

REPORT TO: Cabinet

MEETING DATE: 25 May 2021

BY: Chief Executive

SUBJECT: Corporate Risk Register 2021

1 PURPOSE

- 1.1 To present to Cabinet the Corporate Risk Register 2021 for discussion, comment and approval.

2 RECOMMENDATIONS

- 2.1 It is recommended that Cabinet approves the Corporate Risk Register for 2021.
- 2.2 In doing so, Cabinet is asked to:
- agree that the relevant risks have been identified;
 - agree that the significance of each risk is appropriate to the current nature of the risk;
 - agree that the total profile of Corporate Risk can be borne by the Council at this time in relation to the Council's appetite¹ for risk;
 - recognise that, although while Corporate Risks require close monitoring and scrutiny throughout 2021/22, many are in fact long term risks for the Council that are likely to be a feature of the risk register over a number of years; and,
 - note that the Council Management Team will review all risks in the Corporate Risk Register on a regular basis.

¹ How much risk the Council can bear, or could be willing to take in pursuit of an opportunity (if it were judged to be (1) worthwhile pursuing and (2) the Council was confident in its ability to achieve the benefits and justify the risk).

3 BACKGROUND

- 3.1 In keeping with the Council's risk management strategy, the Corporate Risk Register has been updated following a review by the Corporate Risk Management Group on behalf of and in consultation with Council Management Team.
- 3.2 In presenting the proposed Corporate Risk Register 2021 to Cabinet for approval, the Council Management Team would wish to draw the Committee's attention to one specific matter. All risks have been evaluated using the standard (5x5) risk matrix which involves multiplying the likelihood of occurrence of a risk (scored 1-5) by its potential impact (scored 1-5). This produces an evaluation of risk as either 'low (1-4)', 'medium' (5-9), 'high' (10-19) or 'very high' (20-25).
- 3.3 The Council's response in relation to adverse risk or its risk appetite is such that:
- Very High risk is unacceptable and measures should be taken to reduce, transfer or treat the risk to a more tolerable position
 - High risk may be tolerable providing the Council is assured that adequate and effective control measures are in place
 - Medium risk is tolerable with control measures that are cost effective
 - Low risk is broadly acceptable without any further action to prevent/mitigate risk.
- 3.4 The 2021 Corporate Risk Register includes 1 Very High Risk, 8 High risks, 9 Medium risks and 1 Low Risk.
- 3.5 In accordance with the Risk Management Strategy 'Very High' and 'High Risks' identified in the Corporate Risk Register will be subject to closer scrutiny by the Council Management Team, the Cabinet and the Audit and Governance Committee.

4 POLICY IMPLICATIONS

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

5 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 recurring costs associated with the measures in place for each

risk are proportionate to the level of risk. The financial requirements to support the Register for 2021 should be met within agreed 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 Council Management Team and if required will be reported to Council.

- 6.2 Personnel – There are no immediate implications.
- 6.3 Other – Effective implementation of this register will require the support and commitment of the Risk Owners identified within the register.

7 BACKGROUND PAPERS

- 7.1 Appendix 1 – Corporate Risk Register 2021

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DESIGNATION	Emergency Planning, Risk and Resilience Officer
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DATE	13th May 2021

East Lothian Council Corporate Risk Register 2021

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			
ELC CR 1	<p>COVID19</p> <p>If East Lothian Council does not have the appropriate plans/contingency in place to ensure continued delivery of business critical service during the COVID 19 outbreak there is a risk to our ability to provide an effective critical and emergency service to East Lothian's residents, communities and businesses.</p> <p>The current novel coronavirus (COVID-19) outbreak, which began in China in December 2019, presents a significant challenge for the entire world. The UK government and the devolved administrations, including the health and social care systems, have planned extensively over the years for an event like this, and the UK is prepared to respond. East Lothian Council is also well prepared to respond in a way that offers substantial protection to the public.</p> <p>Scottish Government implemented a wide range of strategy, legislation, policy and funding arrangements intent on supporting the containment of the spread of the virus across the country, whilst supporting communities and the economy sustain throughout the various stages of lockdown and easing of restrictions, resulting in a risk that the Council may not be able to flex and respond quickly enough to meet the developing situation and expectations set within these national strategies etc., particularly given the impacts of the virus on the Council's operating arrangements and staffing capacity .</p>	<p>Proactively communicating, and encouraging compliance with all government and public health authorities' advice and reducing the impact and spread of misinformation by relying on information from trusted sources e.g. NHS, Public Health Scotland and Scottish Government.</p> <p>Scottish Government Coronavirus Strategy, Legislation and Guidance is followed in responding to the impacts of COVID-19 within East Lothian. Council Management Team (Critical Incident Response Team) meets weekly to oversee and direct the Council's COVID-19 response. Emergency Co-ordination Centre stood ready for Crises Response if required.</p> <p>Services produce a Commonly Recognised Information Picture (CRIP) of local issues.</p> <p>COVID-19 and Concurrent Risks Oversight Group oversees the cross service COVID-19 response planning and operational service delivery ,considering implications of any relaxation of lockdown on ongoing service response, responding to Scotland's Strategic Framework and overseeing the work of a number of sub-groups which are covered in more detail within the full COVID Risk Register:</p> <p>COVID 19 Recovery and Renewal Coordination Group is deployed overseeing planning for recovery and renewal across East Lothian, overseeing a number of sub-groups:</p> <ul style="list-style-type: none"> • Environment and Infrastructure Recovery and Renewal Group • Education Recovery Group • Connected Economy Group • Communities Recovery & Renewal Group • Health & Social care Recovery & renewal Group <p>Resilience Direct is being used to share information on a multi-agency basis.</p> <p>Business Continuity Plans deployed in all services leading to ELC staff working from home unless it is essential for them to be in their place of work.</p> <p>Protective Services (Environmental Health and Trading Standards) support local businesses to ensure Covid-compliant business operations for their staff and customers.</p> <p>Protective Services are working in partnership with NHS Lothian in relation to the investigation of local Covid-19 cases/clusters and will, if required, attend PAG/IMT's, in support of Track and Trace national procedures to constrain the spread of the virus across communities..</p>	5	4	20	<p>Planning across Services re ongoing COVID19 response to national relaxation of lockdown.</p> <p>Ongoing deployment of JCVI vaccine programme and monitoring of Covid case prevalence across East Lothian to inform service interventions and timely community information and updates re service delivery and ongoing safety measures.</p> <p>Support the business, retail, hospitality and tourism sectors to recover, providing timely advice, guidance and support to ensure safe operation within COVID-19 Guidelines.</p> <p>Develop service plans for reopening of Council services as Scottish Government's Strategic Framework progresses and Scotland and East Lothian are placed in lower Protection Levels.</p>	5	4	20	<p>Council Management Team (Crisis Response Team)</p> <p>Council COVID 19 Oversight Group</p>	<p>All measures are live and monitored on a weekly basis.</p>	<p>New Corporate Risk created 18th March 2020 in response to COVID 19 by Risk Officer in collaboration with Head of Communities & Partnerships.</p> <p>Refreshed on a regular basis and reviewed at CMT meetings.</p>

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	<p>There is an ongoing risk as regards the Capacity and Resilience of the Council's workforce in responding to the pandemic alongside management and delivery of the Council and its services.</p> <p>There is an additional strain on all staff from anxiety on individuals who have family members who are suffering and additional work caused by large numbers of absences.</p>	<p>Joint working with Police Scotland across all aspects of community life to constrain the spread of the virus and support local residents, business and visitors' community safety,</p> <p>Extensive Elected Member Briefings, Staff Briefings and Manager Guidance issued.</p> <p>Mass Fatality Plan refreshed while a remote registration of deaths is now in place with new procedures issued by National Registers of Scotland.</p> <p>Resilient Communities Groups exist in each Community Council area and Groups are ready to stand-up when required.</p> <p>Volunteer Centre East Lothian collaboration over support for local Third and Voluntary sector organisations responding to COVID-19 consequences across communities.</p> <p>The Council provides a prime source of local EL public information, constantly updated, in the Council Website as well as regular updates on Social Media platforms.</p> <p>Testing for all key workers is in place and readily available in the H&SCP.</p> <p>Cockenzie operates as a part-time Symptomatic testing site, operated by the Scottish Ambulance Service.</p> <p>National Mobile Testing Units, operated by Scottish Ambulance Service, operate as Asymptomatic Testing provision within targeted communities, in response to Covid case prevalence.</p> <p>Static Asymptomatic Testing will operated out of the previous Stoneyhill Community Centre, Musselburgh. Mobile Asymptomatic Testing Units, Home delivery and Collect Asymptomatic testing provision will be available from May 2021, funded by Scottish Government but operated by East Lothian Council.</p> <p>Local promotion of Scottish Government's on-line asymptomatic Universal Testing Offer effective 26 April 2021.</p> <p>Wellbeing implications for our workforce have been addressed re-mental health risks, health & safety risks, home working risks via employee and line manager briefings and guidance on wellbeing, health & safety, homeworking checklists. Guidance for managers and the employee wellbeing programme are available online.</p>				<p>Promote deployment of National Mobile Asymptomatic testing Units to new locations county-wide.</p> <p>Establish and communicate details of the Council's Asymptomatic Testing provision.</p> <p>Services review Service Delivery and prioritise essential critical and emergency service provision, and sustain essential corporate service provision e.g. IT systems, Payroll, Contact Centre et al.</p> <p>Management of planned return to workspaces in accord with national guidance and local review of Assets and New Ways of Working.</p>				<p>Council COVID Oversight Group and Community Testing Sub Group</p> <p>Heads of Service and Service Managers</p>	<p>Review June 2021</p> <p>Ongoing</p>	

