East Lothian Council

MINUTES OF THE MEETING OF THE CABINET

TUESDAY 14 MARCH 2023
VIA A DIGITAL MEETING FACILITY

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Cabinet Members Present:

Councillor S Akhtar
Councillor F Dugdale
Councillor A Forrest
Councillor N Hampshire (Convener)
Councillor C McGinn
Councillor J McMillan

Other Councillors Present:

Councillor L Bruce
Councillor C Cassini
Councillor G McGuire

Council Officials Present:

Mrs M Patterson, Chief Executive
Ms L Brown, Executive Director for Education and Children's Services
Ms S Fortune, Executive Director for Council Resources
Mr D Proudfoot, Executive Director for Place
Ms E Dunnet, Head of Finance
Ms M Ferguson, Head of Corporate Support
Mr I Gorman, Head of Operations, East Lothian Health & Social Care Partnership
Ms N McDowell, Head of Education
Ms W McGuire, Head of Housing
Mr T Reid, Head of Infrastructure
Ms S Saunders, Head of Communities & Partnerships
Ms M Sullivan, Head of Development
Mr K Dingwall, Service Manager - Planning
Ms G Neil, General Manager – Adult Community
Mr S Cooper, Team Manager - Communications
Mr I Lennock, Team Manager – Assets and Regulatory
Mr S Kennedy, Emergency Planning, Risk & Resilience Officer
Mr D Irving, Senior Planner
Ms R Crichton, Committees Officer

Clerk:

Ms F Currie

Apologies:

None

Declarations of Interest:

Item 2 – Councillor McMillan and Councillor McGinn each declared an interest as Council-appointed board members of Enjoy Leisure. The Monitoring Officer, Morag Ferguson, advised that Members appointed to third party organisations by the Council, did not have to

declare an interest solely as a consequence of their appointment and could remain in the meeting during consideration of the item of business if they wished. Both members agreed to do so and their membership of the Board of Enjoy Leisure was noted for transparency purposes.

1. MINUTES FOR APPROVAL – CABINET 17 JANUARY 2023

The minutes of the meeting of the Cabinet on 17th January 2023 were approved.

2. ADDITIONAL FINANCIAL SUPPORT TO ALEO

A report was submitted by the Executive Director for Council Resources to approve an additional financial contribution of support to Enjoy Leisure.

The Executive Director for Council Resources, Sarah Fortune, presented the report. She informed Members that the proposed contribution of £40,000 would support Enjoy Leisure for the loss of income suffered as a result of the closure of the Loch Centre swimming pool. She advised that Enjoy Leisure's management had been exploring all options to mitigate the impact of this closure, which remained an important income stream. The organisation continued to operate in a very challenging financial landscape, particularly during their recovery from COVID, and the Council had continued to provide a 'letter of guarantee'. Officers were meeting monthly, in addition to regular contract meetings, to discuss the ongoing closure of the pool. Ms Fortune confirmed that the proposed contribution was consistent with the legal agreement between the Council and Enjoy Leisure and that the ongoing impact of the closure would remain subject to review.

In response to a question from Councillor Bruce, the Head of Infrastructure, Tom Reid, explained that there were significant structural issues within the fabric of the building and an options appraisal was currently underway to identify the best way forward.

Councillor McMillan welcomed the proposal and the close liaison, support and collaboration between the Council and Enjoy Leisure. He said that the Loch Centre was an important part of life in Tranent and the work undertaken by Enjoy was important to people's wellbeing.

Councillor McGinn echoed these remarks adding that the support shown for Enjoy and for COVID recovery was good to see. Such facilities were crucial to the health and wellbeing of communities and the Council must ensure that these continued in the future.

Councillor Dugdale also welcomed the report and the support for Enjoy.

The Convener commented that the public were aware of the difficult financial position being faced by both Enjoy and the Council. This money would help and the Council would continue to do all it could to support Enjoy.

Decision

The Cabinet agreed, by roll call vote, to approve an additional financial contribution of £40,000 to Enjoy Leisure aligned to loss of income relating to the closure of the Loch Centre swimming pool.

3. RISK MANAGEMENT STRATEGY 2023 TO 2026

A report was submitted by the Chief Executive presenting the Risk Management Strategy 2023-2026 for approval.

The Emergency Planning, Risk and Resilience Officer, Scott Kennedy, presented the report. He outlined the background and key elements of the strategy and advised Members that it had last been revised in December 2019 and had covered the period to December 2022. The Corporate Risk Management Group, along with its sub groups, had recently reviewed and amended the strategy to take account of the current risk context within which the Council operates, existing risk management practice and current software. The revised strategy would cover the period 2023 to 2026.

Mr Kennedy responded to questions from Members. He confirmed that the strategy was relayed to all members of staff, via CMT, SMT and service managers, and that everyone should be involved in the identification and management of risk. The strategy should also inform discussions on the development and review of Council policies. Mr Kennedy added that the existing risk registers would shortly be moving onto new software and that training workshops would be provided for Elected Members and staff.

Councillor McMillan said this was an important paper and he paid tribute to the work done by staff to embed risk management practices across Council services; work which had been remarked upon by the Council's external auditors.

Councillor Akhtar echoed these remarks acknowledging the workforce behind the strategy. She said she was reassured that the Council had learned the lessons of the last few years and that staff were coming to the fore to support communities.

Councillor McGinn agreed with his colleagues, noting that communities and the groups supporting the work to manage risks were not always recognised when things had gone well but were often picked up on when things went wrong. He added that it was important to allow managed risks and to use these opportunities to learn lessons in as safe a way as possible.

Councillor Dugdale commented that by managing and controlling risk the Council was creating resilience and improving its agility to support communities across East Lothian.

The Convener agreed with all of his colleagues' remarks. He said that the report gave confidence that all services were assessing risk and identifying and resolving issues at an early stage. He was confident that the Council would continue to manage its challenges.

Decision

The Cabinet agreed, by roll call vote, to approve the Risk Management Strategy 2023-2026 and in doing so, noted that this was a live document which would be monitored by the Corporate Risk Management Group in the context of new and developing risks arising in the international, national and local context.

4. MEDICATION ASSISTED TREATMENT (MAT) STANDARDS

A report was submitted by the Chief Officer, East Lothian Health & Social Care Partnership, seeking to update Cabinet in relation to the Medication Assisted Treatment (MAT) Standards and the requirement to embed and implement standards 1 – 5 to 'enshrine a rights based approach to immediate, person centred treatment for problem drug use, linked to primary care, mental health and other support services' by April 2023.

The General Manager – Adult Community, Gillian Neil, presented the report. She outlined the background and purpose of the MAT Standards and explained how services had been developed to provide same day access to assessment and treatment for those individuals with an opioid dependence. She advised that considerable work had been done to implement the MAT standards by April 2023 and a recent assessment had shown that East Lothian was on target to fully implement standards 1 – 5 by the deadline. She also confirmed that although MAT standards 6 – 10 did not have to be fully implemented until April 2024, East Lothian had already made good progress against these and were on track to fully implement them in 2023.

Ms Neil responded to questions from Members. She provided further information on how experiential data was gathered from those with lived experience, and how this would be used to monitor progress and develop services. She advised that services had already assessed and engaged with 25 people within the first 2 months; initially, this had been the target by April 2024. She confirmed that the team would also provide psycho-social support to service users and that this linked to the implementation of standards 6 – 10, and she outlined training and other support provided to services to help them implement the standards. Ms Neil provided an update on the two low threshold cafes operating in East Lothian, observing that attendance was gradually increasing. She also confirmed that funding from the Scottish Government and MELDAP for implementation of the MAT standards was recurring for four years; allowing the continuation of services which were already reaping positive rewards.

Councillor Akhtar thanked Ms Neil and her team for the report noting that implementation of the standards had had to be made in a short timeframe and within a challenging environment. She acknowledged the achievement of supporting 25 people within the first 2 – 3 months, when the target by April 2024, and that these were individuals going through challenging situations. She also highlighted the links with housing and commended the work of the café in supporting individuals. She expressed her disappointment that the implementation of the MAT standards had not been fully funded by the Scottish Government and she thanked MELDAP for stepping in to bridge the gap.

Councillor McMillan echoed these remarks. He commented that it was very easy to be abstracted from the problem but it was different when seen on our own streets. He welcomed the progress made and the collaboration between services. He added that this was also another example of effective risk management.

Councillor Forrest welcomed the report which he said had been sobering reading. He also welcomed the offer of training and felt that community groups, in particular, would take advantage of this. He concluded that any actions which would drive down the number of drug related deaths was to be welcomed.

The Convener said that this was an example of what the Council delivers for East Lothian and he commended the progress made in such a short timeframe. He said the Council would do all it could to ensure this work could continue and that funding would be available from the Scottish Government.

Decision

The Cabinet agreed to:

i. Note the specific responses, actions and oversight arrangements required by the Scottish Government to achieve implementation of the MAT standards; and
ii. Note progress against the delivery of the MAT standards 1 – 5 by April 2023.

5. DISCRETIONARY CHARGING FOR THE PLANNING SERVICE

A report was submitted by the Executive Director for Place informing Cabinet of the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 that came into force on 1 April 2022 and to seek approval for new discretionary fees to be applied for services, and surcharges to be applied to retrospective planning applications within the Planning Service of East Lothian Council.

The Service Manager - Planning, Keith Dingwall, presented the report. He informed Members that the 2022 Regulations had introduced some additional categories of payment enabling Planning Authorities to charge discretionary fees for some services and to apply a surcharge for retrospective applications. A working group had been set up to consider options and it was proposed that the Planning Service introduce fees for dealing with pre-application enquiries, non-material variations, compliance with conditions and apply a surcharge to the fees for retrospective applications. Mr Dingwall outlined the proposed fee levels and confirmed that these had been benchmarked against other local authorities, as well as being subject to limited consultation with developers and planning agents.

Mr Dingwall responded to questions from Members. He outlined arrangements for publicising the proposed changes to fees, provided further detail on exemptions and confirmed that the new fees and charges would be kept under review.

Councillor Akhtar welcomed the report and said she would be keen to support an ongoing policy review and to consider, in six months or a year, whether further exemptions were required.

The Convener welcomed fair charges for the services provided by the Planning Authority. While he accepted the concerns expressed regarding exemptions to charging, he supported the principle that people should pay for a service.

Decision

The Cabinet agreed, by roll call vote, to approve:

i) the introduction from the 1 April 2023 of discretionary charges for (i) providing pre-application services and written advice, (ii) considering a request to vary a planning permission, as a non-material variation, and (iii) considering a request for written confirmation of compliance/discharge of conditions, all as set out in Appendix 1; and

ii) the introduction from the 1 April 2023 of a surcharge of 25% of the planning application fee to be imposed on all planning applications made after the carrying out of part or all of the development, as set out in Appendix 1.

6. COUNCIL HOUSE ALLOCATIONS TARGETS FOR 2023/24

A report was submitted by the Executive Director for Place seeking approval for Council House Allocation Targets for the period 1 April 2023 to 31 March 2024 and explaining the context, legal position and rationale for the proposed targets.

The Head of Housing, Wendy McGuire, presented the report. She set out the background to the allocations targets, including legislation, performance against previous year allocations and other statutory considerations. She advised that changes to legislation, increased pressure on homeless accommodation, housing needs for young people leaving the care

system and humanitarian programmes had increased the challenges facing the housing team. The allocations policy, including local lettings plans, allowed them to make best use of the available stock and it was recommended that the allocations targets remained the same as last year. The position would continue to be closely monitored and a further report would be brought to Cabinet in 6 months' time.

Ms McGuire responded to questions from Members. She confirmed that incentivised moves had helped to free up larger housing stock but on this had to be balanced with need as currently the greatest demand was for one bedroom properties. She acknowledged that a number of factors contributed to housing demand and that all decisions on allocations had to be based on need and available stock.

Ms McGuire advised that there were a number of criteria set by the Scottish Government to determine unsuitable accommodation and she agreed to share this information with Members. She confirmed the position with regard to compliance with the legislation, noting that there were currently a number of breaches of the 7 day target for rehousing someone who was living in 'unsuitable' accommodation. It was also not yet clear whether the position in East Lothian was being impacted by people declaring themselves homeless within the county, as a result of being housed in unsuitable accommodation elsewhere. She confirmed that the Scottish Government had yet to publish guidance on this issue and this had been raised at meetings with officials.

Councillor Forrest welcomed the report and thanked the staff in the housing teams who were working under extreme pressure. He said the situation was not helped by the number of changes brought forward by the Scottish Government and that Council's needed breathing room and guidance to be able to implement these changes effectively.

Councillor Akhtar acknowledged the work undertaken to get the Council back to pre-COVID levels of allocations and she thanked staff for their efforts. She said that progress with new Council housing at Letham and Pencaitland would make a difference but noted that a reduction in funding in such a crucial area had made things increasingly challenging for staff.

The Convener thanked the officers who managed the housing stock and acknowledged the huge challenge presented by homelessness and increasing waiting lists. The Council was trying to deliver as many affordable homes as possible but the challenges resulting from homelessness legislation increased existing pressures. He emphasised the importance of maintaining a balance across the county and of preserving the target of 5% of allocations for sustainable communities.

Decision

The Cabinet agreed, by roll call vote, to:

i. Approve the recommended targets detailed in section 3.23 of the report;
ii. Note that performance against these targets would be reviewed on a regular basis and that such reviews would form part of the analysis in setting future targets in 2023/24 and beyond; and
iii. Note that ongoing regular monitoring of performance had been embedded within the Community Housing Performance Management Framework.

7. VARIOUS ROADS, EAST LOTHIAN: INTRODUCTION AND AMENDMENTS TO TRAFFIC REGULATION ORDERS 2023

A report was submitted by the Executive Director for Place seeking approval to start the statutory procedures necessary to introduce and amend various Traffic Regulation Orders to

prohibit waiting, loading and unloading, amend some speed limits, re-determine a footway as suitable for cyclists and make a road one-way with a ban on left/right turns.

