

REPORT TO: Audit and Governance Committee

MEETING DATE: 15 June 2021

BY: Chief Executive

SUBJECT: Corporate Risk Register

1 PURPOSE

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

The Corporate Risk Register has been developed in keeping with the Council's Risk Management Strategy and is a live document which is reviewed and refreshed on a regular basis, led by the Corporate Risk Working Group (RWG).

2 RECOMMENDATIONS

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

3 BACKGROUND

- 3.1 The Risk Register has been compiled by the Corporate RWG on behalf of and in consultation with Council Management Team. All risks have been evaluated using the standard (5x5) risk matrix (Appendix 2) which involves multiplying the likelihood of occurrence of a risk (scored 1-5) by its potential impact (scored 1-5). This produces an evaluation of risk as either 'low (1-4)', 'medium' (5-9), 'high' (10-19) or 'very high' (20-25).

- 3.2 The Council's response in relation to adverse risk or its risk appetite is such that:
- Very High risk is unacceptable and measures should be taken to reduce, transfer or treat the risk to a more tolerable position;
 - High risk may be tolerable providing the Council is assured that adequate and effective control measures are in place;
 - Medium risk is tolerable with control measures that are cost effective;
 - Low risk is broadly acceptable without any further action to prevent or mitigate risk.
- 3.3 The Corporate Risk Register includes 1 Very High, 8 High, 9 Medium and 1 Low Risks. As per the Council's Risk Strategy, only the Very High and High risks are being reported to the Committee.

4 POLICY IMPLICATIONS

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

5 INTEGRATED IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

- 6.1 Financial - It is the consideration of the Corporate Risk Management Group that the recurring costs associated with the measures in place for each risk are proportionate to the level of risk. The financial requirements to support the Risk Register should be met within the proposed budget allocations. Any unplanned and unbudgeted costs that arise in relation to any of the corporate risks identified will be subject to review by the Corporate Management Team.
- 6.2 Personnel - There are no immediate implications.
- 6.3 Other - Effective implementation of this register will require the support and commitment of the Risk Owners identified within the register.

7 BACKGROUND PAPERS

- 7.1 None.

Appendix 1 – Corporate Risk Register

Appendix 2 – Risk Matrix

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DESIGNATION	Emergency Planning, Risk and Resilience Officer	
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DATE	03 June 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
			Likelihood	Impact	Total		Likelihood	Impact	Total			
			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</p> <p>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</p> <p>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</p> <p>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</p> <p>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 July 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>June 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>

Risk Ref.	Risk Description	Existing Risk Control Measures	Assessment of Current Residual Risk			Planned Risk Control Measures	Assessment of Predictive Risk			Risk Owner	Timescale for Completion / Review Frequency	Evidence held of Regular Review
			Likelihood	Impact	Total		Likelihood	Impact	Total			
			L	I	L x I		L	I	L x I			
	<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 Multi-Agency Panels (PMAPs), 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>MS Teams has been implemented enabling PPO to arrange training via MS Teams.</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>										
											September 2021	
											December 2021	

East Lothian Council Risk Matrix

Likelihood Description

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

Impact Description

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

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

Key

Risk	Low	Medium	High	Very High
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