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	<p>Education There is a risk to the continuing education for all Children and Young People as a result of the continued uncertainty around any future outbreaks of the virus.</p> <p>From the 20th of April all Primary and Secondary pupils returned to school buildings.</p> <p>Scottish Government confirmed the following plans for SQA Awards in 2021:</p> <ul style="list-style-type: none"> Higher and Advanced Highers exams and also National 5 exams, will be replaced with awards based on coursework, assessments and teacher professional judgement. <p>There is a risk with increasing numbers returning to school buildings of an increase in the number of positive COVID related cases within our schools. Whilst Head Teachers and Central Management staff will deal with these and engage with the Health Protection Team this may place additional pressures on service delivery and, may impact on the SQA Awards assessment programme, particularly in instances that occur out-of-hours.</p> <p>Education are facing significant financial risks as a result of drop-out rates from Foundation Apprenticeships while there are also significant risks to the participation rates, positive destinations- potentially leading to rising youth unemployment- especially for Winter Leavers- as access to college campuses is restricted and most learning has moved to an online delivery model.</p>	<p>Education Education follows Scottish Government and Public Health Guidance in developing service delivery plans.</p> <p>Mass asymptomatic testing commenced for all school staff and for secondary school pupils with test kits delivered to schools and issued to school staff and senior pupils to be administered at home.</p> <p>Cleaning and risk assessments are an ongoing priority in relation to the School Environment and the risk assessments are refreshed and updated in line with national guidance. Additional fogging is taking place in any schools where there is a significant increase in number of positive cases.</p> <p>Free school meals are being provided in all schools and for those who may need to self-isolate. BACS continues to be used where payment is required over a school holiday or for any future full or partial school closure.</p> <p>All Schools have Business Continuity contingency plans in place in the event that schools have to close.</p> <p>Education Recovery Group continues to meet fortnightly. Work streams continue to review and update guidance for schools and they continue to reflect any revised guidance from Scottish Government.</p> <p>Regular meetings with Trades Unions representatives take place to ensure positive collaborative working in order to ensure any areas of concern are discussed and addressed.</p> <p>Ongoing and effective communication to pupils, parents and staff of education provision and safe operating arrangements.</p> <p>Face coverings are now mandatory on transport contract or public transport as per Scottish Government guidance while secondary students are required to wear them in public areas around the school and staff are also encouraged to wear them.</p> <p>Return of schools per national guidance requires alteration to timetables of routes; 20 April allows primary & secondary educated children to travel without any social distancing. Additional support needs children may still have split day attendance and some will continue to shield till 26th April or longer dependant of risk assessment.</p>							Executive Director, Education and Children's Services, Education Recovery Group			
	<p>IT and Digital Resilience Network usage has increased significantly due to the reliance on digital technologies. Whilst the schools were off during March – August this was not a problem. However the return of schools and their own increased use of digital technology has resulted in the network reaching capacity.</p> <p>The rapid increase of remote working increases the likelihood and impact of cyber-attack against organisations as attackers exploit the situation. Also</p>	<p>IT and Digital Resilience IT have purchased and deployed more than 500 laptops as well as supporting services to bring many others already issued into service.</p> <p>IT are now providing home based working support across the Council to more than 2,000 staff from an initial base of 12 contracted home workers.</p> <p>Maximising ELC staff mobile working technology e.g. Skype and Laptop facilities & reviewing regularly.</p>				<p>A project is underway to upgrade the Wide Area Network (based on pre-Covid requirements). A 10gb core has now been established and sites are being added to this on a weekly basis.</p> <p>Upgrade the local area networks (especially in schools). There is a programme for this underway but it has stalled due to budgets being diverted to other areas and staff having to focus on</p>			Head of Council Resources			

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	<p>cyber security good practice for the office does not necessarily transfer to the home working environment – for example, staff may be working in an area shared with family meaning confidentiality of data on screens/during voice and video calls may be compromised.</p> <p>IT Supply Chain Issues have come to the fore in March 2021. The lead time for laptops, Chromebooks and iPads have now stretched to 6 months. This is causing problems for services, especially those with new starts requiring equipment. Scottish Procurement have indicated that this is a World Wide problem mainly due to the shortage of components such as microchips and screens.</p>	<p>IT have upgraded the Skype For Business Platform to increase capacity and make it more resilient.</p> <p>Email alerts have been used to remind staff of our security policies and good security practice whilst working from home.</p> <p>IT staff provide guidance on security issues as and when they arise.</p> <p>Increased security monitoring now in place on infrastructure.</p>				<p>COVID response. Capital funding is also an issue with this as it costs approx. £150k per secondary school and up to £100k per Primary school so the project will run over many years.</p> <p>Increase capacity of the Internet Pipe by installing a second connection and splitting schools and corporate traffic. This has now been ordered and installation dates are awaited from BT.</p>						
ELC CR 2	<p>Climate Emergency</p> <p>The Council declared a Climate Emergency in August 2019, resolving to take urgent action to make all our Council Services Net Zero Carbon as soon as reasonably practicable or in any case by 2045, and to work with our communities and partners towards a Carbon Neutral East Lothian, enabling the county to deliver its part of wider national and international commitments. The Climate Emergency motion also recognised that the impacts of climate change are having a serious effect on our communities.</p> <p>The Council has statutory duties under the Climate Change (Scotland) Act 2009 to reduce its carbon emissions, adapt to climate change and endeavour to act sustainably.</p> <p>The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 set a target for Scotland of Net Zero greenhouse gas emissions by 2045, with the expectation that public bodies will lead by example to reach Net Zero.</p> <p>The risks are:</p> <ul style="list-style-type: none"> Lack of resources (both financial and staff capacity) to enable the Council to achieve Net Zero, realise the opportunities, and deliver a Carbon Neutral and sustainable East Lothian; Increased potential for unbudgeted costs without a clear funding mechanism for the transformational changes needed, particularly in relation to Fleet and Asset Management; Unknown costs of transformational change and implementing measures to reduce emissions and reduce climate change impacts; Risk aversion, particularly in relation to new and emerging technologies; Failure to meet the Net Zero target of 2045 at the latest; Failure to mainstream and embed action to tackle climate change may harm the Council's reputation (in terms of corporate social responsibility); 	<p>The Council approved its Climate Change Strategy in January 2020, setting out its commitment to tackling the Climate Emergency at a local level; the vision and overall aims for a 'Net Zero Council' and a 'Carbon Neutral East Lothian', and ensuring preparedness for the impacts of climate change; and the specific outcomes, key priority areas and actions over the next five years towards achieving these overall aims.</p> <p>Progress with delivering the actions in the Climate Change Strategy was reported to Cabinet in January 2021. COVID-19 has impacted on the timescale for delivery of some actions; approval was obtained from Cabinet in January 2021 for amendments to the target dates of some actions due to COVID. In addition, some new actions were added to the Action Plan.</p> <p>Since 2014/15, the Council has reported annually to the Scottish Government on its carbon footprint and progress with delivering its statutory Public Bodies Climate Change Duties under the Climate Change (Scotland) Act 2009. These reports are publicly available.</p> <p>A Climate Change Planning and Monitoring Group is established, chaired by the Executive Director for Place, which is responsible for overseeing, developing and monitoring progress with delivering the actions in the Climate Change Strategy, and has a critical role in driving and coordinating the work of the Council to meet its climate change obligations and commitments. Heads of Service, Service Managers and Officers from across the Council are represented on the Group, tasked with implementing the actions and plans identified in the Climate Change Strategy relevant to their Service Areas.</p> <p>Ongoing liaison is underway with the Scottish Government at a national level via the Sustainable Scotland Network (SSN), around implementation of the Scottish Government's Climate Change Plan Update (publication of which was delayed due to COVID), setting out its policies and procedures for Scotland to reach Net Zero by 2045.</p> <p>Ongoing liaison is also underway with other public bodies and key partners via organisations such as the Sustainable Scotland Network and Adaptation Scotland to ensure consistency of Climate Emergency</p>	4	4	16	<p>Identification of budget and funding streams to enable the Council to continue to deliver the transformational change needed, particularly in relation to Fleet and Asset Management; for example, staff resource to chase funding opportunities and support services to access them.</p> <p>Continue to implement and deliver the actions set out in the Climate Change Strategy over the five years of the strategy, with ongoing review of the strategy in line with the changing policy and legislative context, and annual reporting to Cabinet of progress with the delivery of actions.</p> <p>The Scottish Government's Climate Change Plan Update was published in December 2020. Officers are currently considering the implications for our own Strategy and Action Plan; any material implications will be reported to Cabinet in due course. Work with the Scottish Government to secure the tools, powers and resources to enable the Council to deliver Net Zero.</p> <p>Work to identify interim emission reduction targets across Council Services, including implementation of a monitoring and evaluation framework.</p> <p>Production of a Climate Change Communications and Engagement Plan.</p> <p>Engagement has been underway with external partners, including: the East Lothian Partnership, which is aiming to review the East Lothian Plan to include emissions reduction and tackling climate change (although this has been delayed due to COVID); the Area Partnerships, several of which now have 'Sustainability' sub-groups; young people via the East Lothian Youth Council and schools' Eco Groups; local groups and organisations; and local businesses. COVID has</p>	4	4	16	<p>Chief Executive</p> <p>Head of Development</p> <p>Sustainable Energy and Climate Change Officer</p>	<p>Ongoing with annual review</p> <p>2025 / reviewed annually</p> <p>Ongoing with annual review</p> <p>Ongoing with annual review</p> <p>December 2021</p> <p>December 2021 – dependant on when we move out of COVID response mode and opportunities for engagement</p>	<p>Risk refreshed by Sustainable Energy and Climate Change Officer March 2021 with no change to risk scores.</p> <p>'Carbon Management' Risk refreshed revised and renamed Climate Emergency Risk in relation to the Council's Climate Emergency Response.</p> <p>Current and Predictive Risk scores increased from 9 and 6 to 16 due to the declaration of a Climate Emergency.</p>