The Team Manager – Assets & Regulatory, Ian Lennock, presented the report. He advised Members that approval was sought to begin the statutory process to put in place the Traffic Regulation Orders (TROs) set out in the appendices to the report.

Mr Lennock responded to questions from members providing further details of the works associated with orders for Hercus Loan and Eskmills Road in Musselburgh and changes to speed limits in New Winton and Humbie. He also confirmed that options for the junction at Queens Road/Spott Road in Dunbar had been reviewed by an independent consultant and would require appropriate parking restrictions.

Councillor Akhtar thanked officers for the report and noted that some of these proposals were in response to issues raised by local residents. She particularly welcomed the proposals for Hospital Road, Haddington and the changes to speed limits in Humbie and New Winton.

Councillor McMillan welcomed the report and the measures which should help reduce speed and improve safety on the county's roads. He acknowledged that officers were doing all they could to promote public safety but driver behaviour was a major factor. He added that it was important to get across the message that speeding was unsafe and unacceptable.

Councillor Forrest welcomed the work outlined in the report, particularly at the junction of Eskside West and Bridge Street which would remove some of the current dangers.

Decision

The Cabinet agreed, by roll call vote, to approve the initiation of the statutory procedure necessary to introduce and amend Traffic Regulation Orders in accordance with the Local Authorities (Procedures) (Scotland) Regulations 1999 and such introduction and amendments that are in force in respect of locations and proposals listed in the appendices to the report.

8. DECRIMINALISED PARKING ENFORCEMENT – INCREASE IN PENALTY RATES

A report was submitted by the Executive Director for Place updating Cabinet on the Scottish Government Guidance on increases to Decriminalised Parking Enforcement Penalty Charge Maximum Rates.

Mr Lennock presented the report. He outlined the background to the delegated powers for decriminalised parking enforcement being adopted by East Lothian Council and provided details of the current parking fine rates. He advised that following a Scottish Government consultation in 2022 no change was planned. However, this resulted in increased calls from local authorities and other interested parties to review the decision and to give additional powers to local authorities to decide whether to increase the levels of Penalty Charge Notices (PCNs). The Scottish Government has now issued revised guidance and from 1 April 2023 payments may be increased within prescribed ranges. Mr Lennock outlined the proposed increase in PCN charges for East Lothian. He advised that while no formal benchmarking had taken place, there had been informal discussions with other local authorities.

Councillor McMillan noted the contribution these proposals would make towards the Council's priorities of providing a safer environment and safer homes and roads within East Lothian. He acknowledged that driver behaviour was again a factor and until there was a

stop to indiscriminate parking the Council's goals would not be achieved. Therefore, it was important to support officers in their efforts to make roads and access safer for all.

Councillor Dugdale hoped that these proposals would stop dangerous parking and help to make the country's roads safer for all users, particularly children and young people using active travel routes.

The Convener commented that the vast majority of people would never receive a PCN; they were only for those didn't follow the rules and who parked indiscriminately. He supported the proposals and the need for enforcement.

Decision

The Cabinet agreed, by roll call vote, to:

i. Note the increase of parking fines for Penalty Charge Notices; and
ii. Approve the adoption of the higher rate of charges.

DRAFT

Signed .....

Councillor Norman Hampshire
Council Leader and Convener of Cabinet

East Lothian Council

REPORT TO: Cabinet

MEETING DATE: 9 May 2023

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BY: Executive Director for Place

SUBJECT: Improvement to Excellence: East Lothian Council's Continuous Improvement Framework

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1 PURPOSE

1.1 To seek Cabinet approval for the revised Improvement to Excellence Continuous Improvement Framework

2 RECOMMENDATIONS

Cabinet is asked to:

2.1 Approve the revised Improvement to Excellence: East Lothian Council's Continuous Improvement Framework (Appendix 1).

3 BACKGROUND

3.1 The Council adopted 'Improvement to Excellence' as its continuous improvement framework in March 2012. The framework was reviewed and revised on several occasions since then. The last review was carried out in 2018/19 to take account of the findings and recommendations of the Quality Scotland, Recognised for Excellence (R4E) assessment and Audit Scotland Best Value Assurance Review that were carried out in 2018. The current framework was approved by Cabinet in March 2019.

3.2 'Improvement to Excellence' has been revised again to take account of the Council's new priorities as set out in the 2022-2027 Council Plan, and the experience and practice of operating the framework over the last few years.

3.3 The Council's continuous improvement framework is based on five-inter-related elements:

- Setting clear outcomes and objectives – what we need to do to achieve our vision and ambitions

- Service improvement planning and management – setting out how we are going to deliver and manage our services, resources and improvement
- Performance management, monitoring and reporting – monitoring how we are doing so we know what we need to improve
- Self-evaluation – measuring how we are doing and what we need to improve
- External assessment and accreditation – how others see us and gaining external validation.

3.4 Each of these elements of the framework have been reviewed and a revised Improvement to Excellence framework has been prepared. (see Appendix 1)

3.5 The main alteration that has been made to the framework is the replacement of the How Good is our Service self-evaluation model by the adoption of the Public Service Improvement Framework (PSIF) model. PSIF which is based on the European Foundation of Quality Management (EFQM) is he self-evaluation framework used by most Scottish local authorities and is supported by the improvement Service. The PSIF self-evaluation has been piloted by the Council Management Team and will be rolled out to all services over a three year rolling programme.

3.6 The annual timetable of activities to support the continuous improvement framework has also been revised and has been detailed in Appendix 1 of 'Improvement to Excellence'.

4 POLICY IMPLICATIONS

4.1 The adoption of the revised Improvement to Excellence framework ensures that the Council continues to have a reliable and fit for purpose approach to ensuring the Best Value principles are well embedded.

5 EQUALITIES IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

6.1 Financial – none.

6.2 Personnel – none.

6.3 Other – none.

7 BACKGROUND PAPERS

7.1 None.

Appendix 1: Improvement to Excellence: East Lothian Council's Continuous Improvement Framework

AUTHOR'S NAME	Paolo Vestri
DESIGNATION	Service Manager Policy, Improvement & Partnerships
CONTACT INFO	pvestri@eastlothian.gov.uk
DATE	20th April 2023

East Lothian Council

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IMPROVEMENT TO EXCELLENCE

East Lothian Council's Continuous Improvement Framework

'An even more prosperous, safe and sustainable East Lothian, with a dynamic and thriving economy, that enables our people and communities to flourish.'

(April 2023)

Improvement to Excellence
East Lothian Council's Continuous Improvement Framework

Improvement to Excellence is the Continuous Improvement Framework through which East Lothian Council will continue to strive for best value and to move from improvement to excellence. The 2022-2027 Council Plan sets out the Council's strategic aims and priorities and provides the overall direction and focus for how the Council will deliver the outcomes which achieve progress in meeting our vision of: *An even more prosperous, safe and sustainable East Lothian, with a dynamic and thriving economy, that enable our people and communities to flourish*.

The Council has put delivery of excellent services at the heart of what we do. One of the key priorities in the Council Plan is *Growing our Capacity to deliver excellent services as effectively and efficiently as possible within our limited resources.* The financial challenges which the council faces over the medium term financial strategy period 2023/24 – 2027/28 are unprecedented and it faces a funding gap of up to £70m by the end of that period. Therefore it is crucial that we do everything possible to deliver our services as effectively and efficiently as possible. This means we need to continuously review what we do, how we do it and the impact we are having, then deploy the lessons learned to ensure we deliver improving services and real excellence – balancing quality of service with value for money.

The Council's commitment to continuous improvement is centred on the belief that we have to be self-aware of our strengths and areas for improvement, we need to be more proactive about identifying improvement opportunities and managing our performance, and be critically honest in our evaluation of our own performance. Inspections, audits and accreditation support the process by providing independent and external assessment of how we are doing and what can be improved.

All Council staff have a responsibility to strive to deliver excellent, efficient and effective services. However, managers throughout the organisation have a responsibility to lead and manage the improvement process and act as role models by adopting good management behaviours and practices[1]:

[1] These points have been adapted from an Audit Commission report, '*Performance Breakthrough*'

- Translating the Council Plan and East Lothian Plan (our Local Outcome Improvement Plan) into something that is meaningful for their service via the One Council concept
- Putting into practice, the concept of Improvement to Excellence through this Continuous Improvement Framework
- Showing staff that performance matters and helping people perform to the best of their ability and being prepared to deal with situations where the service is under-performing.
- Ensuring all staff work together, striving to meet objectives through a common set of values and behaviours – 'One Council'
- Understanding about whether things are improving, and if not, use joined up thinking to learn what could be done to improve
- Measuring what matters to service users and to staff to ensure effort and resources are invested in what is most important
- Taking action to ensure that change happens efficiently and effectively.

Achieving Best Value

Improvement to Excellence is designed to ensure the Council meets its legal requirement to provide Best Value. Best Value is about ensuring there is effective governance and management of resources, with a focus on continuous improvement to deliver the best services and outcomes for the public.

The **Local Government in Scotland Act 2003** introduced a statutory framework for Best Value for local authorities. The Best Value duties are set out in the Act. These include to make arrangements to secure continuous improvement in performance (while maintaining an appropriate balance between quality and cost); and, in making those arrangements and securing that balance; to have regard to economy, efficiency, effectiveness. Duties also include making arrangements for reporting the outcomes of performance of services to the public. Four questions are key to Best Value:

Statutory Performance Reporting – Accounts Commission Direction 2021

The Accounts Commission have the statutory power to determine the performance information that must be published by local authorities in order to provide opportunities for benchmarking and scrutiny. The Accounts Commission Direction 2021 on Public Performance Reporting came into force in April 2022 and includes two parts.

1: Improving local services and local outcomes.

- Performance reporting should includes performance in improving local public services, both provided by itself and in conjunction with its partners and communities and progress against the desired outcomes agreed with its partners and communities.

2: Demonstrating Best Value

- The 2nd part focuses on self-assessments and how the Council is performing against its duty of Best Value, including self-assessments and service review activity, and how it has responded to this assessment. This also includes Audit assessments (including those in the annual audit) of its performance against its Best Value duty, and how it has responded to these assessments and assessments from other scrutiny and inspection bodies.

The Improvement to Excellence Process

Performance management and continuous improvement is about improving outcomes for the people of East Lothian by ensuring that the Council works as effectively and efficiently as possible. The performance improvement cycle involves a continuous process of planning for improvement. Starting with settings objectives (Plan), delivering services and achieving outcomes (Deliver), monitoring performance and reporting progress (Monitor) and reviewing and learning what worked well and identifying areas for improvement (Review).

Appendix 1 sets out the annual timetable of activities that contribute to continuous improvement and Appendix 2 lists the key policies and documents that support the framework.

The Improvement to Excellence Framework has five essential components.

1. Setting Clear Outcomes and Priorities

- What we need to do to achieve our vision and ambitions

2. Service and Improvement Planning

- Setting out how are we going to deliver and manage services, resources and improvement

3. Performance Management and Reporting

- Monitoring how we are doing so we know what we need to improve

4. Self-Evaluation

- Measuring how are we doing and what do we need to improve

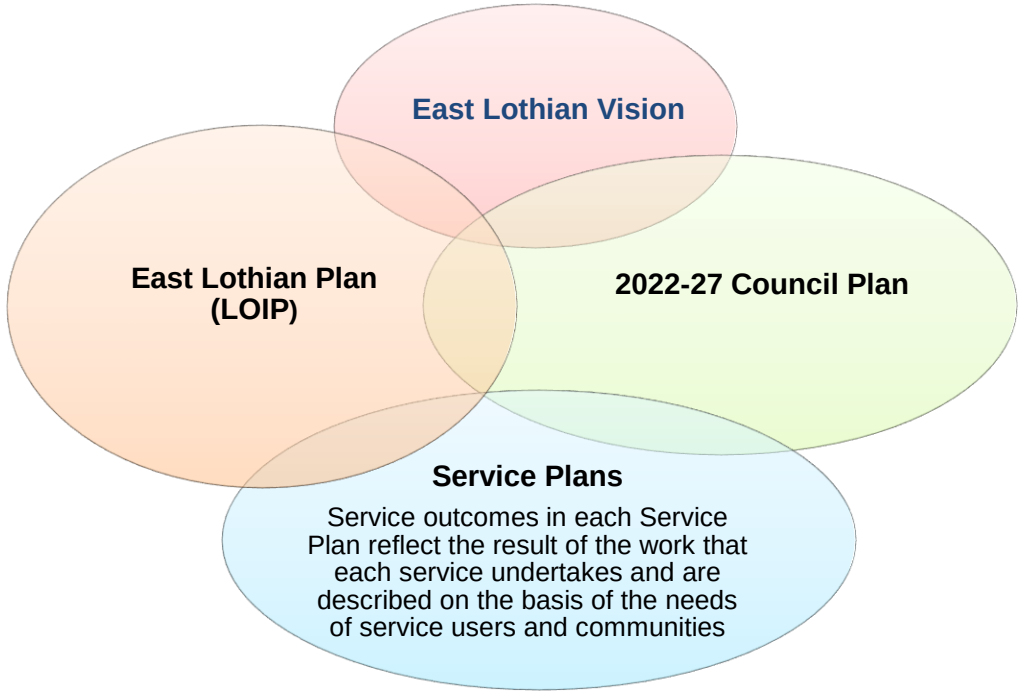
5. External Assessment and Accreditation

- How others see us and gaining external validation

1. Setting Clear Outcomes and Priorities

The Council and East Lothian Partnership[2] have adopted a clear vision of ***"An even more prosperous, safe and sustainable East Lothian, with a dynamic and thriving economy, that enables our people and communities to flourish***." The Council Plan and East Lothian Plan (Local Outcome Improvement Plan) set out the key outcomes and priorities that the Council and its partners have set in order to achieve that vision. The 2022-27 Council Plan has seven objectives – Recovery and Renewal; Reduce Poverty; Respond to the Climate Emergency; Grow our Economy; Grow our People; Grow our Communities; and, Grow our Capacity. The East Lothian Plan has three themes – Prosperous, Fair and Community Minded.

