 2016	S Kennedy			Carbon Management, Flooding and Equality Risks refreshed.						
21		April – May 2016	S Kennedy			CMT met to amend. Further update of all risks including Duty of Care & Public Protection Risks combined.						
22		March – May 2017	S Kennedy			New risk created on Limitation and all other risks reviewed.						
23		August 2017	S Kennedy			All risks reviewed and updated where necessary by Risk Authors/Owners and Heads of Service.						
24		June-August 2018	S Kennedy			All risks reviewed and updated where necessary by Risk Authors/Owners and Heads of Service. New risk moved from Education Risk Register on Expansion of Early Learning and Childcare to 1140 hours.						
25		29 August 2018	S Kennedy			Register fully reviewed and updated by Board of Directors						

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 fulfil 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