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	<ul style="list-style-type: none"> Failure to meet our public bodies duties under the Climate Change (Scotland) Act 2009; Potentially there might be financial penalties for non-compliance although this is not yet known; <p>The Council has made a lot of progress as noted within the risk, however, there is an urgent need to secure the resources, tools and powers to enable the Council to deliver Net Zero; until then there is an uncertainty as to whether the Council will be able to drive forward the transformational change needed and reduce the risk.</p> <p>In relation to Fleet management: the aim is to meet climate change targets, with the objective to replace fleet vehicles with ULEV equivalents by 2025 for public sector fleet. However, this comes with cost implications to achieve – Scottish Government support funding is limited and at present primarily focused on smaller vehicles such as cars and small vans. The modal shift for the heavy commercial fleet to an ULEV platform will require additional unbudgeted funding. For example, the purchase cost of an EV refuse collection vehicle is currently 2.5 times more expensive to purchase than a current fossil-fuelled equivalent. This form of modal shift also requires a charging infrastructure capable of supporting these vehicle formats. 2030 will see the removal of primarily fossil-fuelled vehicles available to be supplied by manufacturers.</p> <p>In relation to Asset management: the costs of transformational change for our built assets to reach net zero are anticipated to be substantial. Ensuring the availability of capital to achieve this (for example, capital for asset reconfiguration, energy efficiency measures, energy generation, etc.) is pivotal to meeting our targets and managing our assets in line with the climate change agenda.</p>	<p>response, to share best practice, and to drive forward innovation and transformative change.</p> <p>The Sustainable Energy and Climate Change Officer liaises closely with SSN and leads on driving and coordinating the work of the Council to meet its climate change obligations and commitments.</p> <p>Climate Change is a key consideration in the Council's COVID Recovery and Renewal Framework, and one of the key principles of the Framework is a sustainable and Green Recovery from COVID.</p> <p>Work is underway with external partners to deliver transformational change in transport, waste & recycling, planning, housing, energy efficiency and renewable energy supply across the county. However, unless and until further resources and funding mechanisms are urgently put in place, particularly in relation to Fleet and Asset Management, the Council will find it challenging to continue to drive forward transformational change and reduce the risk.</p> <p>Support funding by Transport Scotland to meet the 2025 public fleet sector objective is being provided, however the ability of services to shift their operating model to utilise ULEVs in full is challenging. Funding has limited options – lease or part funded purchase.</p> <p>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 and improving energy efficiency and energy supply from renewable sources.</p> <p>The Sustainable Transport Officers Group coordinates multi-departmental responses to transformational change and modal shift in transport towards active and sustainable travel.</p> <p>Preparing for the impacts of climate change, including an increase in the frequency and severity of severe weather events, sea level change, and preparation of business continuity plans, are covered by other Risks identified within this Corporate Risk Register and Service Level Risk Registers.</p> <p>The Resilient Communities initiative is already underway across East Lothian to prepare our communities for emergencies and severe weather events.</p>				<p>impacted on engagement opportunities with some of these groups during 2020/21, however, this will be progressed again at the appropriate time.</p> <p>Development of a 'Climate Resilient Communities' network and the setting up of a Citizens Assembly or Climate Change Forum to work in partnership with our communities, local businesses, organisations and national agencies to develop our county-wide Climate Emergency response. COVID has impacted on the opportunities to progress this with communities during 2020/21; this will be progressed again at the appropriate time.</p>					December 2021 – dependant on when we move out of COVID response mode and opportunities for engagement	
ELC CR 3	<p>Brexit</p> <p>The Trade Co-operation Agreement (TCA) was agreed on Christmas Eve 2020 and ratified by UK Parliament on 30th December 2020 via the European Union (future relationship) Act 2020. The TCA is wider in scope than most free trade agreements and also covers the most urgent matters, however, remaining provisions such as rules on state aid are in preparation. The agreement has reduced a number of trade barriers in relation to cross-border services.</p>	<p>The wider ramifications of the decision to leave the European Union are yet to be fully realised and felt in national and local economy. Whilst there will be some opportunities there is also uncertainty that may affect areas of the economy, financial markets, interest and exchange rates, construction, grants from the EU, Investment and other non-financial aspects.</p> <p>The CMT has appointed a strategic and tactical level Lead Officer to keep an oversight on ongoing EU Exit developments.</p>	4	4	16	<p>We continue to seek clarity over how the Government plans to address the potential EU funding gap, retain highly skilled migrants and support trade.</p> <p>Seeking guidance at early stage from COSLA, SG and other sources around emerging thinking on Shared Prosperity Fund and Rural Development Fund as replacement support for ESF/ERDF and LEADER/Fisheries.</p>	3	4	12	Council Management Team	All actions ongoing and dependant on decisions taken by UK Government	<p>The risk continues to be reviewed on a monthly basis throughout 2021.</p> <p>Following the TCA being in place the current risk was reduced from 25 to 16 and the predictive risk</p>

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	<p>This agreement will have an impact on the local economy, local funding and the delivery and funding of council services. With a fast-changing political environment, the wider ramifications of the decision to leave the European Union are yet to be fully identified. Whilst there may be some opportunities, there is also considerable uncertainty that affects areas of the economy, financial markets, interest and exchange rates, construction, grants from the EU, Investment and other non-financial aspects.</p> <p>We may see a gradual slow down during period of uncertainty. A potential council impact (+/-) on:</p> <ul style="list-style-type: none"> Inward investment and positive awareness of the UK; EU funding for council-led business and training projects is known with the timescale permitted for delivery, however the university, farm businesses and other players will be accessing funding from EU sources which will be stopped at some point. There has been an announcement on a replacement funding model on which the detail of this is being assessed. It has been announced that UK Government will be leading on the UK Prosperity Fund and have confirmed that this will not be within the jurisdiction of the UK Devolved Administrations. Management of State Aid – COVID Business Support Grants currently administered by ELC constitute State Aid (now known as Subsidy Control under UK legislation). The UK Government has launched a consultation on Subsidy Control seeking views on a new UK framework. There is an uncertainty regarding risk ownership between Local Authorities and Scottish Government. Increased import and export costs for local businesses due to increased administration overhead and introduction of tariffs in accordance with the UK Governments border operating model. Trade and Co-operation Agreement makes most trade tariff free, however, there are still administration costs. Council and local business workforce pressures Procurement Potential Supply Issues for IT Hardware Inflationary pressures. Which could reduce and could in turn impact on the council, the university, housing market, capital costs resulting from increased cost of labour which could slow business rates growth (Inflation risk based on latest OBR predictions), workforce pressures e.g. regulatory services, social care providers, procurement costs, inflationary pressures caused by fluctuations in sterling value and potentially a loss of EU grants funding. Price increases related to Services, Materials and in particular fresh food supplies. <p>Key potential causes are:</p> <ul style="list-style-type: none"> Gradual slow down during period of uncertainty. Border disruption 	<p>“EU-exit” has been acknowledged and remains a Corporate Risk.</p> <p>“EU-exit” contingency planning is a standing item on the CMT agendas.</p> <p>COSLA published a paper in January 2021 on “UK EU Post Transition” providing Council leaders with an update on the TCA and potential issues for local government.</p> <p>CMT has established an appropriately represented corporate level “D20 EU-Exit Working Group” chaired by the appointed Strategic Lead Officer which meets on a monthly basis.</p> <p>The Council has also established a Connected Economies Group (CEG) which has a multi-agency membership, providing the Council with a forum to communicate and link with Elected Members, Local Trade Agencies and Organisations, Tourism representatives, the DWP and Scottish Enterprise.</p> <p>The “D20 EU-Exit Working Group” is appropriately engaged with internal subject matter experts on sectoral vulnerabilities and have a mechanism in place to rapidly assess and escalate these risks where appropriate.</p> <p>CMT and Full Council considered a detailed Brexit Preparations and Response Report presented on 27th October 2020. There was a Members Briefing on the 22nd December 2020 and a report submitted into the Members Library detailing the Council’s Service Impact Assessment of a “No Deal Brexit” and preparations that were in place.</p> <p>Council Officer representatives have attended EU-Exit related meetings, national Brexit preparedness sessions and training run by COSLA, RRP, LARGS and Scottish Government and have contributed to Resilience Partnership Planning for Reasonable Worst-Case outcomes and the layering of multiple scenarios and outcomes.</p> <p>D20 EU-Exit Working Group are using a reasonable worst case scenario as published in the UK Government Planning Assumptions as its Terms of Reference. The Group have undertaken Service Impact Analysis on this basis and created an overall EU-Exit Risk Register.</p> <p>Specific HR Actions for EU National Employees:</p> <ul style="list-style-type: none"> Project plan created to capture major milestones and actions from November 2018 to June 2021 Right to Work checklist introduced at recruitment stage which will ensure EU nationals can be identified Identified EU nationals through use of equalities information and manual checks of employee records to obtain right to work information and issued letter to impacted employees. Presented paper to CMT : EU Settlement Scheme overview and recommended actions 				<p>There are 3 new funding schemes taking us beyond EU funding including one which serves as the Shared Prosperity Fund (SPF) pilot:</p> <ul style="list-style-type: none"> UK Community Renewal Fund (SPF pilot) – 2021/22 Levelling Up Fund – 21/22 – 24/25 Community Ownership Fund <p>A certification hub at Cockenzie site (including TOSCC) is in a state of readiness should it be required.</p>					<p>from 25 to 12 in February 2021.</p> <p>The risk score was increased from 16 to 25 during December 2020.</p> <p>New risk created and evolved by CMT and Brexit Working Group during 2019/20.</p>	

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ELC CR 4	<p>Managing the Financial Environment</p> <p>The Council may not be able to manage its obligations within the resources available.</p> <p>Reducing levels of core national funding relative to rising demand, increased ring fenced and short term funding settlements, and rising demand for services, creates significant challenges to ensure that the Council remains financially resilient and services can be delivered sustainably.</p> <p>The Council is managing a multitude of pressures, and these have been increased significantly in recent months due to the financial implications arising from COVID 19. If these pressures are not successfully planned for and managed effectively over the short, medium and longer term 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 necessary investment in the Council's infrastructure and asset base. This includes the requirement to successfully plan and deliver recurrently identified savings proposals.</p> <p>Over the medium term it is highly likely that the Council's grant from Scottish Government will, at best, remain static and may even reduce. At the same time the Council continues to face significant cost and demand pressures. These pressures have significantly been enhanced due to on-going implications faced by COVID-19 but also include:</p> <ol style="list-style-type: none"> (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; (4) Potential financial costs associated with a wide range of new obligations or legislative changes. <p>In supporting the national response to manage the on-going implications of COVID-19, the Council has supported a wide range of enhanced support to Communities in line with national guidance. In addition, many Council services are facing significant additional costs and obligations to enable them to operate safely and in line with continued guidance and health and safety requirements. There remains an on-going risk that if these interventions are not fully funded, the Council will be unable to comply with national policy and guidance and may impact on service delivery to ensure it can be delivered within available resources.</p>	<p>The Council has well developed medium term financial planning arrangements. These include:</p> <ul style="list-style-type: none"> • 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. <p>The Financial Strategy 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.</p> <p>The Council has an enhanced range of cost control and financial management arrangements to manage in year budget performance and delivery of planned efficiencies. This includes monthly management information to CMT and wider Council 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.</p> <p>A Transformation Programme is in place which is monitored monthly by the Council Executive Team, and mitigating actions taken on projects as required to bring them to successful conclusion</p> <p>A Financial Monitoring Risk Assessment is in place where services are assessed and provided within a risk rating. Any service areas which are classified as High Risk are asked to prepare financial recovery plans, and enhanced financial controls are in place.</p> <p>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.</p> <p>Quarterly financial reviews are reported formally to Council for wider scrutiny setting out the in-year financial performance against approved budgets.</p> <p>Relating to COVID, the Council has enhanced the in-year financial monitoring to include the financial support received to date and implications faced by COVID-19.</p> <p>Enhanced arrangements are now in place to support increased Scottish Welfare Fund including Crisis Grant and Community Care grant activities and significant levels of additional support for businesses.</p> <p>Payment processes have been amended to accommodate remote working, ensuring creditors obligations can continue to be paid and allow use of direct banking faster payments.</p> <p>Monitoring and clear reconciliation arrangements are in place to track all funding announcements and</p>	4	4	16	<p>Enhanced in year monitoring and review of expenditure commitments against approved budgets.</p> <p>Support the delivery of a Council budget, and implementation of spending plans aligned to ensure that the Council can continue to deliver its obligations within financial resources.</p> <p>Continued development of longer term scenario based financial planning to inform future decisions and longer term financial strategies and financial plans.</p> <p>Continued scrutiny and challenge of planned efficiency measures to ensure they can be delivered and achieved within agreed timescales.</p> <p>Development of a refreshed Capital and Treasury Strategy supporting the future capital programme and treasury management and investment requirements.</p> <p>Explore new options for enhanced commercial opportunities within the organisation to maximise income generation for the Council.</p> <p>Ensure the financial strategy sets a clear financial framework for the Council to operate within and that it is appropriately implemented and monitored.</p> <p>The Transformation Board continues to oversee delivery of a transformational programme of strategic change projects to improve services and secure planned efficiencies.</p> <p>A Budget Review Group chaired by the Chief Executive which will provide enhanced budget scrutiny on the financial performance of the Council.</p> <p>Enhanced financial scrutiny and monitoring in place, which assess financial impacts of COVID against all approved council budgets and the Financial Strategy.</p> <p>Enhanced financial update and reviews provided as part of quarterly financial reports.</p>	3	4	12	<p>Chief Executive</p> <p>Head of Finance</p> <p>Council Management Team</p>	<p>Actions ongoing and under continuous review while monitoring arrangements will continue to be applied.</p>	<p>Risk reviewed by Head of Finance March 2021 with no change to assessment of scores.</p> <p>Risk reviewed by Head of Council Resources and Service Managers - Finance May 2017 with Current Score reduced from 20 to 16.</p>