Each council service will develop their own Service Plan, setting out the 'Service Outcomes' that reflect how the service will contribute to achieving the outcomes and priorities of the Council Plan and East Lothian Plan. Appendix 2 details the main documents and policies relating to the key elements of the continuous improvement framework.



[2] The East Lothian Partnership is our Community Planning Partnership which includes statutory partners – the Council, NHS Lothian, Police Scotland, Scottish Fire and Rescue Service and Scottish Enterprise – and a wide range of other partners including community organisations

2. Service and Improvement Planning

Service and improvement planning principally is carried out at a service and business unit level through the Service Planning process and at a Council wide level through strategic planning of Finance, Assets, Workforce and Risk. These plans set out the approaches the Council and services take to achieve their objectives, outcomes and priorities.

Service Planning

Service Plans provide a link to the priorities and outcomes set out in the Council Plan and the East Lothian Plan, any relevant legislation that is specific to the Service and to the results of assessment and review for improvement identified through self-evaluation and performance monitoring.

The Service Plan provides a specific representation of what is involved in the delivery of outcomes and priorities, recognising the resource implications, actions, and risks concerned. Service Plans translate 'what we intend to do' into 'how we will achieve it'.

Service Plans should be three or four year plans. They should be live documents that are reviewed and revised as required (as a minimum, annually) to incorporate and take account of any budget changes that will impact on the service, the environment in which these services operate, and any new improvement actions identified by the self-evaluation process, based on reviews of performance and employee engagement.

Service Plans will:

- identify the challenges each service is facing
- detail the relevant Council priorities and outcomes to which the service will contribute
- define service specific outcomes which will also reflect the Council's priorities
- summarise strengths and areas for improvement arising from self-evaluation
- outline the actions required to achieve those outcomes and improvement.

Service Plans will contain the outcome indicators for each Service. The action and improvement plan should contribute to the achievement of the outcome indicators. Any indicators or measures used should have a clear definition, to establish what is being measured and how. Indicators should be based on **robust and reliable data**, with **targets**, and, where relevant, appropriate **segmentation**, **trends** and **benchmarks**.

Service Plans should also identify the main risks that might prevent the Service from achieving its ambitions.

Some business units or teams may have their own plans. These will be linked to the Service Plan but serve a slightly different purpose. Unit or Team plans provide a more functional link for staff and managers to refer to. For most staff the Unit or Team Plan would answer the question: 'What am I meant to be doing?' These plans will be the unit or team's work plan for the year. Unit or Team plans reflect the diverse nature of the way in which the Council's services are structured.

Financial Planning and Management

The financial objective of the Council is to provide the services that are required to meet the Council's objectives within the budget set by the Council and with Council Tax and charges set at appropriate levels to meet its objectives. Underpinning this objective are two key principles of public finance that the Council must observe – that there should be no taxation in advance of need and that there should be fairness in the tax burden between generations and taxpayers. The Council plans for the medium term through its Financial Strategy statement and its three-year revenue and five-year capital planning processes.

Budget review and development is not a once-a-year process. External circumstances are continuously changing and performance compared against budget will be under regular review with formal reports to the Council or Cabinet following the end of each quarter and a year-end report to the Council following submission of the draft accounts for audit. In addition, monthly and quarterly performance reports are issued to managers with budget responsibility. Quarterly financial statements are reported to the Council with risk ratings associated with actual or possible over or under spends on budget allocations. The overall finances of the Council are subject to detailed annual independent audit review.

Workforce Plan 2023 - 2027

The Workforce Plan 2023 - 2027 aims to support the Council to achieve the vision and ambitions set out in the Council Plan and address the challenges it faces by providing a coherent and consistent approach to ensuring a skilled, motivated, flexible and well managed workforce. The Workforce Plan's vision is that: *East Lothian Council will be an employer of choice and our staff will:*

- *have the skills, knowledge, experience and motivation to deliver the highest quality services*
- *be flexible and adaptable around our changing organisational needs*
- *take personal responsibility and ownership to be effective in their jobs and take every opportunity to be as productive as possible to deliver their agreed work priorities*
- *be resilient to change and instigate, as well as adapt to, changes in service delivery*
- *be satisfied and engaged and feel safe at work*

- ❖ *work in partnership across all services and with the Council's partners and communities to effectively deliver essential services and outcomes*
- ❖ *be customer focused and deliver person centred, trauma informed and inclusive services*
- ❖ *feel valued and recognised for the contribution they make to achieving the Council's vision and objectives*
- ❖ *be supported, empowered and trusted.*

The plan sets out 32 actions to deliver the workforce vision based around three themes:

- Sustain a skilled, flexible, high performing and motivated workforce
- Support and initiate transformational change
- Build and sustain leadership and management capacity.

Personal Review and Development (PRD) provides an opportunity for all staff to review how they contribute to the Council's vision and the Council Plan. It provides the link between the staff and the improvement framework by identifying whether and how individuals can be supported to help contribute to the achievement of the Council's objectives.

Risk Management

Risk management is the process of identifying, analysing, treating and monitoring risks which face the organisation. Risks are recorded within the Council Risk Register, Service Risk Registers or project risk registers.

Corporate risks represent those risks with the potential to impact on the 'corporate body', East Lothian Council, in achieving its stated policies and corporate objectives and those that require strategic leadership (for example the East Lothian Plan). The Council Management Team has responsibility for the Council Risk Register.

Service risks represent the potential for impact on 'individual services' in relation to service delivery, or the experience of those who work within the services, i.e. staff, partners, contractors and volunteers, or the general public and clients in receipt of the services provided. Service risks may be included on the corporate risk register where a risk impacts on multiple services or requires significant central resources in the development of risk control measures. Heads of Service have responsibility for Service Risk Registers.

The Council Risk Register and Service Risk Registers are reviewed annually to ascertain progress and to check for contextual changes affecting the risks. Services are also encouraged to be proactive in identifying new or potential risks throughout the year.

3. Performance Management, Monitoring and Reporting

Performance Indicators

Accurate, high quality, timely and comprehensive performance data is essential to the effectiveness of the Council's Improvement Framework. Performance data is generated for a range of purposes which can be shown as a pyramid.

- Services collect a large number of indicators that are used to monitor delivery of their service plans and for management purposes or to meet the requirements to report on national performance frameworks and / or Strategic Plan indicators.
- The Strategic Performance Indicators (or Key Performance Indicators) are the set of indicators that show how Council services are performing across a range of factors such as cost, performance and satisfaction.
- The 50 Council Plan Indicators is a smaller set of indicators that monitor progress in achieving the Council Plan's nine strategic goals and key commitments
- The Top 10 show at a glance how the Council is performing in achieving the Council Plan.

The range of performance data collected should be regularly reviewed to ensure that data collected is useful in terms of being able to measure performance against key priorities and outcomes.

It is important that data collected provides the ability to measure the quality of the service provided and customer/ client satisfaction with the service provided, not just the volume of service delivery – outcomes and not just inputs and outputs.

The following table outlines some considerations and expectations around Results.

Relevance & Usability	
Scope & Relevance	A coherent set of results, including key results, are identified that demonstrate the performance of the organisation in terms of its strategy, objectives and the needs and expectations of the relevant stakeholders.
Integrity	Results are timely, reliable & accurate.
Segmentation	Results are appropriately segmented to provide meaningful insights.
Performance	
Trends	Positive trends or sustained good performance over the last 3 years.
Targets	Relevant targets are set and consistently achieved for the key results, in line with strategic goals.
Comparisons	Relevant external comparisons are made are favourable for the key results, in line with the strategic goals.
Confidence	There is confidence that performance levels will be sustained into the future, based on the established cause & effect relationships.

Consideration should be given to how the Council's performance can be benchmarked against comparator authorities or organisations (see below).

Monitoring and Reporting

The reporting of performance data is required in a number of respects. The regular reporting of accurate and clear information (and effective scrutiny of that information) helps lead to good decision making and improved performance. Managers can use performance data to identify where performance is below expectations and take remedial action to improve performance. Reviewing targets in the light of experience – setting higher targets where performance is above expectations – can help to drive continuous improvement.

The reporting of performance to elected members, the public and other stakeholders helps to ensure accountability. All performance indicators are reported via the Council's performance management software. This can also be used to report and monitor actions from Service and other Plans and Risk. Performance Indicators, Service Plan Actions and Risks can all be shown on the Council's website. Performance is reported in several different ways to satisfy the needs of different stakeholders, including senior managers, elected members, the public and auditors.

Scrutiny by Elected Members

Scrutiny of Council and service performance is conducted by the Policy & Performance Review (PPR) Committee and the Audit & Governance Committee. Scrutiny of the Police and Fire & Rescue Service is conducted by the Police, Fire and Community Safety Scrutiny Committee. The remit and powers of the scrutiny committees are set out in detail in the Council's Standing Orders and Scheme of Administration.

The Committees each plan their work programme in advance in order to balance regular items with scrutiny arising from performance monitoring. The Committees are able to recommend changes in policy or practice to Council or Cabinet, where appropriate. Members of the PPR Committee are provided with a briefing on each Quarter's Performance Indicators and they can seek further information or explanation of any issues about poorly performing indicators at the subsequent Committee meeting.

Role of Council Management Team

The Council Management Team (CMT) considers reports, including quarterly and annual Performance Indicator reports, Corporate and Service Risk Registers and quarterly financial reports, which highlight any significant issues in relation to performance, risk and finances. In considering these reports CMT will take action in response to poor performance or increased risk in any area to ensure that the Council maintains its improvement momentum.

Benchmarking

Benchmarking is the process of comparing performance, and approaches against other local authorities (or other relevant organisations) to identify and share good practice and help identify where improvements could be made. Benchmarking usually involves a framework of comparable indicators underpinned by groups or forums that allow participants to share their experiences and learn from one another. All Council services are encouraged to benchmark their performance. Some of the main benchmarking frameworks for local government in Scotland are described below.

These frameworks allow for the continual use of benchmarking by providing a set of consistent measures and mechanisms for identifying and sharing best practice. However, these frameworks will not cover all aspects of the Council's work. Even where a framework cannot be used, services might be able to benchmark their performance or processes informally simply by contacting other local authorities who may be willing to share information.

Local Government Benchmarking Framework (LGBF)

Every council in Scotland participates in the LGBF, which provides a common set of indicators allowing councils to compare their performance with one another. Several 'family groups' have been developed to ensure that comparisons are made between councils that are similar in terms of the type of population that they serve (e.g. relative deprivation and affluence) and the type of area in which they serve them (e.g. urban, suburban, rural).The family groups allow participants to identify and share good practice between councils.

Scottish Housing Network (SHN)

The SHBVN facilities data collection, analysis and reporting of cost and performance information for housing services. Practice Exchange Forums are also provided to allow participants to examine key issues highlighted by the benchmarking results.

Association for Public Service Excellence (APSE)

APSE's Performance Networks cover a wide range of services, including Roads, Environmental Health, Building Cleaning, Street Cleansing, and Refuse Collection. The Networks allow council across the UK to compare their performance and share best practice.

4. Self-Evaluation/ Self-Assessment

The development of robust self-evaluation is a key component of the continuous improvement framework. Self-awareness of strengths and areas for improvement, and taking action to improve is essential if the Council is to move from improvement to excellence. Self-assessment is also a key requirement in achieving Best Value. The Council has adopted and is rolling out **The Public Sector Improvement Framework (PSIF)** as its self-assessment framework from CMT to service level. The PSIF approach supports continuous improvement and self-scrutiny of performance. It provides a framework of statements to challenge existing performance through a structured process. The Framework provides a consistent and evidence-based approach to identify what we are doing well and those areas that need improvement.

PSIF consists of five key areas and a results section based on customer, staff, community and key performance information. Feedback is gathered during the first stage of the assessment via a survey. This allows for discussion during consensus session and to identify areas of improvement.

Through collating and evaluating evidence and assessing performance using a framework based on PSIF, or How Good Is Our Service provides the basis for services to identify areas for improvement. Different self-evaluation frameworks may be used where a specific model has been developed for that service area such as ‘How Good is Our School?’. These self-assessment frameworks can also be used to complement self-evaluation by assisting services to review the effectiveness of their processes and be used as evidence towards future PSIF assessments. Any improvement actions that need to be undertaken as a result of the self-evaluation should be included in the relevant Service Plan.

THE PSIF FRAMEWORK

5. External Assessment and Accreditation

External Audits and Inspections

The Council is subject to various external inspections and audits carried out by national inspection agencies including Audit Scotland, the Care Inspectorate, Education Scotland and the Scottish Housing Regulator.

The results of this external scrutiny and inspection provide actions which the external auditors/ inspectors believe are required to improve performance. These improvement / action points should be reflected in Service Plans and the Council Improvement Plan.

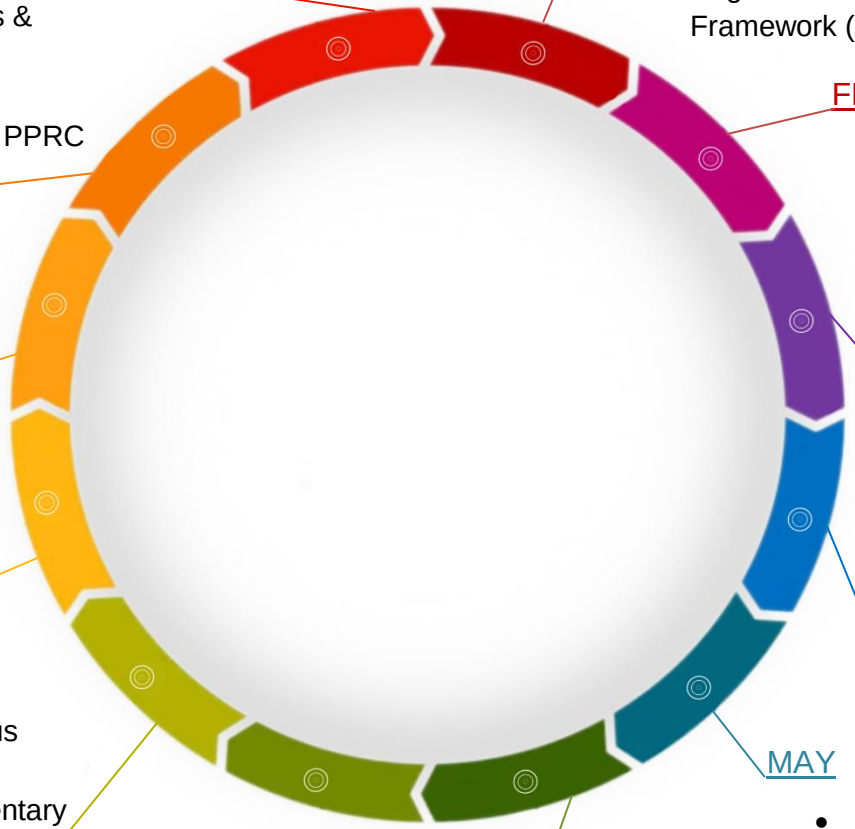
The PSIF self-evaluation outlined in chapter 4 is intended to meet the requirements of external inspections carried out by regulators and inspections bodies. Many of the questions and statements addressed in PSIF can be matched to questions and statements covered by external audits and inspections so that duplication in completing various evaluations and submissions can be minimised.