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	<p>The Council has received significant additional national funding to support the current COVID-19 response, but this has been received on a non-recurring basis, and there is a risk that many of these interventions and additional financial costs will remain in place going forward. The complexity of the number of funding streams, timing of when they have been announced, reporting arrangements and flexibilities available to the Council received this year are significant, with over 90 additional funding streams received this year, all of which require additional monitoring and delivery of new policy obligations to manage and consider, and there is a risk that this is not appropriately monitored and controlled.</p> <p>There is a risk that the Council does not have clear monitoring and reporting arrangements which accurately reflects the cost and pressures.</p> <p>Given that the scale of the additional financial pressures and challenges, unless fully funded by Government, there is a risk that current resources are not sufficient to meet on-going statutory requirements and services due to additional unbudgeted spend and increased costs with reduced income.</p>	<p>allocations made by UK and Scottish Government and regular returns on financial pressures are now being made to COSLA.</p> <p>Ongoing engagement with COSLA, to monitor national financial implications and support political lobbying.</p> <p>Regular financial management updates have been provided to Councillors, with more detailed financial updates provided as part of the regular quarterly monitoring reviews.</p>										
ELC CR 5	<p>Information Security and Data Protection</p> <p>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.</p> <p>Attacks via spam emails containing infected ransomware attachments are on the increase amongst local authorities and should these emails manage to break through Firewalls and Intrusion Detection Systems there is a high possibility of file encryption at both a local and network wide levels. During 2020/21 high profile attacks against supply chain and other Scottish public bodies has shown this risk has not decreased.</p> <p>An increase in the use of Cloud facilities means our security risk from external influences has increased and our security posture needs to change to meet these new challenges</p> <p>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. The PSN network is being redeveloped over the next 2 years</p>	<p>Information Security The Council uses the international standard ISO 27001:2017 as the framework for its ISM system.</p> <p>As part ISO27001:2017 a number of 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);</p> <p>Annual IT health checks on the existing infrastructure.</p> <p>New systems introduced are risk assessed and security checked to ensure they meet the criteria.</p> <p>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.</p> <p>The Team Manger – IT Infrastructure & Security sits on the Scottish Governments working group for the redevelopment of the PSN network in Scotland.</p> <p>ISO27001 covers all areas detailed in this plan.</p> <p>The DPO/Team Manager-Information Governance & Team Manager – Infrastructure & Security (CISO) are members of the Collaborative Hub Working Group and the JMH User Group and provide advice and support re: compliance & Info Security.</p>	4	4	16	<p>Information Security Upgrade of external facing systems taking place to increase security of our internet facing gateways. Due to increased use of cloud systems at ELC, we need to review our security posture & systems to ensure we are covering this area. We are reviewing all security systems to ensure protection</p> <p>Acceptable use policy for all ELC employees is to be refreshed during 2021 with an online version introduced to enable easier review and signing by all employees.</p> <p>Investigating ways to deliver and then deliver remote refresher awareness sessions on IS & DP to all Council staff and Education facilities.</p> <p>Info Sec/DP are working together on an information asset register & Information Governance Transformation Strategy update.</p>	3	4	12	<p>Executive Director – for Council Resources</p> <p>Head of Corporate</p>	<p>December 2021</p> <p>August 2021</p> <p>December 2021</p> <p>August 2021</p>	<p>Risk updated April 2021 by Team Managers – IT Security and Information Governance with on change to scores.</p>

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	<p>In 2017 the Scottish Government introduced the Cyber - Public Sector Action Plan which sets out the minimum security standards for all public bodies</p> <p>New ways of working and shared buildings including the proposed Collaborative Hib between the Council, Police and other parties present new risks and challenges to maintaining IT Security and Data Privacy. New procedures, appropriate design of workspaces and staff training will be needed to mitigate risks.</p> <p>Data Protection In May 2018 the UK Government introduced the Data Protection (DP) Act 2018. As of 01/01/2021, this is now underpinned by the UK General Data Protection Regulations (UK GDPR) which are distinct from the EU GDPR.</p> <p>Breach of the Data Protection Act, other confidentiality requirements, any relevant laws or duty of care through the loss or wrongful transmission of information (including information stored electronically) could result in</p> <ul style="list-style-type: none"> - harm to individuals; - legal action; - fines of up to 20 million euros; - requirement to pay compensation; - adverse publicity; - damage to reputation <p>The Act introduced a mandatory 72 hour window in which to report relevant breaches to the Information Commissioner's Office.</p> <p>Limited security, procedural and environmental controls at the Dunbar Road records store mean that records and personal data are at risk of security breach and/or accidental loss or destruction. The shift to home/digital working in response to COVID-19 has also placed additional pressures to digitise paper records management systems.</p> <p>DP compliance is dependent on good records management. The Council's Records Management Plan 2014-2019 needs to be formally updated to account for GDPR/DPA18 as well as changes to recordkeeping practice across the Council.</p>	<p>Info Sec & DP specialists are included during requirements/design and build phases on shared buildings.</p> <p>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).</p> <p>The Council has reviewed and updated its Data Protection Policy</p> <p>The role of Data Protection Officer is a statutory role filled in March 2018. The Council has a dedicated Data Protection inbox.</p> <p>IS, DP and Records Management Awareness training forms part of our induction process. This incorporates a mandatory GDPR module supplemented by paper and person-to-person training. Data Protection and IS awareness training is mandatory for all employees and must be renewed every two years. The Data Protection Officer developed a GDPR toolkit including templates, guidance and information to support Corporate GDPR compliance. The Toolkit is updated and maintained on a continuous basis.</p> <p>The Council's Records Management Plan (RMP) covers how the Council manages its records and includes links to our IS, DP policies and retention schedule. There is an annual approval of Progress of Records Management Plan by The Keeper. The Council is planning formal re-submission of its RMP for the Keeper's approval toward the end of 2021 (date tbd).</p> <p>The Council will continue to ensure that all data subjects are informed through Privacy Notices how we use, share and retain personal information.</p> <p>The DPO maintain a centralised register of all information sharing and information processing agreements.</p> <p>CMT and SMT continue to receive briefings from the DP Officer and any other relevant staff.</p> <p>The Council website includes a revised privacy statement and cookie policy.</p> <p>Templates for Information Sharing Agreements and Data Processing Agreements have been produced and a joint strategy with Procurement, Legal and People and Governance is in place to roll out updates to all new and existing contracts.</p>											
											<p>March 2022</p> <p>March 2022</p> <p>March 2022</p> <p>Spring 2021</p> <p>March 2022</p> <p>TBC following lifting of lockdown</p> <p>December 2021</p> <p>June 2021</p> <p>Spring 2021</p>		

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		<p>The Council implements DP Impact Assessments (DPIA) for all new business processes which are incorporated into the Council's Integrated Impact Assessment Process. A standalone template has been produced to enable staff to complete DPIAs for individual processes/projects.</p> <p>DPIA is also embedded in the Transformation teams' project methodology.</p> <p>The DP Officer and the Communications team are creating a Communications Plan including Inform briefings, e-mail updates and other training and briefings.</p> <p>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 also attends and currently chairs ASLAWG (Archivists of Scottish Local Authorities Working Group) to share best practice with other record keeping professionals.</p> <p>Data Breaches</p> <p>A Data Breach Procedure has been approved by CMT including a mandatory reporting form for completion by staff upon discovering a breach. All breaches are reported to the Data Breach Team by phone or email within 24 hours of discovery.</p>										
ELC CR 6	<p>Limitation (Childhood Abuse) (Scotland) Act 2017</p> <p>On 4 October 2017 the Scottish Government introduced the Limitation (Childhood Abuse) (Scotland) Act 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.</p> <p>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.</p> <p>There is no way of knowing how many claims may be made (i.e. all 'living' potential claimants). The Council has received intimation of 19 claims for compensation (as of 5 March 2021). The introduction of the legislation generated the majority of the claims with one additional claim being received since June 2020 (last up date of this register). It therefore now not anticipated that this number will rise significantly, although claims may still be received. The Council's insurers have indicated that they will cover appropriate external legal costs and compensation payments but the cases will place considerable strain on internal resources within the</p>	<p>Child Abuse Claims Group and SCAI Overview Group – East Lothian co-ordination of responses, reported strategically, managed flow and collaboration.</p> <p>Close monitoring of the work of the Scottish CAI itself and review of any published materials.</p> <p>Records Management Expertise allows us to respond effectively to SAR requests and information requests / provide evidence.</p> <p>Cross Lothian collaboration on Lothian Region period 1975 to 1996 (and predecessor authorities) re-records management etc.</p> <p>Accurate records post 1996 relating to East Lothian Council clients.</p> <p>Scotland-wide networking and information sharing on SCAI between authorities.</p> <p>Council Financial Reserve – may reduce the impact to service provision if claims extend beyond budget.</p> <p>Continue current working practices with care experienced young people in accord with national legislation and care standards, reducing likelihood of any 'new' claims arising.</p> <p>As at March 2021 the Council has received 19 notifications of claims of which 5 have been withdrawn, 6 do not have sufficient evidence and 8 are live claims.</p>	4	4	16	<p>CACG and SCAIOG reports to CMT – to sustain level of awareness of risk.</p> <p>Monitor and build a timeline showing the Councils control of the schools from 1975 onwards.</p> <p>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.</p> <p>Make budgetary provision for any additional costs/claims that may not be covered by insurance.</p>	3	3	9	East Lothian Council	Continue to progress all and report quarterly to CMT.	Risk reviewed March 2021 with no change to assessment of current scores.