Accreditation

Accreditation and awards from peer bodies and accreditation bodies can be a useful way to assess whether the Council as a whole, or particular services, are performing to the highest standards.

The Council achieved a Silver Investor in People (IIP) award (March 2017) and a Gold Investor in Young People (IIYP) award (November 2017) and was awarded a 4-Star Recognised for Excellence (R4E) accreditation by Quality Scotland (June 2018).

Appendix 1: East Lothian Council's Annual Timetable of Continuous Improvement



DECEMBER

- Council Plan Annual Report published
- 4th PSIF Self-Assessment Consensus & Action Planning
- LGBF Data Release and Analysis
- Q2 Performance Indicators Report to PPRC

JANUARY

- Commence LGBF Annual Report
- Begin 1st Public Sector Improvement Framework (PSIF) Self-Assessment

FEBRUARY

- 5-yr Budget approved
- Q3 Performance Indicators Report
- Begin 3-yr Service Plan annual refresh
- 1st PSIF Self-Assessment Consensus & Action Planning

MARCH

- Q3 Performance Indicators reported to PPR Co
- LGBF National Report Published

APRIL

- Complete Service Plan annual refresh

MAY

- Commence Q4 & Annual Performance Indicator Reports
- 2nd PSIF Self-Assessment

JUNE

- Q4 and Annual Performance Indicators reported to PPR Co
- 2nd PSIF Self-Assessment Consensus & Action Planning

AUGUST

- Commence Q1 Performance Indicators Report
- Annual LGBF Data / LFR returns
- 3rd PSIF Self-Assessment

SEPTEMBER

- 3rd PSIF follow up Consensus Session and Action Plan
- Verify LGBF Data & Commentary

OCTOBER

- Employee Engagement Survey
- Q1 Performance Indicators Reported to PPR Co

NOVEMBER

- Results of Employee Engagement Survey published
- Q2 Performance Indicator Report
- 4th PSIF Self-Assessment

Appendix 2: Documents and Policies supporting Continuous Improvement

The following are the main documents and policies relating to the key elements of the Improvement Framework. Policies and guidance regarding each of the elements of the Improvement Framework are available on the Council's intranet.

Outcomes	Self-evaluation	Service and Improvement Planning and Management				Performance Reporting	External Assessment
		Service Planning	Resource Management	Workforce Management	Risk Management		
2022-2027 Council Plan East Lothian Plan 2017-2027 (Local Outcome Improvement Plan) Service Plans Outcomes and Performance Management Guidance	PSIF Self-evaluation Guidance Corporate Governance Self-evaluation framework Employee Engagement Survey	Service Planning Guidance Service Plans	Financial Strategy Asset Management Strategy Capital Strategy	2023-2027 Workforce Plan Service Review Process Performance Review and Development Equalities in Employment Monitoring	Risk Management Strategy Council Risk Register Service Risk Registers	Reporting of Key Performance Indicators Performance Data Quality Policy	Services users, customer and citizens feedback Auditors reports Best Value Assessment Inspections from national agencies Scotland

East Lothian Council

REPORT TO: Cabinet

MEETING DATE: 9 May 2023

BY: Chief Executive

3

SUBJECT: Corporate Risk Register 2023-24

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1 PURPOSE

1.1 To present to Cabinet the Corporate Risk Register as at 24 May 2023 for discussion, comment and approval.

2 RECOMMENDATIONS

2.1 It is recommended that Cabinet approves the Corporate Risk Register and in doing so, the Council is asked to:

i. note that this live document will be reviewed by the CMT, SMT, individual risk owners and the Corporate Risk Management Group on a regular basis and reported back to Council as and when required;

ii. agree that the current relevant risks have been identified;

iii. agree that the significance of each risk is appropriate to the current nature of the risk;

iv. agree that the total profile of corporate risk can be borne by the Council at this time in relation to the Council's appetite for risk but in the context of the planned mitigations; and,

v. recognise that, although while corporate risks require close monitoring and scrutiny over the next year, many are long term risks for the Council that are likely to be a feature of the risk register over a number of years.

3 BACKGROUND

3.1 In keeping with the Council's Risk Management Strategy (last approved at Council 13th December 2022 and reported to Cabinet 14th June 2022) and reflecting upon the concurrent nature of risks managed by the Council, 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 updated Corporate Risk Register as at 24 May 2023 to Cabinet for approval, the Council Management Team would wish to draw to the Committee's attention that 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 2023-24 Corporate Risk Register as updated, currently includes 8 Very High Risks, 5 High Risks, 7 Medium Risks and 1 Low Risk.

3.5 All most recent updates to risk text are highlighted in red.

3.6 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.

3.7 The CMT sub-group on Risk Management which meets on a bi-monthly basis to monitor and drive Risk Management council-wide and to review the Corporate Risk Register. This group includes the Executive Directors and ensures that Risk is given prominence by CMT.

3.8 Risk CR1 on 'Managing the Financial Environment' remains our highest risk score (this is the highest risk scoring the Council has reported hitherto), due to the very significant external pressures the Council is facing, including rising utility and energy costs, rising inflation across many of our contracts and supply chains, interest rate rises, significant increased cost of borrowing and consequences of national pay awards.

3.9 Risk CR5 ' Maintenance of Assets' has been moved from the Infrastructure Service Risk Register to the Corporate Risk Register due to the risks posed through the identification of RACC/Siporex and subsequent estate management implications likely to arise in respect of management, remediation and or total loss of assets. The risk will remain on the Corporate Risk Register whilst ongoing building surveys are undertaken and will be updated regularly.

3.10 Eight Council services are currently operating in emergency response arrangements with business continuity plans invoked at the time of this report; these are - Facilities Management, Forestry Squad, Estates, Legal, Housing Options, Garden Waste, Finance and Children's Services Support and

Intervention. These services' Business Continuity Plans are invoked predominantly in response to staffing pressure arising from a very challenged employment market and limited volume and calibre of response to recruitment campaigns. Activation of Business Continuity Plans for these services results in the available staffing resource being deployed to deliver 'business critical' activities as priority.

3.11 Cabinet can be reassured that CMT, its Risk Management Sub-Group, the Corporate Risk Management Group and its Linking Risks Sub-Group, continue to closely monitor all Corporate Risks. Informed by global and national risks, via the annual Global Risk Report produced by the World Economic Forum in January each year, and by the Scottish Government's National Risk Assessment (NRA) produced annually, every effort is made to ensure that the Corporate Risk Register reflects current and future risks with appropriate mitigations in place.

4 POLICY IMPLICATIONS

4.1 In approving this report, the Cabinet will be ensuring that risk management principles, as detailed in the Corporate Risk Management Strategy, continue to be 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 –The financial impact of the associated risks and measures remain under regular close monitoring and review. 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, however, given the current significant staffing challenges and operational impacts resulting, this area is under constant review.

6.3 Other – Effective implementation of the Corporate Risk 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 2023-24 as at 24 April 2022

AUTHOR'S NAME	Scott Kennedy Sharon Saunders Douglas Proudfoot
DESIGNATION	Emergency Planning, Risk and Resilience Manager; Head of Communities; Executive Director for Place
CONTACT INFO	skennedy@eastlothian.gov.uk ssaunders1@eastlothian.gov.uk dproudfoot@eastlothian.gov.uk
DATE	24 April 2022

East Lothian Council Corporate Risk Register 2023-24

Risk Ref.	Risk Category	Risk Description	Existing Risk Control Measures	Assessment of Current Risk			Planned Risk Control Measures	Assessment of Residual Risk [With proposed control measures]			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	Financial Service Objectives	**Managing the Financial Environment** The Council is operating in an increasingly complex financial environment. The Scottish Government published its medium term Resource Spending Review (RSR) in May 2022, followed by a one year national funding settlements covering 2023/24. The RSR set out a very challenging future landscape for local government (and this Council) in the medium term. Since its publication the external operating environment has significantly worsened, and it remains highly likely that there will remain on-going pressures on public finances, and national funding settlements will not be able to meet on-on-going expenditure commitments. At the same time the Council continues to face significant cost and demand pressures. Many of these pressures are driven by the external operating environment, with details set out below: • Rising utility costs, with more details set out in risk CR4; • Inflationary pressures causing increases to the cost of goods and services, contractual commitments (for index linked contracts in particular), and commissioned contract services; • Meeting the total costs of public sector pay awards; • Increased demand for council services arising from external factors including the Ukraine war, EU exit and cost of living crisis, and recovery from the pandemic; • Reducing levels of core national funding relative to demand, with an increased proportion of overall funding being allocated to specific or new policy objectives. • Increasingly complex, short term funding settlements which create significant uncertainty and impede robust medium term financial planning; • Supporting the resource requirements associated with the delivery of the growth agenda resulting from the Local Development Plan, in particularly the revenue consequences associated with growth; • Associated demographic change and social-economic pressures; • Potential financial costs associated with a wide range of new obligations or legislative changes.	The Council has well developed medium term financial planning arrangements, which have recently been updated as part of the recent review of budget development framework. The Council annually refreshes the Financial Strategy, Capital Strategy and Treasury Management Strategy to take cognisance of any new / emerging financial risks. These documents support the medium term financial planning for the organisation. 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. The Council has a wide range of on-going cost control and financial management arrangements to manage in year budget performance and delivery of planned efficiencies. This includes regular management information to CMT and wider Council management, and quarterly financial reporting through political governance. This provides mitigating controls in terms of the immediate financial risk and pressures the Council is faced with. Given the scale of the escalating levels of financial risk and pressures, the Council has agreed an enhanced range of urgent cost control measures aimed at mitigating and limiting the scale of these rising costs. These include: • Delivering service commitments within approved budget levels, including preserving existing underspends and supporting cost recovery actions; • Prioritise recruitment to roles in business critical risk areas; • Enhanced review of reserves; • Explore opportunities to apply ‘flexibilities’ within existing national funding streams; • Enhanced review of all capital projects and exploring opportunities to pause non committed spend projects; • Enhanced review of council assets to minimise energy and maintenance costs, including options to temporarily mothball buildings, and where possible bring forward capital receipts’ • Maintain temperature in all public buildings at a maximum of 18 degrees where possible;	5 **35**	5	25	Prioritisation of enhanced in year monitoring and review of expenditure commitments against approved budgets, including progress against cost mitigation measures. Continue to progress discussions to explore wider flexibilities on existing national funding streams with a view to mitigating the recurring costs associated with the ‘unfunded’ national pay award. Continue to progress discussions to explore all wider national fiscal flexibilities to support options which deliver a sustainable net benefit to the revenue account. Continue to support national discussions through CIPFA Directors of Finance aligned to ensuring the on-going financial sustainability of local government. Early commencement of work to develop the financial and capital strategies for 2024/25 onwards, with an initial report to Council in June 2023. Accelerate the delivery of an enhanced Transformational Programme and Asset Review aligned to the approved budget development principles, which will support the further transformation of services and deliver and enhanced programme of efficiencies. Continued engagement with Scottish Government and COSLA on local government funding and distribution to support a fair and adequate allocation of resources to deliver local services. Given the significant scale of the funding gap, work with CMT and elected members to accelerate, develop and implement additional budget savings proposals which will also include budget reductions and income generation opportunities aligned to the meet the scale of the funding gap over the medium term. These budget savings options will remain aligned to the principles of the budget development framework. Continue to engage with Scottish Government and COSLA to adequately resource the funding requirements associated with growth arising from the Local Development Plan, taking into consideration both revenue and capital costs.	5	4	20	Actions ongoing and under continuous review while monitoring arrangements will continue to be applied.	Risk reviewed by Head of Finance and Executive Director Council Resources, April 2023 with no change to assessment of scores. Risk refreshed November 2022 by CMT Sub-Group on Corporate Risks with current score increased from 20 to 25 and residual from 16 to 20 due to the current climate.