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	<p>legal, social work and records management teams for which there is no additional budget. Notwithstanding the above the Child Abuse Inquiry continues to extend its investigations into other areas which may affect the Council. The most recent of which is in relation to Foster Carers and at present no claims have come forward in relation to this area.</p> <p>NOTE: while not in force at present Scottish Parliament are considering Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill once in final form and passed we will need to consider any potential impact arising therefrom.</p>	<p>Scottish Government have set up in 2019 an Advance Payment Scheme for those who suffered abuse in care in Scotland before December 2004 and either have a terminal illness or are age 68 or over (age threshold lowered in December 2019 following a review). Annual Statistics are available from the Scottish Government website. Last published June 2020.</p> <p>On the 11th March 2021 MSPs passed legislation to establish a Redress Scheme for survivors of historical child abuse in care in Scotland to apply for financial payments. An independent body, Redress Scotland, to administer the scheme will be set up under the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act, which will be open for applications before the end of 2021, and will replace the Scottish Government's Advance Payment Scheme which has been running since early 2019.</p>										
ELC CR 7	<p>Flooding and Coastal Erosion</p> <p>As the incidence of flooding and coastal erosion increases as an impact of Climate Change, there is an increased risk of disruption to road and path networks, impact on public safety, damage to roads, property, harbours and natural heritage sites and an associated increase in claims against the Council.</p>	<p>Flooding and drainage issues are considered when processing planning applications. Inspection regimes and good housekeeping measures in place.</p> <p>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.</p> <p>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.</p> <p>Flooding advice is on the Council website and directs people to the relevant pages on the SEPA website.</p> <p>The Council is working with various organisations to promote and progress "Resilient Communities" as per the Scottish Government initiative "Ready Scotland".</p> <p>Communication with vulnerable groups regarding access and assistance during severe weather events.</p>	4	4	16	<p>ELC have commissioned Flood Studies for Haddington and Musselburgh and are progressing a Flood Protection Scheme on the River Esk through Musselburgh.</p> <p>Further studies are proposed (subject to funding allocation) for Dunbar & West Barns to include North Berwick Coastal; and Cockenzie & Port Seton, Longniddry and Prestonpans.</p> <p>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.</p> <p>The Musselburgh Flood Protection Scheme is a fully established project. It has completed three of its nine stages, and is currently processing Stage 4 (Outline Design) of the Scheme Design in accordance with the project's PRINCE2 Project Management System. It is currently proposed that the scheme will start construction and have scheme in place by October 2024 (Subject to change as we move to next stage).</p> <p>The Council's Severe Weather Response will be tested in an Emergency Planning exercise during 2022 which will incorporate Flooding.</p>	3	3	9	Executive Director for Place	2024 2016-2022 2016-2022 2024 August 2022	Risk further reviewed and updated March 2021 with no change to assessment of current scores.
ELC CR 8	<p>Expansion of Early Learning and Childcare (ELCC) to 1140 hours.</p> <p>Scottish Government is implementing plans to expand ELCC to 1140 hours and have confirmed a revised statutory implementation date of August 2021.</p>	<p>The Council continues to develop and implement detailed plans and work with Scottish Government (SG) to take forward the expansion. Project board and associated working groups are in place and meet regularly to monitor progress.</p>	3	4	12	<p>Development of a dual qualification in Care in partnership with Edinburgh College.</p> <p>Working with UNISON to achieve agreement on the revised Early Years Practitioner (Nursery nurse) remit.</p>	2	4	8	Executive Director for Education and Children's Services	August 2021 May 2021	Risk reviewed and refreshed at a Risk Session with managers 11 December 2020 and further refreshed April 21

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	<p>Scottish Government have given flexibility in the use of the 1140hrs revenue funding for Education COVID19 expenses and our current rollout of the programme is being managed within the budget available.</p> <p>Potential risk that this cannot be delivered within the timescale due to challenges of expanding within existing resource, available funds and staffing.</p> <p>Risk that the revised Early Years Practitioner Job Outline is not accepted and agreed through discussion and negotiation with the Trade Unions.</p> <p>Risk that there is an impact on the quality in existing early years' provision because the focus is on the expansion.</p> <p>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.</p> <p>Risk that Partner Providers are not able to deliver the 1140 hours as they are no longer financially viable or meet the quality standard.</p> <p>Given the high numbers of staff required there is a risk of not being able to recruit sufficient staff to deliver on this commitment.</p> <p>The impact of this risk would be that the families do not receive their entitlement to Early Learning and Childcare.</p> <p>There is a risk that Capital costs exceed budget availability. The ongoing impact of COVID could risk the completion date of the programme.</p>	<p>Continue to engage with the Scottish Government Early Years team and senior officials to ensure that risks are flagged and that the service is aware of expectations and demands and to review the planning and preparation for full implementation. Scottish Government recently reported improved confidence in relation to our recent reporting of our timetable and implementation plan.</p> <p>Ongoing work with council departments to ensure key priorities are met.</p> <p>A county wide recruitment campaign took place in early 2020 along with a recruitment fair to attract new and returning staff to the profession. Further recruitment campaigns continue to be undertaken as and when required.</p> <p>Continue to engage and work collaboratively with the Trade Unions to actively work towards agreement on the revised Job Outline.</p> <p>Work continues to review current staff contracts and to recruit staff.</p> <p>Continued work on new pathways in to the profession to be developed including our Foundation Apprenticeship and work in Tots and Teens in 5 of our 6 secondary schools.</p> <p>Ongoing work to monitor and enhance quality of Early Learning and Childcare delivery.</p> <p>There is clear governance of the project through the 1140 hours project board to ensure careful planning, communication and monitoring of progress.</p> <p>Project Management support from the Transformation Team has been put in place to ensure clear monitoring of progress, assessment of risk and appropriate mitigations are in place. Ongoing support from Transformation Team and support from the Improvement Service to ensure key timescales and milestones are met.</p> <p>Baseline established and updated on quality across all provisions and ELCC across all settings will be supported and monitored by the early years' team.</p> <p>Scottish Government National Standard and associated guidance in place and ongoing discussion/collaboration with partners.</p> <p>Progress with the infrastructure programme is regularly reported to the Scottish Government and Scottish Futures Trust. Regular meetings are held with officials to provide detail on the cost implications and timelines for capital projects.</p> <p>1140 is a standing agenda item for CMT at fortnightly business meetings where the 1140 dashboard is presented and progress and any risks are highlighted.</p>							<p>Executive Director for Council Resources</p> <p>Head of Finance</p>		<p>with no changes to risk scores.</p> <p>Current risk score reduced by Chief Operating Officer (Education) from 16 to 12 in November 2018 due to ongoing work with stakeholders and a continued focus on quality. Residual score also reduced from 12 to 8.</p>	

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		<p>Relationships are well established with neighbouring authorities as is learning from other approaches and ensuring that progress is on track.</p> <p>Positive engagement with partner nursery providers of early learning and childcare to ensure planning meets the SG brief regarding parental choice, flexibility, quality and accessibility.</p> <p>Work stream groups established, including cross sector representation and network meetings to feed in to the project board to ensure collective detailed planning across service areas & consider risks associated with delay.</p> <p>Nurseries - Scenario planning work is underway to determine how many places can be offered across EL.</p> <p>Ongoing work to determine the full costs of the current model for Early Learning and Childcare.</p>										
ELC CR 9	<p>Duty of Care to Public and Public Protection</p> <p>The Council has a responsibility to provide care and support for the people of East Lothian and East Lothian's environment. Any breach of this duty of care may compromise legislative duties, health, safety and wellbeing, impacting on, for example, the protection of children and adults.</p> <p>Failure to fulfil the duty of care could also result in serious harm/death to an individual/s, prosecution, having to pay compensation and have a negative impact on the reputation of the Council.</p> <p>A failure to secure efficient and effective Public Protection arrangements, covering Child Protection, Adult Support and Protection, Offender Management, Violence against Women and Girls (VAWG) 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.</p> <p>Vacancy in the Lead Officer posts for Child Protection between 17.12.20 and 01.06.21, leading to gap in the progression of some of the priority areas of work of the Public Protection Office.</p> <p>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:</p> <p>1) The impact of the Covid-19 pandemic. Those at risk of different forms of harm and abuse are overall less visible within our communities, including children who are experience neglect, women and children at risk of domestic violence, and those at risk of or affected by drug and/or alcohol use.</p>	<p>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). EMPPC has oversight of Public Protection work and performance across East Lothian and Midlothian Councils and Partnerships.</p> <p>Performance information in relation to KPIs, patterns and trends in referral rates and throughput of process activity is monitored on a quarterly basis via the Performance and Quality Improvement sub group and EMPPC. The suite of performance data has been reviewed and adapted in line with national initiatives.</p> <p>Marac (Multi-agency risk assessment conferences) continues to operate on a four weekly basis, by Microsoft Teams, with additional meetings scheduled to respond to increase in demand, ensuring that the needs of and supports to highest risk victims of domestic abuse are planned for on a multi-agency basis</p> <p>Following a case file audit of core Adult Support and Protection processes, aligned with the Care Inspectorate quality improvement framework, has identified areas for improvement which are being progressed through ELHSCP.</p> <p>The East Lothian and Midlothian Public Protection Committee has drafted a communications strategy for key areas of Public Protection, with the support of the Midlothian and East Lothian local authority communications teams, with input from Police Scotland and NHS Lothian. This will involve internal audiences and the broader public, through a range of media channels.</p> <p>Council communications teams have planned a communications workshop for the EMPPC with a view to this taking place during the latter half of 2021. There is now a regular monthly meeting between key</p>	3	4	12	<p>A single agency self-evaluation exercise for Child Protection, aligned with the Care Inspectorate quality improvement framework, is to be reinstated.</p> <p>Work is underway to prepare for Adult Protection inspection (no date identified/inspections resuming in June 2021) – programme of audit and self-evaluation is underway. A multi-agency strategic planning group has been established with key personnel from East Lothian HSCP, NHS Lothian, Police and Public Protection Office. This group will plan and oversee preparation activity.</p> <p>A Joint Strategic Needs Assessment for Public Protection is being developed, led by the Public Protection Manager and Detective Chief Inspector of the J Division Public Protection Unit. Analytical support has been provided by Midlothian Council, with an anticipated completion date of end May 2021. The findings and recommendations will thereafter be reported to the Critical Services Oversight Group.</p> <p>Public Protection Manager will review the 0.5 Learning and Development Co-ordinator post with senior managers across the EMPPC partnership, and will consider the most appropriate way of using this resource.</p> <p>EMPPC will develop a two year strategy for Learning and Development Strategy for 2021-23 to be taken to the June EMPPC for approval. This will outline the priorities and outcomes for Public Protection training/learning and development for the next two years.</p>	2	4	8	<p>Chief Executive</p> <p>Critical Service Oversight Group</p> <p>Executive Directors</p> <p>Director of East Lothian Health and Social Care Partnership</p> <p>Chief Social Work Officer</p> <p>Public Protection Team Manager</p> <p>Health and Safety Team</p>	<p>December 2021</p> <p>June 2021</p> <p>May 2021</p> <p>May 2021</p> <p>July 2021</p>	<p>Risk reviewed and refreshed by PPO Manager, May 2021 with no change to assessment of current scores.</p> <p>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.</p>

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			L	I	L x I		L	I	L x I			
	<p>(2) Complexity of service delivery, infrastructure, environment and partnership arrangements across the Council services;</p> <p>(3) Increasing population and the number of vulnerable people in East Lothian;</p> <p>(4) Increased population and more complex service demands presented by an increasing number of service users whilst resources have reduced</p> <p>(5) Levels of deprivation in East Lothian;</p> <p>(6) Capacity in partnership and purchased services.</p> <p>As of April 2021 the full time Public Protection Learning and Development coordinator post remains unfilled. Authorisation has not been provided to fill this post to date.</p> <p>Delivery of training has been impacted by COVID (unable to run face to face training during lockdown periods) and lack of compatible IT platforms – East Lothian does not have MS Teams and PPO staff are reliant on other agencies to set up MS Teams sessions.</p> <p>At the moment the EMPPC website is not fit for purpose and does not meet the accessibility requirements.</p>	<p>communications personnel in Children’s Services and East Lothian HSCP and the PPO Manager and Lead Officers, to agree and develop key Public Protection communication messages and the media channels that will be used – to raise awareness of risks/signs of harm and promote available supports.</p> <p>Governance and scrutiny arrangements are through the Critical Services Oversight Group (CSOG), including Self Evaluation.</p> <p>Policies, Protocols, Procedures and Guidance are in place, subject to ongoing review and update and available on Public Protection website: www.emppc.org.uk.</p> <p>Chief Social Work Officer (CSWO) fulfils statutory role and responsibilities, overseeing and reporting on Public Protection issues to Chief Executive and Elected Members, reporting annually to Council giving oversight of Public Protection performance including assessment of risks and pressures.</p> <p>The Council continues to work towards delivering the UK Governments Counter Terrorism strategy, known as CONTEST, of which Prevent is a key element. The EMPPC has led on revisions to our Prevent referral pathway.</p> <p>The EMPPC will continue to coordinate Prevent Professional Concerns Case Conferences, where an individual has been identified at risk of being drawn into terrorism.</p> <p>Face to face ASP training for Council Officers (Level 3) was delivered in Dec-20 with all eligible staff now trained.</p> <p>The inter-agency learning and development strategy for public protection has been reviewed, with e learning becoming more accessible, courses becoming more targeted to workforce need and areas of local and national priority. Learning and Development responsibilities are now undertaken by the lead Officers for Child Protection, Adult Support and Protection, VAWG coordinator, MARAC coordinator and agency learning and development officers. All employees can access appropriate training or e-learning, free of charge.</p> <p>Re-alignment of service areas and responsibilities across the HSCP has resulted in the creation of a dedicated team manager post in statutory services. This post holder will have responsibility for supporting the link between strategic and operational activities.</p> <p>All Regulated Services e.g. Care homes for older people, residential units for young people, Schools are inspected by Care Inspectorate and Education Scotland. Improvement plans are implemented following on from all Regulated Services inspections.</p> <p>The Lead Officers for Child Protection and for Adult Support and Protection chair inter-agency meetings to</p>										
											<p>May 2021</p> <p>September 2021</p> <p>December 2021</p>	

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		review decisions taken at Inter-agency Referral Discussion where significant risk is identified.										
ELC CR 10	<p>Failure to maintain a Highly Skilled Workforce</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>During the COVID pandemic workplace practice segments have not been able to be fulfilled resulting in an inability to enhance the experience of staff before fulfilling a post.</p> <p>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.</p>	<p>The Council has an approved Workforce Plan 2018-2022 which addresses the issues relating to this risk.</p> <p>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.</p> <p>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.</p> <p>The Workforce Plan 2018-2022 is being reviewed and updated to take account of the impact of COVID 19 on the council and its workforce, including the development of new Homeworking and Worksmart policies and actions being taken to support staff who have been working differently as a result of the pandemic. New training and development programmes are being developed to take account of staff who are working from home and to prepare staff and managers to working remotely and differently.</p> <p>Healthy Working Lives and OD have been issuing regular briefings to staff on techniques etc. to support staff to maintain mental health and wellbeing.</p> <p>Managers have been issued with advice on inducting new members of staff during lockdown.</p>	3	3	9	The Workforce Plan is to be reviewed in Spring 2021.	3	3	9	<p>Service Manager Corporate Policy & Improvement</p> <p>Service manager – People and Governance</p>	June 2021	<p>Risk reviewed March'21 and updated to reflect review of Workforce Plan and implications of COVID. No change to assessment of current scores.</p> <p>Risk reviewed and refreshed July 2018 with Current Risk Score reduced from 12 to 9.</p>
ELC CR 11	<p>Severe Weather</p> <p>There is a risk that severe winter weather will lead to an increase in demand for gritting and snow clearing of roads/footpaths which exceeds normal capacity and supplies of salt.</p> <p>This could result in travel disruption, difficulties for people in accessing services, failure to maintain refuse collection timetable and school closures at short notice as well as a possible increase in insurance claims related to pothole damage.</p> <p>Communities may become isolated, particularly in rural areas, due to heavy and prolonged snow. In such cases communication with residents within these isolated areas may become difficult as they become cut off, possibly aligned to power failure caused by strong winds and/or the weight of snow on the lines.</p> <p>There are limitations to the service the council can offer. The Council Roads team focus on treatment and snow clearing of the main priority road network, made up of the major routes where the majority of vehicle</p>	<p>East Lothian Councils Winter Maintenance Plan has been in place for some time and ensures that the main transport routes are treated as priority.</p> <p>The Council has a Severe Weather and Adverse Events Policy in place for all staff while the Council has its own mitigating measures for its own estates/property during severe weather.</p> <p>During Severe Weather events our Contact Centre becomes the first point of contact for any issues to be raised and responded to whilst our Communications team shares warnings and other relevant information with the public as this becomes available.</p> <p>The ELC Severe Weather Response Plan has been developed over many years and ensures a co-ordinated and consistent multi-agency response across the county. This plan is reviewed annually in conjunction with support from partner agencies.</p> <p>The ELC Severe Weather Response plan includes reference to and improvements learned from the 'Beast from the East' incident in 2018 when many parts of</p>	3	3	9		3	3	9	Executive Director of Place		Risk refreshed January 2021 with no change to assessment of current scores.

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	<p>movements take place and also includes accesses to hospitals, ambulance stations, fire stations, other emergency service establishments, railway stations and schools. Primary Routes are treated and cleared of ice and snow first and then the Roads team move onto Secondary Routes and finally tertiary and minor routes which include residential areas, cul-de-sacs. During periods of extreme weather and heavy snowfall when roads and footways are affected by significant levels of lying snow, priority will be given to primary carriageway routes and primary footpath routes with resources deployed on these specified routes continuously until satisfactory snow clearance has been achieved before resources are deployed to any secondary routes and tertiary routes, so it maybe some time before we can attend to these areas.</p>	<p>East Lothian become isolated because of the heavy and prolonged snow falls.</p> <p>The Council's Salt Barn has a capacity of 8,000 tonnes to meet demand arising from severe cold weather.</p> <p>Snow clearing equipment has been supplied to Primary Schools. Community Councils through Resilient Communities are able to request winter response equipment from the Council. These requests are considered as per their need. A number of grit bins are provided to enable self-help gritting of adopted roads and footways. Resilient Communities are encouraged to survey the grit bins in their area and report back to the Council if new bins or grit is required.</p> <p>Winter Maintenance operatives are trained to SVQ or equivalent in winter gritting and snow clearing. Winter Maintenance Duty officers trained as Winter Service Supervisors to City and Guilds level.</p> <p>The majority of Community Councils have Resilient Community Groups who have created their own emergency response plans or asset registers of volunteers/skills available at a time of crises. Each Resilient Community has its own Single Point of Contact (SPOC) and deputy for resilient matters including severe weather. Communication and good working relationships have been created and maintained with these SPoCs/deputies throughout the year by ELC Emergency Planning staff.</p> <p>Work continues with the Resilient Communities and also involves other voluntary groups such as Tenants and Residents Groups. ELC organises an annual workshop for Resilient Communities which allows lessons learned and best practice to be discussed and progressed. It also allows for the public to meet responder agency staff such as the 'blue lights', SEPA and the utility companies.</p> <p>ELC finances all 20 Community Councils annual insurance premiums ensuring that Insurance is not perceived as a barrier to invoking such plans.</p> <p>Training and awareness sessions, related to the activation of the ELC Severe Weather response plan, are completed on a regular basis. Partner agencies are often involved.</p>										
ELC CR 12	<p>Contest</p> <p>Deliver the UK Governments Counter Terrorism (CT) strategy, known as CONTEST (Prevent, Protect, Prepare and Pursue).</p> <p>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 that relates to Prevent.</p> <p>Failure to discharge this duty could mean sufficient steps are not taken to prevent an incident taking place, under Prevent, and could result in the Secretary of State issuing a direction to the Council via the powers</p>	<p>Multi agency 'J' Division CONTEST Meeting attended by East Lothian Council representatives.</p> <p>ELC has established a CT WG chaired by the Head of Communities with members consisting of CMT, key senior managers, Police Scotland and a QMU representative will also be invited to attend.</p> <p>ELC has appointed senior members of staff as SPoC (Head of Children's Services) and Deputy SPoC (Executive Director Education and Children's Services) for Prevent as per statutory guidelines. A SPoC for Prepare and Protect (Emergency Planning, Risk and Resilience Manager), although not a statutory requirement, has also been appointed</p>	3	3	9	<p>Prevent working group is undertaking a self-assessment of implementation of Prevent duties across service areas.</p> <p>A Prevent development plan will be completed and progress monitored through regular meetings and reported at Contest meetings. This development plan will include assurance that all relevant staff have undertaken training. This will also include engagement with stakeholders.</p>	2	3	6	<p>Chief Executive</p> <p>Executive Directors</p> <p>Council Management Team</p> <p>Contest SPoC (Emergency Planning, Risk & Resilience Manager)</p>	<p>May 2021</p> <p>December 2021</p>	<p>Risk refreshed and reviewed January 2021 by Contest SPoC and Prevent SPoC with no change to assessment of scores.</p> <p>Risk reviewed August 2018 by Board of Directors with Current</p>