Risk Ref.	Risk Category	Risk Description	Existing Risk Control Measures	Assessment of Current Risk			Planned Risk Control Measures	Assessment of Residual Risk [With proposed control measures]			Timescale for Completion / Review Frequency	Evidence held of Regular Review
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				L	I	L x I		L	I	L x I		
		• Enhanced risks relating to receipt of S75 contributions arising from wider economic risks which will impact on capital and revenue financial planning. • Higher interest rates resulting in increased capital financing costs which will present a risk to the sustainability of the capital programme. • Proposed capital accounting review, with potentially significant financial impact, albeit this has been delayed by 12 months. • The risks posed through the identification of RACC/Siporex and subsequent costs from the implications in respect of management, remediation and or total loss of assets. The projected medium term funding gap facing the Council over the next 5 years is £71.3 million. Whilst the Council has set a balanced budget for 2023/24, further and very significant additional savings proposals will need to be developed to address the scale of this funding gap. The Council has balanced the 23/24 budget with a planned use of reserves of £7.378m. In addition, there remains a potential unplanned reserve drawdown related to the projected overspend for 2022/23. The current level of reserves remains marginally above the approved minimum level of reserves and the continued use of reserves presents an increased risk that these one-off resources will not be available to support and enable service delivery redesign or the council's response to unforeseen events in the future. External market pressures are also impacting on investments managed on behalf of the Common Good and Trust Funds. These investments are currently managed by an external investment firm. Given the enhanced range of financial pressures, wider risks and challenges, there remains a significant risk that the Council will not be able to support and meet these collective pressures alongside delivering policy and legislative obligations within current and future available resources.	• Introduce energy champions in all public buildings and explore the option of community champions. The Council Leader has also written to UK and Scottish Government setting out the scale of financial challenges and urgent review on how local government is funded. Furthermore, it has been agreed that given the significance, quarterly financial reviews will now reported formally to Council rather than Cabinet for wider scrutiny setting out the in-year financial performance against approved budgets. The budget development framework now incorporates a cross party budget working group which meets regularly throughout the year, as well as a commitment to minimise the use of on-off reserves to balance the budget and that reserves should be used in principle to support on-going cost reductions; and an expanded remit / use of some previous earmarked reserves. The Charging Policy has been refreshed and agreed by Cabinet, and supports the recovery of costs associated with the delivery of council services where the council has discretion to charge. Officers continue to engage in national discussions with COSLA, wider professional bodies such as CIPFA Directors of Finance and also wider professional commentators, and professional advisers to consider the financial sustainability of Local Government and associated challenges. Regular engagement with the external investment advisers in relation to the financial stewardship of the Common Good and Trust Funds, to identify any significant decrease in the value of investments. On-going engagement with Treasury advisers. Annual treasury indicators approved as part of Treasury Strategy and mid-year review against indicators reported through political governance structures of A&G Committee.								
ELC CR 2	Impact on Service Objectives Financial Legal	Homelessness New policy approach rapid rehousing requires the Council to transform homelessness services, place people quickly into permanent accommodation, negating the use of temporary accommodation and requiring a significant reduction in temporary accommodation stock. Resource allocation is likely to be insufficient for service transformation and the approach could result in an inability to accommodate those in need, forcing use of non-contracted B&Bs / B&Bs out-with county. Scottish Government require the implementation of a Housing First approach as a key priority, although no funding is available for ongoing revenue costs.	Housing Options preventative approach to provision of advice. Continued monitoring of RSL nomination process (new build and routine turnover). Allocation Policy reduced number of offers for each Homeless applicant to 1, to encourage quicker throughput in temporary accommodation. Cabinet approved recommended actions to address pressures relating to a lack of affordable housing supply and address homelessness pressures through delivery of an agreed action plan.	5 **36**	4	20	Further iteration of Rapid Rehousing Transition Plan (RRTP) drafted Autumn 2022, with a clear plan to transform homelessness services by 2024 and kept under regular review in context of resource allocation and changing legislation. Continue new build activity to increase housing stock, exploring potential to further increase supply within context of the growth agenda. Significant growth in mid-market rent properties coming forward.	5	4	20	June 2023 March 2024 March 2024	Risk updated by Head of Housing and Service Manager - Comm Housing & Homelessness March 2023 with no changes to risk scores. Decision to move risk H1 to Corporate Risk Register following update by Service Manager – Comm Housing & Homelessness October 2022 with

Risk Ref.	Risk Category	Risk Description	Existing Risk Control Measures	Assessment of Current Risk			Planned Risk Control Measures	Assessment of Residual Risk [With proposed control measures]			Timescale for Completion / Review Frequency	Evidence held of Regular Review
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				L	I	L x I		L	I	L x I		
		Legislative change regarding local connection **has** come into force on 29th November and **will require** the Council to accept rehousing responsibility for additional homeless cases and **future changes** to discretion around intentionality and change in focus to deliberate manipulation of the system will place additional pressure on the Council in respect of accepting intentionally homeless cases and associated accommodation duties. Continued levels of low turnover results in limited lets available and longer average time spent in temporary accommodation. Scottish Housing Regulator has noted this. There is a higher financial cost burden for the general services budget due to additional demand for temporary accommodation, which is likely to increase further in light of anticipated legislative change. Ongoing breaches of the Unsuitable Accommodation Order due to a shortage of 'suitable' temporary accommodation, with extension of the Order commencing October 2021 and subsequent daily breaches. Enforceable temporary accommodation standards framework to be implemented from 2021/22 which further reduces the existing portfolio of 'suitable' accommodation. Proposed changes to Homelessness Code of Guidance / new prevention duty pose further risk to existing practice / Homelessness Operations Policy. Implementation will result in increased referrals and a percentage increase in homeless assessments. Reduced supply of private lets due to landlords' ongoing concerns re new Private Residential Tenancy, legislative change (energy efficiency and repairing standard), welfare reform impacts and cost of living increase. Requirement to prioritise sisted eviction cases upon opening of Sheriff Court. Potential increase in service demand due to poverty and relationship breakdown associated with cost of living crisis. Uncertainty over future funding of supported housing (DWP) and proposed changes in respect of restructuring the financing of temporary accommodation. A focus is required on migrant homelessness and destitution in 2022/23, an area of complexity subject to limited Scottish Government flexibility. The Scottish Government aim to pursue a right to adequate housing through a Human Rights Bill, which will pose additional homelessness / supply pressures.	Cabinet approval of allocations targets to general needs / homeless applicants. Performance to targets kept under ongoing review. Cabinet approval of Allocations Policy Review. Open Market Acquisitions increase supply prioritising the western part of the county, where demand is highest. Housing First protocol in place and placements ongoing. Significant work complete re policies and procedures to increase flow through the rent deposit scheme. Audit of existing accommodation undertaken in advance of extension to unsuitable accommodation order. Refreshed performance monitoring framework in place to enable improved ongoing monitoring of key aspects of service. Fortnightly monitoring of voids performance to ensure turnaround times are kept to a minimum. The Council Leader has written to the Minister noting the challenges around meeting our ambitions to deliver on our RRTP as a result of both recent and planned legislative changes, the impact of Ukraine and other Resettlement schemes and the risk that if interventions don't happen timeously the adverse impacts on our local housing system are significant.				Housing Options Training Toolkit to be rolled out during 2022/23, to improve homelessness prevention and complement new Prevention Duty anticipated late 2021. Exploration of flat share / hosting models and shared tenancies ongoing, which could potentially make better use of existing stock. Revised Homelessness Operations Policy to be put in place, alongside comprehensive review of existing policies and procedures, to ensure service is operating efficiently and effectively. Improved partnership working with existing partners and neighbouring authorities could potentially result in new ways of working and economies of scale. New approach to spend to save, utilising RRTP resource allocation could result in cost savings re B&B spend. Continue to engage with the Scottish Government to review and monitor the impact of legislative changes and Resettlement Schemes are having on meeting RRTP ambitions to ensure any adverse impacts are addressed quickly. Significant work to improve void timescales could assist with improved flow through temporary / permanent accommodation. Consideration of business case/options appraisal in respect of alternative forms of accommodation in response to forthcoming legislative change. A new LHS is being drafted which will set out the challenges and actions for the next 5 years. A follow up letter will be sent to the new Housing Minister asking for further engagement and assistance to help alleviate some of these Housing Pressures. Ongoing review to convert tenancies to enable RRTP targets re reduction in temporary accommodation to be met. Increased focus on homelessness prevention for vulnerable groups, via transformation of Prevention / Response Teams.				June 2023 June 2023 June 2023 June 2023 June 2023 June 2023 June 2023 July 2023 April 2024 June 2023 June 2023	residual score increased from 16 to 20.

Risk Ref.	Risk Category	Risk Description	Existing Risk Control Measures	Assessment of Current Risk			Planned Risk Control Measures	Assessment of Residual Risk [With proposed control measures]			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		
		Legislative change is likely to increase demand on homelessness services and corresponding duties to accommodate, meaning increased spend. There is increasing homelessness and housing demand pressure arising from a number of Resettlement schemes, mainly the Ukrainian refugee schemes with host arrangements breaking down early and ongoing pressure from a range of sources to carry out homeless assessments with associated temporary accommodation and ultimately permanent accommodation duties. These demands are likely to increase with further UK and Scottish Government commitments in respect of the disembarkation of the HMS Victoria in Edinburgh which is due to disembark in July. There are also other humanitarian schemes including but not limited to the existing Afghan schemes and the forthcoming changes around the new asylum seeker dispersal scheme. The immediacy and fast paced change of the Ukraine crisis has required a refocus in priorities away from homelessness to Ukraine and this remains ongoing, requiring business continuity measures within the Housing Options Team. Diverted resources from across the wider housing service have resulted in service strain elsewhere including the Housing Options Team and Community Housing. The focus on Ukraine has resulted in an inability to prepare an updated RRTP in June 2022 with delays ongoing.	New team in place in response to Ukrainian refugee situation from October 2022.				Team being strengthened and consolidated with the recruitment of full-time resettlement and tenancy support staff to allow 'borrowed' staff to resume to substantive duties - completion of this is dependent on clarity around existing and ongoing funding. Arrangements are in place to provide adequate staff cover in the meantime. The City Region is looking to take more of a regional holistic approach to reviewing and understanding the Housing pressures across the region, particularly in relation to Homelessness and Ukraine to help find a more joined up solution				December 2023	
ELC CR 3	Financial Service Objectives Legal & Regulatory	**The Impact of the National Care Service on East Lothian Council** The Scottish Government proposal to establish a National Care Service, which could extend to all adult social work and social care services, children's services, justice social work services will result in the largest re-organisation of local government since the creation of single tier local authorities in 1995/96. The council's concerns at the risk involved in this proposal were detailed in the Council's response to the Scottish Government's consultation on its proposals (report to Members Library, November 2021). These include the following: • The creation of a new national body will require significant resourcing and will lead to years of uncertainty and anxiety within the workforce, with no evidence that this singular structure and model will necessarily deliver better outcomes for people who use services. • There are significant questions about how the National Care Service will be funded and the resulting impact on local government finance, and support services. • There are very significant risks in breaking up the existing 'whole system approach' that is provided through social work and social care being part of local government. • The centralisation of responsibility and services under a NCS risks removing the local approach to service planning and delivery which is critically required to deliver a holistic approach to providing	The council provided a detailed and comprehensive response to the Scottish Government's consultation on its proposals, outlining the concerns and risks involved in the creation of a National Care Service (report to Members Library, November 2021). Council officers will actively engage in National Professional networks and feedback any relevant information to the working group. CMT will continue to monitor the development of the proposal and report as appropriate to the Council. Council agreed to delegate authority to the Exec Dir of E&CS to respond to consultation exercises, and submit evidence, in respect to the Scottish Government's proposal for a National Care Service for Scotland and the National Care Service (Scotland) Bill.	5 **38**	4	20	The Council has established a working group that will consider the scope and impact that the NCS may have on Council Services. The working group will also monitor ongoing developments and respond to any request for information and engage in the consultation.	5	4	20	In line with Scottish Government decisions	Risk reviewed April 2023 by Executive Director, Education & Children's Services with no changes to risk scores. Risk reviewed July 2022 by Executive Director - Education & Children's Services and Head of Children's Services with the residual score increased from 16 to 20 due to the uncertainty around what the Council can do to treat the risk. Risk reviewed May 2022 with no amendments made. New Corporate Risk created March 2022 by Head of Children's Service, also to replace risk on Public Sector Reform.

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		"care" that must be seen within the context of housing, education, and community services. • The Council is progressing a major Transforming Children's Service programme that will have fundamental implications for how we deliver services for vulnerable families and children. This will be impacted by the uncertainty created by the proposal to include Children's Services within the scope of the NCS • The proposals have significant implications for large parts of the council's workforce, including the future employee status of staff working in social work and whether they would be TUPE transferred to the National Care Service. The National Care Service (Scotland) Bill has been published as at 22nd June 2022. The Bill sets out principles for the NCS and places a duty on Scottish Ministers to promote a Care Service designed to secure improvements in the wellbeing of the people of Scotland. The full scope of the NCS is still to be determined, although, the inclusion of Adult Social Work and Social Care must be assumed. There will be a period of formal research and consultation to inform the decision about the inclusion of Children and Justice Social Work Services. The Bill states that the NCS will be up and running by 2026. The potential for elements of the proposed changes to lead to improved outcomes for vulnerable people is acknowledged. However, the unintended consequences of the changes on how effectively and efficiently the council can continue to meet its statutory obligations to its citizens is a risk.										
ELC CR 4	Financial Service Objectives Legal & Regulatory	**Cost of Living Pressures and Economic Volatility** **Construction Materials Supply Chain** The construction materials market is currently volatile due to a number of factors including Brexit, the war in Ukraine and the Pandemic impact upon the production and supply chain. Current market uplift percentage is in the region of 15% - 20%. Moving forward we predict a quarterly uplift of 5 % over the next year. Current challenges include: • Significant / unexpected upturn in worldwide workload • Covid-19 recovery & logistical constraints • Supply from the European Union • Hedging and bulk ordering • Increase in cost of raw materials – due to Covid-19, post-Brexit trading rules and rising oil prices • Shortage of drivers of Heavy Goods Vehicles • The war in Ukraine and reduction in manufacturing These challenges have had significant impacts on construction, including: • Massive increase in demand is resulting in shortages on key products and placing strain on labour availability. • During the pandemic manufacturing facilities were closed and the world's distribution network was impacted and is still recovering.	Regular discussions with current suppliers around market conditions, and alternative specifications / materials. Close engagement and monitoring of national frameworks and conditions through Scotland Excel. Prioritisation – deciding which works are essential, balancing time, cost and risk, possibly delaying works until the market settles. Planning – assessing project programmes and possible procurement options Reporting – providing information to funding bodies, Council management and other services Monitoring – Continuing to liaise with industry bodies, working groups, other local authorities, the Scottish Government, suppliers and contractors to keep the Council informed. The Council is aiming to pre-order and provide enhanced stock management on certain materials where appropriate.	5	4	20	On-going review of capital projects and plans exploring options for enhanced value engineering and prioritisation of specification and design parameters. Reviewing the opportunity to phase planned works rather than deliver wholesale projects. Consideration to delaying capital and revenue projects where appropriate and possible. Enhanced partnership working with HUB and major suppliers to enable pre ordering and project budget caps to be set - whilst this carries risk of increased front loaded costs used correctly it can cap risk and enable controlled project delivery. Consideration of enhanced contract payments to transfer risk to the private sector – by paying upfront to cap project risks of escalating costs from Covid and material increases project caps can be set to limit overall risk to the Council.	4	4	16	The risk and all planned measures are reviewed / progressed on a weekly basis. All actions ongoing and dependant on decisions taken by UK Government	Risk reviewed by CMT, April 2023 with no change to risk scores. New risk created by Executive Director – Place, November 2022 by combining elements of previous risks on Rising Energy Costs, Brexit and Supply/Cost of Materials.

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		• Although there is now a trade agreement, the borders and customs processes add administration, time and cost. • Materials suppliers, main contractors and major UK projects (e.g. HS2) have stockpiled or bulk secured manufacturing and supply slots. • High percentage increases in the cost of particular materials e.g. copper, steel, timber, concrete. • The lead-in times for delivery of materials have increased. • Shortages in components e.g. for mechanical, electrical and IT. In particular networking and specialised IT equipment which can now take up to 42 weeks to be delivered. • The war has impacted on Ukrainian steel production The main impacts are live project delays, delays to future projects, cost increases, contractors unable to submit fixed-price Tenders, higher risks for Contractors. The risks apply to capital and revenue-funded works for • Property • Roads • Housebuilding generally • Affordable housing programme • Voids and relets • Maintenance and lifecycle works in the operational / non-operational and learning estate and PPP Project. • Maintenance and repairs • Domestic compliance programmes • Energy efficiency programmes • Regeneration projects (including grant funded and delivered by others/communities) • The majority of all other procurement related purchasing is being impacted Risks have both financial and programme implications. Higher material and labour costs are not necessarily being reflected in the building cost indices (BCIS) used to vary building framework prices in line with Procurement rules. This could result in ranked framework contractors declining offers of work or tendering for future contracts.	Regular discussions are taking place on the Capital and Revenue Investment Plans. Continue to apply BCIS increases, monitor acceptance of offers and continue to maintain dialogues with framework contractors. Continue further engagement with Scottish Government, Government Agencies and Professional bodies. An enhanced review and on-going monitoring of the Council's capital projects remains on-going to identify financial implications associated with the cost of construction and ensure capital investment plans remains affordable.				Wider review of approved Capital Plan and prioritisation – to ensure programme remains affordable and focussed on critical priorities. Enhanced contract management processes to drive efficiency and value.					
		Brexit / Labour Market Impacts & Replacement EU Funding The end of European funding streams places service provision (business support and employability) at risk. The labour market post-Brexit presents substantial challenge in terms of labour availability. This is particularly evident across key sectors: • Tourism & Hospitality • Farming & Agriculture • Facilities Management	UK Government have established the shared Prosperity Fund prospectus to replace previous EU funding arrangements. The council approved a Local Implementation Plan (LIP) for year 1 investment arrangements and awaits UK Government response. The Connected Economy Group (CEG) continues to take a partnership approach to assessment of Brexit related impacts providing connected support and advice to business and ensuring as far as possible aligned collegiate understanding in a continually				ELC considered the LIP submission to UK Government for years 2 & 3 in February 2023. Work is ongoing to further develop regional interventions particularly in year 3.					

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		• Care • Transportation	challenging and dynamic environment. Employability partners including Skills Development Scotland (SDS) and DWP are working in partnership with East Lothian Works and employers to address challenges.									
		Rising Energy Costs Volatility in energy markets will result in significantly higher energy costs for the foreseeable future. Increasing rates will impact on the cost to operate buildings, street lighting provision, third party users of services, electric vehicle charging rates etc. Rising energy costs will indirectly impact the cost of other goods and services e.g. materials, consumables, transportation. There is a risk that electricity, gas, and unregulated fuels (heating oil, LPG, and biomass etc.) rates could increase further in 2023/24.	Electricity, gas and oil is procured through Scottish Procurement. The rates for 2022/2023 will rise significantly however Scottish Procurements purchasing strategy provided some protection throughout the volatility. The Council's Energy Transformation Board seeks to improve energy efficiency and energy supply from renewable sources reducing reliance on fossil fuels. Energy Transformation Project Board have appointed an advisory partner to advance market development of solar, wind, gas hybrid and hydrogen opportunities. Some additional funding has been reflected in 2023/24 approved budget with the expectation that energy costs will continue to fall in future years. The Council has approved a number of existing mitigation measures aimed at controlling existing cost pressures including the need to ensure the temperature in all public buildings is maintained at 18 degrees maximum. Engagement through professional networks to support national discussions on wider market conditions and supporting interventions. Energy controls and thermostats are being used to reduce temperatures across the estate monitored to weather patterns and the Asset team are mothballing and reducing property use and portfolio where possible. The UK Government has introduced temporary arrangements to place price caps on energy supply costs for consumers and introduced and the Energy Bill Relief Scheme for businesses, although these remain under review. Community Windpower has made a £1m donation to East Lothian to support local people with energy costs and the cost of living over the winter, to 31 March 2023. The Council operated as a 'trusted partner' of the scheme being run through Advice Direct , submitting applications on behalf of clients in receipt of benefits or otherwise in financial hardship. The scheme paid up to £1,200 per eligible household to 3 March 2023.									

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		Increased Financial Hardship The financial implications from COVID and subsequent concurrent economic volatility has continued to impact on the financial position of local business, local households and the Council Low income households spend a larger proportion than average on energy, food and interest payments and will therefore be relatively more affected by increases in prices. Businesses are being significantly impacted by cost base rises including energy costs, and staff shortages (often attributed to EU exit), putting pressure on margins and viability, as well as pushing up the prices charged to consumers and the availability of some goods and services. These factors continue to increase pressure on Council services in respect of welfare / poverty, employability, and business support. The council's 2022/23 budget included funding from the Local Authority Economic Recovery (LACER) Fund to provide support to low income households, as well as a one-off contribution from reserves to support low income households. No equivalent funding has been made available through the 2023/24 budget, meaning that the council's capacity to support residents experiencing financial hardship has reduced.	**Support for Residents** Some welfare benefits have changed in response to this in order to help alleviate financial hardship, and some additional national funding has been made available to support those in need. All teams are continuing to provide support and advice for EL residents and businesses struggling financially at this time and are continuing to encourage those who can continue to pay to do so. The Revenues Service has developed a new leaflet 'Helping with the cost of living crisis', which is being widely publicised by all Revenues teams and other Council services to make sure that details of the help and support available is well communicated to local residents. **Support for Businesses** The Connected Economy Group (CEG) continues to take a partnership approach to assessment and monitoring of energy related costs to business and makes representation to UK and Scottish Governments in the context of temporary and medium term mitigation measures as well as providing connected support and advice to business and ensuring as far as possible aligned collegiate understanding in a continually challenging and dynamic environment.				The Council is continuing to promote the 'Boost Your income' campaign. East Lothian Poverty Plan – Action Plan Update is in progress for submission to Members Library Service in June 2023. A cost of living survey of council tenants has been conducted and the outputs will be considered by the financial inclusion team and poverty working group.					
		Recovery and Renewal Without a Recovery & Renewal Plan in place our economy and County could fail to thrive following the impacts of COVID-19.	The East Lothian Recovery & Renewal Plan (approved by Council 16 November'21) sets out 8 priority key priority areas, direct supporting actions and an articulation of when recovery will have occurred and the plan worked. The plan will remain dynamic and flexible and will be kept under constant review. The recovery and Renewal Plan is being overseen by the East Lothian Partnership and a reporting framework through the Strategic Partnerships and the ELP Governance Group has been developed. The Council has had to adapt is delivery of services beyond the COVID pandemic and now subsequent concurrent challenges including the cost of living crisis and ensuing economic volatility. The Recovery & Renewal Plan interventions remain valid and under constant review. ELC will continue to lead recovery supported by our partner agencies context of the Civil Contingencies Act 2004. The new ELC Plan approved at Council in June 2022 embeds the COVID Recovery and Renewal Plan actions. A COVID Recovery & Renewal Plan Members' Library Report was submitted in February 2023.				Ongoing monitoring of the EL Recovery and Renewal Plan/Action Plan with production of ongoing performance and progress reports. By June 2023 a further progress report on the COVID Recovery & Renewal Plan will be submitted to Members' Library.					

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CR 5	Financial	Maintenance of Assets Risk of insufficient staffing and financial resource to carry out repairs and maintenance programmes to ensure buildings are maintained in a good condition. Core Facts returns to The Scottish Government confirm that this is a risk which requires to be addressed. A budgeted, programmed plan of work is required for all existing property assets to confirm how these will be improved from Condition C/D to B or maintained as Condition A/B for their lifetime. Significant additional financial and staff resource is required to achieve this. Failure to carry out repairs and maintenance programmes could result in unavailability of buildings e.g. school closure and reputational damage to the Council. Repairs and maintenance cost pressures and adoption of new facilities e.g. school extensions mean a real term reduction in resource and availability. This could ultimately result in a failure of building elements with the risk of closure or enforcement by Statutory or Regulatory authorities. Failure to carry our repairs and maintenance programmes could result in injury/loss of life of public building users and legal action against the Council. There is also a high risk to health and safety and of reputational damage. The risks posed through the identification of RACC/Siporex and subsequent costs from the implications in respect of management, remediation and or total loss of assets. Reinforced Autoclaved Aerated Concrete (RAAC) The Local Government Association (LGA) has recently issued advice/warnings about Reinforced Autoclaved Aerated Concrete (RAAC), which is also known as Siporex. This material has been commonly used in Public Buildings between the 1960's and late 1980's. Due to the relative lightweight nature of the material and limited durability there has been a number of roof failures in the past and as a result East Lothian Council require to determine the extent and location of RAAC (Siporex) to our Public Buildings and then ensure a robust inspection process is undertaken to determine its condition, level of risk and undertake any action deemed necessary to mitigate the risk to occupants and members of the public and to avoid any catastrophic failure.	Annual update of programme of works based on Condition, Suitability and Statutory Compliance assessments to inform budget requirement. Building Surveyor now in post who will be working on accuracy of Asset Condition information. Assets Project Manager now in place whose main function will be to look for opportunities to repurpose, dispose of, or rationalise assets. The Manager will also continue to look for opportunities to co-locate and share facilities to reduce the number of assets held by the Council. This is now eighteen months into a temporary two-year contract and is focused on the office rationalisation. In order to progress review of the whole property estate, a permanent asset review team will be required – This is being progressed. Recruitment to the new permanent Team Manager – Property Asset Review in the SACPM service has been progressed and there is a Preferred Candidate. Recruitment to two other posts in this team will proceed, as soon as possible. Reports to the Corporate Asset Group will highlight risks which identify impact on the operation or safety of the assets to enable planned action to be considered and implemented. SFT SG revenue funding on new build schools. Ongoing review and update of programme of works based on Condition, Suitability and Statutory Compliance assessments to inform budget requirement. Management and survey work to identify RACC/Siporex. A Desktop Assessment has been carried out involving: • Liaison with Officers to ascertain if they are aware of RAAC being present within any Public Building Assets. • An initial review of ELC Asset Register to identify Buildings/Extensions constructed between the 1960's and the late 1980's when RAAC was widely used. Buildings/Extensions constructed outwith this period can be excluded from a further assessment. • Where As Built Drawings are available, these have been assessed to identify if RAAC has been specified. • Information has been obtained from the Asset Register, Health & Safety Files, As Built Drawings, Microfiche Drawings & Condition Surveys. Visual inspections are being undertaken to determine the location/condition of RAAC within Building Assets and where desktop Assessment identifies the possible presence of RAAC, an	5	4	20	Ensure Condition and other data is maintained up to date to inform the planned delivery of works required to ensure buildings comply with statutory and legal requirements and are maintained in a good condition. Looking at Lifecycle Costing as part of project/business plan and review on a project basis for future capital bids and budget setting. The service continues to regularly evaluate the current situation as regards material availability and works to mitigate any adverse effects of cancelled or delayed orders for this year's major summer works programme. Review and identify staffing resource required within SACPM, Education and Engineering Services. Service review ongoing. Comprehensive Learning Estate Review programme underway with pre-consultation about to commence. Delivery and implementation programme to be directly linked to school condition and suitability. This will be supplemented by a report to PPRC in relation to this risk for other assets. Identification and management of assets affected by RACC and Siporex with option appraisals to identify remediation and or demolition and future provision. Budgeted, programmed plan of work for all existing property assets to confirm how these will be improved from Condition C/D to B or maintained as Condition A/B for their lifetime. Assess property estate against Scottish Government targets to address Climate Change. Plan programme of works to improve performance of buildings. Surveys are well advanced and continuing and have already identified remedial works, which have been instructed. Remedial works may involve installation of access hatches or similar to enable ongoing inspection by a structural engineer. However, it is anticipated that certain areas identified shall require replacement roofing works and significant resource & budget to address these findings.	4	4	16	June 2023 June 2023 May 2023 Ongoing – Learning Estate Review / PPRC report Ongoing Ongoing	Risk reviewed by Head of Infrastructure, April 2023 with risks posed through the identification of RACC/Siporex and subsequent costs added. Risk also moved to Corporate Risk Register due to heightened issue. Current risk score increased from 16 to 20 and residual score from 12 to 16. Risk refreshed September 2022 by Service Manager – Strategic Asset & Capital Plan Management with no changes to risk scores. Risks on New and Existing Assets amalgamated to create new risk September 2021 with further amendments during December to add Children's Services elements. Risk refreshed April 2019 with current score increased from 12 to 16 and residual score from 8 to 12. New risk created March 2023 by Service Managers, ES & BS and SA&CPM.