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			L	I	L x I		L	I	L x I			
	<p>within the act and would also result in a loss of reputation and negative publicity.</p> <p>Our capacity to monitor and respond if we are concerned about children with these lines of thinking is severely compromised as schools are closed and older teenagers are less likely to engage.</p>	<p>Under Protect the CMT are prepared for the Government to raise the Security Level to Critical. Service Business Continuity plans take this into account. This includes staff working from home as a result of council facilities being closed.</p> <p>ELC follows and contributes towards the 'J' Division Contest group implementation plan.</p> <p>The SPOC Prevent Group in the East of Scotland is re-commencing in early 2021 and our SPoC will be attending.</p> <p>Prevent Professional Concerns Conference Chair (SPoC) identified to chair multi-agency meetings established to discuss any referrals.</p> <p>A Prevent working group, chaired by the Head of Children's Services, has been established and meets regularly and a Prevent reporting process has been established.</p> <p>Education personnel are fully engaged with Prevent and appropriate filters have been installed on the Education infrastructure.</p> <p>Updated Prevent referral pathway has been agreed with EMPPC and communicated on the intranet, including the new national Prevent referral form.</p> <p>Whilst ELC Managers have received Prevent training through LearnPro previously, since November 2020 interim arrangements have been in place for all staff via Home Office resources pending the roll-out of new Scottish Government training materials. Ongoing exploration of other arrangements including toolbox sessions.</p> <p>The ELC Prepare and Protect SPoC liaises with Police Scotland and in particular the CT team to ensure current information on these areas is circulated to appropriate ELC key staff and staff in general if required. The SPoC also ensures important information is uploaded onto the ELC Intranet.</p>							Prevent SPoC (Head of Children's Services)		Score reduced from 12 to 9.	

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			L	I	L x I		L	I	L x I			
ELC CR 13	<p>Duty of Care to Council Staff (Health & Safety)</p> <p>East Lothian Council has a duty of care and has existing Health and Safety Policies 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.</p> <p>Any breach of this duty of care may affect the health, safety and wellbeing of the Council's employees leading to increased sickness absence, pressures on service delivery with the added potential for claims against the Council for incidents involving employees or non-employees.</p> <p>The Council also has a duty of care to our staff delivering services in an environment where the COVID pandemic is a huge risk.</p> <p>Areas which have been identified as posing a particularly high level of risk are</p> <ul style="list-style-type: none"> COVID19 Manual Handling, Stress, Lone Working Unacceptable Behaviour, Risks from Public Monuments, Safe Driving at work, School Trips 	<p>Health, Safety and Wellbeing Strategy 2018 – 2021 in place.</p> <p>All employees receive an induction including Health & Safety information, have job outlines and follow the PRD process ensuring all are capable and trained to perform safely in their roles.</p> <p>Consultation with employees and Unions in place with Joint Health & Safety Committee and Joint Consultative Committee</p> <p>Management Arrangements in place for a range of topics outlining the responsibilities of each level of management and employees</p> <p>Risk assessments carried out to identify significant workplace hazards and to establish suitable workplace controls e.g. safe systems of work.</p> <p>Health Surveillance is carried out on employees where they are exposed to specific hazards.</p> <p>Safety Management System supported by audit and inspection programme across the Council.</p> <p>Health and Safety Training needs are identified from project plans and Risk Assessment findings. An annual programme of training is developed including a number of Institute of Occupational Health accredited courses.</p> <p>For all of the risks identified as high risk</p> <ul style="list-style-type: none"> Management Arrangement or guidance is in place Training is available Risk Assessments are undertaken <p>COVID19 The Council has a duty of care to staff delivering a service in a COVID world and have heightened risk assessments and ensure that all services have updated their risk assessments for work settings and external visits.</p> <p>A programme of workplace inspections focusing on COVID is underway.</p> <p>Manual Handling Manual Handling is avoided where possible. Where this is not possible mechanical aid's and staff training is provided in accordance with the Management Arrangements. Physiotherapy is available to staff through the Occupational Health Contract.</p> <p>Stress As part of the sickness absence policy employees off work with Stress are referred to Occupational Health. Initiatives are in place to help employees manage their own stress, including Employee Assistance Programme, Listening Ears, Healthy Working Lives</p> <p>Lone Working</p>	2	4	8	<p>Service review underway to address the short staffing. This will allow the full programme of inspections and audits to be undertaken.</p> <p>Unacceptable Behaviour - Update to the PVC register Management Arrangements awaiting CMT approval to go for consultation.</p> <p>Risks from Public Monuments - Management Arrangements awaiting CMT approval to go for consultation</p> <p>Safe Driving at work - Updated Management Arrangements awaiting CMT approval to go for consultation. (went to CMT in Jan 2021)</p>	2	4	8	<p>Executive Director for Place</p> <p>SDAW Group</p> <p>Health and Safety Team</p> <p>Human Resources</p>	<p>December 2021</p> <p>June 2021</p> <p>June 2021</p> <p>June 2021</p>	<p>Risk reviewed and updated February 2021 with no changes to risk scores.</p> <p>Risk reviewed and updated March 2020 with Current score reduced from 12 to 8.</p>

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			L	I	L x I		L	I	L x I			
ELC CR 14	<p>Business Continuity</p> <p>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.</p> <p>Non availability of:</p> <ul style="list-style-type: none"> 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. <p>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.</p>	<p>Business Continuity Framework Plan in place and regularly reviewed.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>The Council carried out a Council Wide Business Continuity Exercise in November 2019 which successfully tested the BC capabilities of the Council.</p> <p>ELC staff have access to an e-learning package on Business Continuity which was reviewed and refreshed during March 2021.</p> <p>IT – specific disaster recovery arrangements in place for the critical systems of 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.</p> <p>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.</p> <p>Controls that are in place to prevent and limit the effects of IT system unavailability including firewalls, anti-virus software, system/ data backup routines, and resilience in the form of a back-up generator for the main data centre at JMH.</p> <p>The Council 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.</p>	2	4	8	Progress Business Continuity Plans with Education and H&SCP in order that each School and Care Home has a plan.	2	3	6	Emergency Planning, Risk and Resilience Manager Emergency Planning, Risk and Resilience Officer	March 2023	Risk refreshed March 2021 with no change to assessment of current scores.

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ELC CR 15	<p>Public Sector Reform</p> <p>Major elements of public sector reform have been or are being implemented including:</p> <ul style="list-style-type: none"> 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 <p>Following the May 2021 Scottish Parliament elections the new Scottish Government may introduce a proposal for further public sector reform which means 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.</p> <p>The Scottish Government is carrying out a Review of Local Governance which may result in further public sector reform with impact on local government.</p> <p>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.</p> <p>Existing public sector reforms and new reforms create uncertainty, additional workload, requirement to restructure services and new accountability, governance, scrutiny and partnership arrangements.</p>	<p>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.</p> <p>Responses to the Scottish Government on consultations around public sector reform are prepared and submitted as required. Financial and resource scoping is carried out as required.</p> <p>The Integration Joint Board has been established along with appropriate governance and scrutiny arrangements.</p> <p>Continue to monitor developments in the Public Sector Reform agenda and Scottish Government's legislative programme and develop responses to exploit potential benefits from, or mitigate potential negative impacts of, different future scenarios.</p> <p>East Lothian Partnership has a 2020-2027 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.</p> <p>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.</p> <p>Area Partnerships now established and will be supported to enhance local service delivery and fulfilment of Local Outcome Improvement Plans.</p> <p>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.</p> <p>The Council maintains regular communication with employees to manage any uncertainty in times of change.</p> <p>The Council's Improvement programme will provide resilience to assist to respond to public sector reform.</p>	2	3	6	<p>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.</p> <p>A self-evaluation of the ELP including its governance structure is to be carried out in spring 2021.</p>	2	3	6	Chief Executive	<p>October 2021</p> <p>October 2021</p>	<p>Risk reviewed March 2021 with no change to assessment of current scores.</p> <p>Risk reviewed by Board of Directors August 2018 and Assessment of Current and Residual Scores reduced from 12 and 9 to 6 and 6.</p> <p>Risk reviewed and refreshed July 2018 with Current Risk Score reduced from 16 to 12 and residual score from 12 to 9.</p>

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			Likelihood	Impact	Total		Likelihood	Impact	Total			
			L	I	L x I		L	I	L x I			
ELC CR 16	<p>Corporate Events Management</p> <p>Effective preparation and co-ordination across a number of services, for all events held in 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.</p> <p>COSLA, Police Scotland and the Health & Safety Executive (HSE) recommend that Local Authorities form a core group, led by a senior (strategic) officer, who will meet to discuss all events taking place within their area over a pre-determined period of time. This group includes category 1 responders 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.</p> <p>The following criteria would be considered by the SAG:</p> <ul style="list-style-type: none"> • 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 <p>ELC is involved in events as they tend to take place in Council parks or on Council roads. 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, through TTRO's.</p> <p>If the event organisers fail to have the correct licences or safety processes in place it is the organisers who face the risk of possible criminal prosecution.</p> <p>East Lothian Council is itself responsible for organising several events on an annual basis. For each event an event organiser will be identified from within the Council.</p> <p>All event organisers will attend a SAG meeting if required to do so.</p>	<p>East Lothian Council has a SAG policy in place which is currently under review.</p> <p>The East Lothian Safety Advisory Group (ELSAG) strategy comprises two main elements:</p> <ul style="list-style-type: none"> • Strategic Event Safety Committee (SESC) • Safety Advisory Group (SAG) <p>The SESC will hold SAG process overview meetings (at least annually) to prescribe criteria for which event organisers are invited to participate in the Safety Advisory Group process and to confirm which events require to attend SAG, based on the risk profile. The SESC will be Chaired by an East Lothian Council Head of Service.</p> <p>The Service Manager, Protective Services or, whilst the current ELC SAG process is under review the Emergency Planning, Risk and Resilience Manager, will Chair the ELC multi-agency SAG, except for any specific events where the SESC determines otherwise.</p> <p>Events that require to be put through the SAG are managed through a risk profile process which grades each event as having a Red, Amber or Yellow (RAG) risk. Events graded as Yellow are not required to attend a SAG meeting. Those graded Red and Amber are required to attend a SAG meeting.</p> <p>The SAG process co-ordinates preparation for various events as per the risk profile, with representation from relevant Services areas and Multi-Agency Partners.</p> <p>Event guidance for organisers of events is published on the Council website.</p> <p>Where the SAG group is set up, for a specific event, it has no statutory power to stop it taking place. However, the SAG group can withdraw its support and co-operation, for any event, which means that the event cannot proceed. In these circumstances the event organiser will be required to notify their insurance provider. Police Scotland will always provide the final advice on public safety.</p> <p>Events information and documentation accessed through the ELC website will be reviewed by the ELC Event Safety & Resilience Officer. This staff member will also review processes linked with the SAG, through his/her line manager, to continually improve the overall system.</p>	2	3	6				<p>Executive Director for Place</p> <p>Head of Development</p> <p>Service Manager – Protective Services</p> <p>Team Manager, Economic Development</p>		<p>Risk reviewed February 2021 with no changes to assessment of risk scores.</p> <p>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.</p>	