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		Use of part of buildings subject to inspections may be restricted or unavailable for a period of time following assessment. Currently there is an uncertainty in relation to material availability and delivery times to carry out the major summer works programme. Assess property estate against Scottish Government targets and imminent changes to energy performance requirements to address Climate Change. Plan programme of works to improve performance of buildings. Significant additional finance commitment and staff resource is required to achieve this, assess the current status, and plan works to bring buildings up to the required standard. There is currently a risk in relation to the lifecycle, maintenance and repair of Council assets which are operated by children's services (i.e. Lothian Villa Meadowmill and Olivebank) The need to ensure school security is enhanced and aligned between the asset and educational practice.	inspection will be carried out by a Building Surveyor / Structural Engineer. Areas where further investigation is required or where there is any indication of risk to users of a building have been isolated and removed from use pending consideration of remedial works required. Procurement for a Structural Engineer to investigate RAAC issues has been completed and site inspections currently underway. Risk highlighted at ELC PPP Monthly Meetings and at Innovate Board Meetings. Areas requiring immediate action highlighted to Innovate, PPP Provider, inspections carried out and reports received. Transformational work progressing to move to a Corporate Landlord Model and a fully functional, comprehensive property asset management system, possibly by expanding the capability of the existing CIPFA modules held by Engineering Services and Finance. A cross-service Learning Estate review team is in place and carrying out a pre-consultation during 2021/22. Hub South East have been appointed by the Council to analyse the data and progress a Learning Estate Improvement Plan. Education and Strategic Asset Management teams work closely to analyse the data provided by Education and identify requirements arising as a direct result of proposed development. An enhanced and robust school roll projection and class organisation system is in place in Education, which determines the future capacity needs of schools. Regular review meetings are held between Education, Planning, Finance and Strategic Asset and Capital Plan Management. Regular engagement with Care Inspectorate re-quality of care environment. Property Inspectors and the Asset Team within Engineering Services identify priorities on a 3-year rolling programme and implement within available budgets. Work is prioritised on a risk management basis, addressing statutory compliance matters first (fire safety, electrical, safety DDA etc.). PPP Team and Engineering team to review and align work streams related to asset security with Educational operational requirements and practice.				Formal notification of further inspections by consultant appointed by ELC to be issued to Innovate, PPP Provider. Inspections to be carried out in all eight PPP properties thereafter. Contingency plans to be prepared to anticipate restricted use or unavailability of parts of buildings following assessments. Council Management and Executive Team to be made aware of emergency planning proposals. Review on provision of the residential estate including contingency planning for re-provision of Lothian Villa (Meadowmill). New residential provision has been briefed and is included in the design proposals. The Infrastructure department of the Council has begun to seek alternative accommodation to Lothian Villa Meadowmill for Children's Services. The security of secondary school grounds will be reviewed with Education and will be prioritised in terms of risk and available capital and revenue budget. Work is ongoing. The security of primary school grounds will be reviewed with Education and will be prioritised in terms of risk and available capital and revenue budget.				Ongoing March 2024	

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				L	I	L x I		L	I	L x I		
ELC CR 6	Capacity	**Workforce Challenges** Maintaining a stable and skilled workforce is essential to efficient, effective and safe delivery of services. 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 e.g. operating below required regulatory standards, potential harm to employees and / or the public, and reputational damage. Pressures in the recruitment market are compounded by reductions in staff attendance due to sickness absence, maternity leave and annual leave – placing additional pressure on the remaining 'at work' workforce. Post-COVID-19 response, some of the Council's workforce are experiencing mental health issues, lowered resilience and fatigue. The recruitment market is challenging due to low levels of unemployment locally and a lack of specialist professional and technical within the market, exacerbated by Brexit related workforce supply issues within key sectors e.g. Facilities Management and Hospitality. The Council's salary and grading structure for the Local Government Employee Group may not be competitive compared to other employers making it more difficult to recruit qualified staff to a wide range of posts. Attractive employment opportunities in other sectors risks staff migrating out of Council service into less stressful, often better paid, employment, where terms and conditions of employment can be negotiated. These pressures have resulted in a reduced ability to provide the full range of services to the public and impact on the Council's ability to provide internal support services e.g. Legal services. Reflecting these workforce risks, the following services are currently operating under Business Continuity Plans: • Facilities Management • Estates • Children's Services - Support & Intervention • Waste Services – Garden Waste • Housing Options Team • Legal • Forestry Squad • Finance Failure to preserve business critical activities within these services could lead to increased risks in respect of 'life and limb' services, finance and severe reputational damage to the Council. Certain services such as FM, Garden Waste, Housing Options and Children's Services are likely to remain within Business Continuity arrangements for some time due to absence and recruitment challenges.	The 2023-2027 Workforce Plan was approved by Cabinet (Jan 2023). A recruitment task group has been established (August 2022) with representatives from key services and an action plan drawn up with various options being explored by HR and services. The HR service in conjunction with Corporate Communications are reviewing community based advertising methodologies e.g. poster campaigns, pro-active social media campaigns and recruitment fairs. A number of school career events in the diary over Autumn/Winter 2022. Regular assessment of staffing capacity within services enables redeployment of available resources to maintain frontline service delivery, reducing service provision when essential in non-statutory services. Staff have opportunity to work additional hours and overtime when appropriate to service needs. Essential vacancies are advertised within the approved Recruitment & Selection Policy processes. Agency staffing is utilised within Agency procurement frameworks in extremis to meet service needs. Managers continue to apply the Managing Attendance Policy. Initiatives are in place to help employees manage their own stress, including Employee Assistance Programme, Listening Ears, Healthy Working Lives Organisational Development and Healthy Working Lives briefings to staff and managers on techniques etc. to support staff to maintain mental health and wellbeing. Salary placement within the Grade in Local Government Employee recruitment relevant to candidate skill and experience, rather than always on 1st point of the scale. Efficient deployment of Disclosure Scotland checks. Review of recruitment options, online and face to face, in progress. Induction programmes for new employees have been updated. CMT operate a Business Continuity Plan and maintain up-to-date training in Emergency Planning and Response. Business Continuity Plans activated as necessary, reducing scope and scale of service delivery to focus existing resource on business critical and statutory	5 **45**	4	20	The 2023-2027 Workforce Plan actions will be implemented The Council is investigating the limited use of the Market Supplement Policy in difficult to recruit areas, where it can be demonstrated that the market rate makes the Council no longer competitive. (This will be considered on a case by case basis). Develop graduate intern opportunities to meet service professional requirements. Consideration of expanding the apprenticeship programme. Service Reviews involving inputs from HR and Finance to ensure appropriate role and grading definitions within the service and broader corporate context. Contingency planning and identification of non-business critical activities and staff who may be trained to deploy to essential activities when required; including consideration of closing service areas if required. H&SCP are in discussion with partner organisations to investigate whether locum staff can be recruited although this hasn't had any significant impact as staff are still required for key tasks in other Councils service areas. Employee Engagement Survey 2023 conducted and feedback in analysis.	5	3	15	October 2023	Risk updated March 2023 by Service Manager – Improvement, Policy & Communications with no change to risk scores. Risk Refreshed November 2022 by CMT – amalgamating previous CR6, CR 15 and CR 18 – composing one 'workforce challenges' risk. Risk refreshed November 2022 by CMT Sub-Group on Corporate Risks with current score increased from 16 to 20 and residual from 12 to 15 given number of services in BC mode.

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				L	I	L x I		L	I	L x I		
		Insufficient staff can also lead to an inability to open facilities, or to reducing opening hours/days, impacting on local service access and reducing community programmes of activity. A lack of cross-service staff capacity to meet emergency response requirements and any other concurrent risks e.g. winter weather emergency, refugee response, avian flu outbreak, ash dieback et al., would increase risks to public safety, bringing reputational damage to the Council. 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 at risk in key areas – an inability to recruit impacts on succession planning and risks key specialist roles remaining unfilled. The Council has a duty of care to the workforce, a breach of which may affect the health, safety and wellbeing of employees leading to increased sickness absence, pressures on service delivery and added potential for employee liability claims against the Council for incidents involving employees or non-employees or enforcement action by the Health & Safety Executive. Areas which have been identified as posing a particularly high level of risk to the workforce are: • Manual Handling • Stress / Mental wellbeing • Lone Working • Unacceptable Behaviour • Risks from Public Monuments • Safe Driving at work • School Trips	functions. As an example Garden Waste collections which are non-statutory will remain on a monthly cycle to protect statutory services. Support is provided by Amenity services to supplement the winter emergency response team. Provision of LGV licence training to increase capacity amongst drivers within services e.g. to drive gritters. Service planning and mitigations, public information issued. Emergency Response debriefs are carried out e.g. most recently into Storm Arwen noting lessons learned and promptly implementing subsequent actions. Service planning and mitigations, public information issued. Investment in apprenticeships, Graduate Trainee opportunities and targeted recruitment e.g. With schools, colleges and universities. Refresh of Flexible working Policies - Homeworking and Worksmart - maximising work options for LGE staff. Health, Safety and Wellbeing Strategy 2018 – 2021 in place. All employees receive corporate and service appropriate induction including Health & Safety. All staff have job outlines and follow the PRD process ensuring all are role-capable and trained to perform safely in their roles. The Joint Health & Safety Committee and Joint Consultative Committee oversee joint health and safety arrangements for all staff. Management Arrangements in place outlining the responsibilities of each level of management and employees. A rolling programme of audit and inspection of management arrangements is being undertaken, covering: Manual Handling Stress Lone Working Safe Driving at Work Fire Safety School Trips Risk assessments carried out to identify significant workplace hazards and to establish suitable workplace controls e.g. safe systems of work. Any necessary training and health surveillance requirements are identified. Health Surveillance is				Review and broaden-out leadership resilience and service capacity within all ELC Contingency Plans. Protective Services Service Review underway, taking account of H&S duties and capacity, intent on supporting refreshed programme of review of management arrangements, inspections and audits. Refresh Guidance for Head of Establishment role. Update Management Arrangements: • Legionella Management • Fire Safety • First Aid					

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			carried out on employees where they are exposed to specific hazards. Health and Safety Training needs are identified from project plans and Risk Assessment findings. An annual programme of training is delivered. Linking-Risks Sub-Group to the Corporate Risk Management Group Management Meetings ensures effective risk management oversight between Health & Safety Service, Insurance Service, Information Governance Services and Internal Audit Service to ensure cohesive oversight of risks associated to staff and public duty of care – reporting to the Corporate Risk management Group, Chaired by Head of Communities.										
ELC CR 7	Reputational	**Information Security and Data Protection** **Heightened Risk Due to War in Ukraine** Due to the current conflict in Ukraine there is a heightened risk of Nation State led cyber-attacks on the West. These could potentially affect National Infrastructure such as data and voice networks which could have an impact on East Lothian Council. **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 IT systems (incl. Telephony) caused by a malicious attack by hackers, virus, trojan, disclosure of information or Fire/Flood event. Attacks via spam emails containing infected ransomware attachments continue to be high. 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. An increase in the use of Cloud facilities and our dependence on suppliers having remote access to our networks means our security risk from external influences has increased and our security posture needs to change to meet these new challenges The Cabinet Office introduced a zero tolerance approach for all LA's connected to the Public Sector Network (PSN). Scottish LA's use the PSN to register Births, Marriages & Deaths and connection to DWP for benefit provision. We have to re-accredit to this network every year and must meet stringent requirements. Failure to do so would mean disconnection from the PSN. In 2017 the Scottish Government introduced the Cyber - Public Sector Action Plan which sets out the minimum security standards for all public bodies	Continue to follow advice and guidance from the National Cyber Security Centre, UK and Scottish Governments and Local Government Digital Office and react accordingly. **Information Security** The Council complies with the international standard ISO 27001:2017 as the framework for its ISM system. 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); Annual IT health checks on the existing infrastructure. New systems introduced are risk assessed and security checked to ensure they meet the criteria. Council Information Governance and Security (IGS) Forum co-hosted by the IT Team Manager – Infrastructure and Security and the Team Manager – Information Governance / Data Protection Officer. The 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. A new Information Security/DP Awareness Campaign was launched in Dec 21, which sends scheduled 'hot topic' awareness updates to employees.	5 **47**	4	20	**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. Further Service Review on-going to support on-going resilience and workforce planning requirements.	3	4	12	Ongoing May 2023	Risk refreshed March 2023 by Service manager – IT and Team Manager, Information Governance with no change to risk scores. Risk updated March 2022 by Team Managers – IT Security and Information Governance with current risk score increased from 16 to 20 due to war in Ukraine.