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			
ELC CR 17	<p>Equality</p> <p>Failure to meet duties and legislative requirements of the Single Equality Act 2010.</p> <p>The Single Equality Act 2010 and related guidance places a general duty on public authorities to be active in promoting equality, eliminating unlawful conduct and fostering good relations. It also places specific duties on public authorities to</p> <ul style="list-style-type: none"> report on mainstreaming the equality duty; publish equality outcomes and report progress; assess and review policies and practices; gather and use employee information; publish gender pay gap information; publish statements on equal pay; consider award criteria and conditions in relation to public procurement; publish in a manner that is accessible. <p>The Scottish Government has introduced the Fairer Scotland (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.</p> <p>There is a risk that the Council may not be able to meet its general or specific duties and in particular at a time when difficult budget decisions are having to be made that there will be cuts in services or increases in charges that have a disproportionate impact on people who may need those services most because of their equality background.</p> <p>The Council would be open to legal challenge of not meeting its duties and in particular of not carrying out adequate assessment of impact of policies and budget decisions.</p>	<p>ELC Equality Plan in place and available online. 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:</p> <ul style="list-style-type: none"> 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 <p>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.</p> <p>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.</p> <p>As per our statutory obligation, HR is annually capturing the Employment Monitoring information required under the Act. This is reported publically alongside the requirement to publish an annual Equal Pay Report.</p> <p>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.</p> <p>The actions from the East Lothian Poverty Commission have been turned into a detailed Action Plan with clearly defined responsibilities and timelines which is regularly updated and reviewed.</p> <p>We will be working with Police Scotland to refresh the East Lothian Hate Crime Action plan.</p>	2	3	6	<p>A draft Equality Plan 2021-2024 is being prepared for approval by Cabinet in Spring 2021.</p> <p>A new Poverty Plan is being prepared for approval by the East Lothian partnership and Council in Spring 2021</p>	2	3	6	Executive Director for Place	<p>March 2022</p> <p>March 2022</p>	<p>Risk reviewed and updated March 2021 with no change to assessment of current scores.</p> <p>Risk reviewed and refreshed May 2016 with both current and predictive scores reduced from 8 to 6 due to implementation of additional measures.</p>

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			L	I	L x I		L	I	L x I			
ELC CR 18	<p>Development Plan</p> <p>Failure to maintain an up-to-date Development Plan 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.</p> <p>The Local Development Plan is also required to support and guide the provision of infrastructure required to meet the needs of our growing population and growing economy.</p>	<p>Details are set out in the Local Development Plan Scheme with timescales (reviewed June 2020 then annually).</p> <p>LDP adopted September 2018 following approval by Scottish Ministers.</p> <p>ELC and SESplan Development Plan Schemes commit to a programme of Development Plan Scheme review (reviewed annually).</p> <p>SESplan Joint Committee, Project Board and Steering Group guide joint authority preparation of Strategic Development Plan for Edinburgh and SE Scotland; this is being replaced through the 2019 Planning Act by a power to pursue a Regional Spatial Strategy either as a single authority or jointly with others and this will be considered along with Regional Growth Framework from City Region Deal.</p> <p>Community Planning Partnership liaison and involvement through East Lothian Strategic Land Use Planning Group.</p> <p>SG and SPG all approved/adopted, including Developer Contributions Framework.</p> <p>Impact of SDP2 rejection is mitigated for ELC by having an up to date LDP and a greater than 5 years effective housing land supply.</p> <p>SDP2 has been rejected by Scottish Ministers. Minister has indicated any new LDPs should be considered in relation to SDP1, though as it is over five years old this may be open to challenge.</p> <p>Housing Land Audit in place following consultation with Homes for Scotland with a 6 year housing land supply, backing up plan process.</p> <p>Preliminary work for LDP2 being prepared at present. Public engagement being planned.</p>	3	2	6	<p>There is currently consultation on NPF4, which when approved will be a material consideration in planning decisions. The Council have submitted a response to the Scottish Government's call for ideas. Draft MPF4 to be laid before Parliament and put out for consultation in approximately Autumn 2021.</p>	1	2	2	Head of Development	Autumn 2021	<p>Risk Refreshed by Service Manager March 2021 with Current Score reduced from 8 to 6.</p> <p>Risk Refreshed by Service Manager August 2019 with Current and risk score increased from 2 to 8.</p> <p>Risk Refreshed by Service Manager – Planning April 2019 with Current and predictive risk scores reduced from 4 to 2.</p>
ELC CR 19	<p>Standards in Public Life</p> <p>Failure of corporate governance or to meet standards in public life.</p> <p>Failure of the Council's corporate governance or of officials or members to meet standards in public life could result in reputational damage.</p>	<p>Standing Orders (the Schemes of Administration and Scheme of Delegation) were extensively revised, approved by Council in October 2019 and published on the ELC website and will be revised on a regular basis.</p> <p>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 adopted a Code of Conduct for its employees in February 2020 giving all employees greater clarity around the standards of behaviour expected of them. The Code incorporated some other existing policies such as the one governing Gifts and Hospitality. Breach of the Code may amount to a disciplinary offence.</p> <p>The Council's Monitoring Officer and Depute Monitoring Officers provide advice as required.</p>	2	2	4		2	2	4	<p>Service manager – People and Governance</p> <p>Service Manager – Corporate Policy</p>		<p>Risk reviewed February 2021 by Service Manager – People and Governance with no changes to risk scores.</p> <p>Risk reviewed April 2020 by Service Manager – People and Governance with both scores reduced from 6 to 4 due to Cllrs familiarity with the Code and the new Code of Conduct from Employees.</p>

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		<p>Training of Councillors continues to take place as required to ensure understanding of the importance of standards in public life. Councillors have been provided with a copy of the Code and the accompanying guidance and are provided with copies of any updates, guidance and advice notes as those are issued</p> <p>A survey of all Councillors was carried out in May 2019 establishing their views as to the training and development provided and to identify future needs.</p> <p>Councillors have an ongoing opportunity to participate in a CPD programme, which has been developed in conjunction with the Council's Organisational Development Team. This is 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.</p> <p>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.</p>										

Original date produced (Version 1)	13 April 2011		
File Name	East Lothian Council Corporate Risk Register		
Original Author(s)	Scott Kennedy, Risk Officer		
Current Revision Author(s)	Scott Kennedy, Risk Officer		
Version	Date	Author(s)	Notes on Revisions
1	13/04/2011	S Kennedy	Original Version
2	05/12/2011	S Kennedy	2 nd version made available to BoD for review
3	23/08/2012	S Kennedy	Draft version updated
4	15/11/2012	S Kennedy	Updated following BoD meeting and Strategy update
5	07/12/2012	S Kennedy	Updates received from services following BoD recommendations
6	18/12/2012	S Kennedy	Updated with additional risks.
7	04/01/2013	S Kennedy	Updated following consideration by CMT
8	09/05/2013	S Kennedy	EP & BC Risks updated
9	31/07/2013	S Kennedy	Data Protection Risk Added
10	01/11/2013	S Kennedy	Welfare Reform Risk updated (no change to score)
11	04/03/2014	S Kennedy	New Corporate Risks added on Safe Driving at Work, VERS, Fuel Shortages and Lone Working
12	March/April 2014	S Kennedy	All risks reviewed 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.
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 Owners. Development Plan and Public Protection risks added.

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

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			L	I	L x I		L	I	L x I			
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 Owners and reviewed by CMT									
19	December 2015	S Kennedy	All Risks Refreshed by Owners 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 Owners and Heads of Service.									
24	June-August 2018	S Kennedy	All risks reviewed and updated by Risk Owners and Heads of Service. Risk added 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									
26	29 November 2018	S Kennedy	Expansion of Early Learning and Childcare to 1140 hours reviewed and updated.									
27	12 December 2018	S Kennedy	Welfare Reform Risk Update by Risk Owners.									
28	April-May 2019	S Kennedy	All risks updated by Risk Owners.									
29	May 2019	S Kennedy	All risks reviewed by CMT and Corporate Risk Group and risk on Stability of the Council Plan removed.									
30	August 2019	S Kennedy	All risks reviewed and refreshed by Risk Owners.									
31	November 2019	S Kennedy	IS & DS and Standards in Public Life refreshed									
32	April 2020	S Kennedy	Register updated to include risk on COVID 19 and Climate Emergency Risk Renamed, Updated and Scored									
33	May 2020	S Kennedy	All other risks refreshed.									
34	June 2020	S Kennedy	Flooding and Coastal Erosion Risk updated									
35	July 2020	S Kennedy	COVID19 Risk on Finance incorporated into Financial Environment Risk									
36	August 2020	S Kennedy	COVID 19 Risk brought into this document.									
37	December 2020	S Kennedy	COVID and Brexit Risks Updated alongside Failure to maintain a Highly Skilled Workforce									
38	January 2021	S Kennedy	COVID, Brexit, Contest, Public Protection, Severe Weather, and Business Continuity Risks updated.									
39	February 2021	S Kennedy	COVID, Brexit, Highly Skilled Workforce, Corporate Events Management, Duty of Care to Council Staff (H&S) and 1140hrs risks updated									
40	March 2021	S Kennedy	IT & DP, Climate Emergency, Public Sector Reform, Equality Development Plan, Flooding & Coastal Erosion and Finance risks updated.									
41	April 2021	S Kennedy	Welfare Reform risk removed.									
42	May 2021	S Kennedy	Full Risk Register reviewed and updated by Risk Owners with COVID Risk reduced to a summary and separate COVID Risk Register created.									