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		New ways of working and shared buildings including the proposed Collaborative Hub between the Council, Police and other parties present new risks and challenges to maintaining IT Security and Data Privacy. Procedures, appropriate design of workspaces and staff training are needed to mitigate risks. **Data Protection** Under the Data Protection Act 2018 and the UK GDPR, the Council is required to ensure that personal data is processed lawfully, fairly and securely. Breaches of the Data Protection Act / GDPR could result in: - harm to individuals; - legal action; - fines of up to £17.5 million or 4% of turnover, whichever is higher; - requirement to pay compensation; - adverse publicity; - damage to reputation The Council has a mandatory 72 hour window in which to report relevant breaches to the Information Commissioner's Office. 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 and ensure new ways of working remain secure. Requests for personal data (SARs) have increased significantly in both number and complexity (50% increase on Jan-May 2022). Increase is partially attributable to the indirect impact of the Scottish Child Abuse Inquiry and the launch of the Redress Scheme. Combined impact with staffing challenges, increase in FOI requests and disproportionate impact of a number of frequent requesters, the Council is at higher risk of missing statutory timescales for responses. 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. This is also a requirement of the Public Records (Scotland) Act 2011 (PRSA). Current pressures on Registration service and increased demand from Services for review of Data Sharing Agreements / Data Protection Impact Assessments are impacting capacity to address Records Management.	Acceptable use policy for all ELC employees has been refreshed and is now live following consultation. All employees will be expected to read, re-sign and adhere to the policy to keep themselves and the Council safe. **Data Protection** The Council has a comprehensive suite of measures to ensure compliance, including the retention of a statutory Data Protection Officer (DPO), the Data Protection Policy, Data Breach Procedure and multiple procedures governing the creation, use and disposition of records and personal data. IS, DP and Records Management Awareness training is a mandatory part of induction and must be refreshed every two years. E-learning module content was refreshed and redesigned in May 2022. The ELNet pages for Information Governance also include templates, guidance and information to support corporate compliance. 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 assessment of Progress of Records Management Plan by The Keeper's office. The Council is planning formal re-submission of its RMP for the Keeper's approval (date tbc). 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. 2 vacancies within Customer Feedback now filled, with 1 Business Support post currently advertised, resource increased to 35 hrs from 21 hrs. <u>Records Management Plan</u>: Retention schedules and BCS have been updated in line with national models. Initial phase of Digital Preservation Plan currently underway to identify/register digital information assets, and procure baseline software/hardware. <u>DSA/DPIA Process Reviews:</u> DSA and DPIA processes have been reviewed and simplified. <u>Dunbar Road Options Paper</u>: CMT has approved proposals to contract out paper document management services, including records storage, retrievals, metadata management, scan-on-demand and secure destructions.				**Data Protection** <u>Training & awareness</u>: The DPO, Team Manager- IT Infrastructure & Security and Communications teams are progressing a Communications Plan including Inform briefings, e-mail updates and other training and briefings to reinforce awareness of data protection and information security across the Council; currently limited by capacity within Information Governance team but expected to be progressed following recruitment to new Team Lead-Information Governance post (currently with Service Review Team). <u>Information Transformation Strategy</u>: the Team Manager–Information Governance and Team Manager-IT Infrastructure & Security are drafting an Information Transformation Strategy and associated Action Plan to underpin the Digital Strategy and Business Transformation agendas and 'to ensure the right information gets to the right person, at the right time, and in the right format'. <u>Records Management Plan:</u> All 14 elements of the Council's RMP will be reviewed and updated, focusing particularly on secure destruction, digital preservation, application of retention schedules and changes to ways of working. <u>DSA/DPIA Process Reviews:</u> Full roll-out of new processes to be completed following recruitment of new Team Lead-Information Governance. <u>Paper document management</u>: Procurement exercise to identify best value for document management services for all paper records.				June 2023 June 2023 Ongoing – see updates to Existing Controls June 2023 April 2023	

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ELC CR 8	Physical and/or Psychological Impact on People Legal & Regulatory	**Refugee/Asylum Schemes** Both the UK and Scottish Government have responded to the Ukrainian humanitarian crisis by introducing refugee schemes that are largely required to be administered by local authorities. These schemes are broader in scope and of a significantly greater scale than existing refugee schemes. Consequently, this means greater demands placed on Council services (including service areas not previously involved) in administering the schemes, supporting hosts and refugees as well as placing additional demand on schools and Health and Social Care services. There is also a potential role for the third sector, which requires careful thought and development. Current challenges include, but are not limited to: • Complexity and variation between four different schemes (Homes for Ukraine (H4U), Scottish Super Sponsor & Family Visa& H4U Extension Scheme (UES) • Constant changing and revision of national guidance, which continues to evolve through ongoing discussion between SG, COSLA, Home Office and local authorities • Being clear on different funding arrangements, scope and operational deployment • Being clear on extent of safeguarding responsibilities and wraparound support • Being clear on role of third sector • Understanding the scale of and resourcing the challenge in the context of existing commitments to the global refugee scheme and the Afghan schemes, and the future proposed Asylum dispersal scheme. • Being clear on data protection requirements and which information can be shared between internal teams and with external partners • General administration of the scheme in the medium to long-term including, but not limited to: ○ Disclosure checks ○ Property and welfare visits ○ Wraparound support ○ Refugee payments ○ Host payments ○ Interface with Education and HSC • Clarity as to whether funding is adequate to cover all elements of the scheme, including potential remedial work to bring properties up to required standards • Potential increased homeless and housing demand (where hosting arrangements break down or after six months) • Service resource demands on all affected teams but particularly Community Housing & Homelessness • Capacity of children's and Adult Social Work services, Education and HSC to cope with increased demands • Additional demands continue to emerge through extensions and variations to all the schemes –	Cross-Service Oversight Group meetings in place. Cross-Service Working group in place. Additional resources identified within Community Housing & Homelessness (CH&H) secured to deal with administrative tasks and casework Additional development resource identified from CH&H to provide third sector interface, assist with improvement work, address local community issues and maximisation of resources (internal and external) Plans in place re of how SSSS outreach work, disclosures, payments etc. will operate Regular attendance at meetings with SG, Home Office and COSLA. ELC Website page in place. ELC Ukraine enquiries contact email address set up. Initial dedication of two-full time officers from Housing Options team to set up procedures, team interfaces, casework and administration of schemes. Database of hosts and families created comprising all administrative aspects (disclosures, property checks, payments, education requirements etc.). Ongoing case management of hosts / guests, where appropriate. Resource requirements of other service areas identified and in operation, including the contribution of colleagues in HR, Protective Services, Finance, Education, Customer Services, Communications Team and HSC. Cross-Service agreement of how Disclosure checks will be undertaken, conduct of home visits, and administration of payments have been secured and procedures in place. Jira safeguarding system in place. Children's and adult social work undertaking wellbeing assessment visits to all families. Privacy Statement signed off. Unaccompanied Asylum Seeking Children (UASC) are currently being supported by the Aftercare Team in children's services, making use of accommodation within the My Place project. Managers attend regular national meetings to ensure we understand best practice. Clarity on funding at national level, notwithstanding ongoing changes.	5	4	20 **49**	Internal processes and procedures to be reviewed to identify improvements Quantification of Scottish Super Sponsor scheme (SSS) numbers, data integrity work, background checking to be done by CH&H resource Quantification of future resource demands to be identified and articulated through oversight and working group meetings Improvement work to ensure processes and resource deployment are as effective as they can be Working closely with SG & COSLA to inform future iterations of Guidance for clarity and confirming with SG & COSLA colleagues that ELC cannot source social housing properties as housing pressure continues to be extreme Children's services is developing a host families scheme to provide accommodation and support for UASC. Work with ALACHO, SOLACE, COSLA and others to dissuade SG from disembarkation of refugee ships so that this can be delayed and better managed as well as look to make changes to other legislative and policy areas to ease housing and service demand pressures and to ensure future funding arrangements are adequate.	4	3	12	June 2023 June 2023 June 2023 June 2023 June 2023 June 2023	Risk refreshed by Service Manager March 2023 with no changes to risk scores. Risk created 9th May 2022 by Head of Housing.

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		including the rise in unaccompanied minors and associated responsibilities • The disembarkation (ongoing and planned for July) of the two refugee ships will create additional demand and service pressures. • Implementation of the mandatory national transfer scheme means East Lothian must accept an allocation of unaccompanied asylum seeking young people set by the Home Office. Notification will be at short notice and the frequency is dependent on their rate of arrival in the UK. This mandatory allocation has been increased without consultation. • This presents a significant resource challenge in terms of providing accommodation, potentially a care placement, housing and social work support. • The national local crisis in fostering resources is compounding the service risk. • Some refugees and asylum seekers are reluctant to settle in East Lothian, preferring to be in bigger cities. There is a likelihood of them leaving on an unplanned basis putting them at risk of exploitation.	Successful recruitment of two Tenancy Support Officers.									
ELC CR 9	Reputation Financial	**Climate Emergency** East Lothian Council has statutory duties to mitigate its emissions, adapt to climate change and act sustainably. The Scottish Government's Climate Change Act (2009) requires the Council to support the delivery of the national net zero targets and adaptation programmes. The risks associated with the responsibilities are: • Failure to meet our statutory duty in Scotland's Climate Change Act (2009). • Lack of financial and staff resources to mitigate emissions and deliver the net zero interim target by 2030 and full target by 2045. • Unknown costs of the transformational change needed to adapt to climate change impacts. • Risk aversion, particularly in relation to new technologies that could support mitigation and adaptation. • Reputational damage and failure in corporate social responsibility if climate action is not mainstreamed across the Council. • Lack of/unclear funding and unbudgeted costs to reduce carbon emissions, e.g. for the transformational changes needed in Fleet[1] and Asset[2] Management. The latest IPCC sixth assessment reports show that we have reached a tipping point where we will face extreme weather and climate change impacts despite efforts to mitigate greenhouse gas emissions. To cope with these risks we need to ensure that our adaptation efforts are as ambitious as our mitigation actions. The Council are making progress on the Climate Emergency risks. However, there is an urgent need to	Annual reporting to the Scottish Government to track CO_2e reductions and delivery of adaptation programmes. Annual reporting to the Council Cabinet to track actions and delivery towards ELC's Climate Change Strategy (2020-2025) to achieve net zero by 2045. Regular Council Climate Change Planning and Monitoring Group meetings to ensure Council-wide commitment to the Climate Change Strategy and Action Plan. Regular Council Energy Transformation Board meetings, to improve energy efficiency and energy supply from renewable sources while generating income from installing low carbon technologies across the Council's estate. The Council's COVID Recovery and Renewable Framework, in which a Green Recovery from COVID is a key principle. To address the climate change risks, the Council collaborates with: • Sustainable Scotland Network (SSN) and the Scottish Government, guiding public authorities to implement the National Climate Change Plan Update (Dec 2020). • Adaptation Scotland and SSN, ensuring consistency and collaboration between public bodies in the response to the climate emergency. • Transport Scotland, funding ELC's ULEV public sector fleet objective (2025). NB, funding options are limited to be either lease of part funded purchases. Thus, the opportunities to fully utilise ULEVs are limited.	4 **50**	4	16	Identify budget and funding streams to continue delivering transformational change to Fleet and Asset Management (e.g. staff resources to chase funding opportunities and support services to access them). Secure the tools, powers and resources to enable the delivery of a 'Net Zero Council'. Identify interim emission reduction targets across Council Services and implement a monitoring & evaluation framework in response to this. Engage East Lothian Partnership to include carbon emissions reduction targets in review and update of the East Lothian Plan. Work has commenced with Strategic Assessment Workshops and the internal Community Wealth Building Working Group. Re-engage with the Resilient Communities initiative, to prepare East Lothian residents for emergencies and severe weather events. Progress made: internal adaptation workshop held, community workshop with East Lothian Climate Action Network planned.	3	4	12	Ongoing with annual review 2025 - annual review Ongoing with annual review June 2023 October 2023	Risk refreshed March 2023 by Sustainability and Climate Change Officer with no change to risk scores.

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		secure the funding, resources, tools and powers to enable us to deliver net zero. Until then, our capability of transformational change to reduce these risks is uncertain. [1]Fleet Management: We need to replace public sector fleet vehicles with ULEV by 2025. However, funding from the Scottish Government is limited and focused on smaller vehicles. Shifting ELC's heavy commercial fleet to a UNLEV platform will require additional unbudgeted funding. Currently, the cost of an EV refuse collection vehicle is 2.5 times more expensive than a fossil-fuelled equivalent. Another cost implication is the charging infrastructure needed to support these vehicles. [2]Asset management: We anticipate the costs of transformational change for our built assets to reach net zero to be substantial. To achieve net zero, we need to ensure that capital is available (e.g. capital for asset reconfiguration, energy efficiency measures, energy generation, etc.). It is key to manage Council assets in line with the climate change agenda.	• The Sustainable Transport Officers Group, which coordinates a multi-departmental response to increase active and sustainable travel. East Lothian Climate Action Hub and Community groups, which supports public engagement to reach net zero. The Sustainability & Climate Change Officer continues engagement with SSN and Scottish Government to align work with the Scottish Public Engagement Plan for net zero (Sep 2021). Carbon Literacy Training is currently being rolled out to staff. The Council has set a target of training 500 staff members by 2027, as this is one way to comply with our statutory duty in the Climate Change (Scotland) Act 2009 that public bodies must act sustainably. Raising climate literacy helps each department to identify action and contribute to mitigating and adapting to climate change. Climate emergency workshops are being held to the Area Partnerships to include climate emergency in their Area Plans. NBC and Musselburgh have so far had theirs.									
ELC CR 10	Legal & Regulatory	**Limitation (Childhood Abuse) (Scotland) Act 2017** Introduced on 4 October 2017 removing 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. The Act covers the period prior to 2004. In conjunction with the Scottish Child Abuse Inquiry there is an increased likelihood of survivors coming forward which will potentially result in financial pressures if historic claims of child abuse (see definition above) are made and upheld against East Lothian Council as the statutory successor. There is no way of knowing how many claims may be made (i.e. all 'living' potential claimants). It is 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 However, the requirements to comply with SCAI S21 requests are placing significant strain on internal resources within the legal, social work and records management teams for which there is no additional budget. The Child Abuse Inquiry continues to extend its investigations into other areas which may affect the Council. The Inquiry recently considered foster care. There are currently two claims arising from foster care against the council. Judith Tait as CSWO gave evidence to the SCAI about the experiences of children in foster care in East Lothian. There may be more claims relating to foster care being made against the Council.	It is a requirement under the act that the abuse occurred at a time when the individual was a child which is defined as being under 18. Child Abuse Claims Group and SCAI Overview Group – East Lothian co-ordination of responses, reported strategically, managed flow and collaboration. Close monitoring of the work of the Scottish CAI itself and review of any published materials. Scotland-wide networking and information sharing on SCAI between authorities. Council has appointed external solicitors to provide legal support for the public fostering inquiry. Records Management expertise allows us to respond effectively to SAR requests and information requests / provide evidence. However, increase in volume of SAR requests received, not just in this area, are placing more pressure on the Information Governance team to be able to coordinate further work as required throughout the Council, to improve our records management systems to make them more efficient. Cross Lothian collaboration on Lothian Region period 1975 to 1996 (and predecessor authorities) re-records management etc. Accurate records post 1996 relating to East Lothian Council clients. Council Financial Reserve – may reduce the impact to service provision if claims extend beyond budget. 2023 update: further discussions to be held between successor LRC local authorities due to emerging	4 **51**	4	16	Discussions planned to consider how to ensure sufficient staffing resource available to deal with claims, court actions, and submission of S21 requests and recovery of documentation and to preserve the Council's position. Fully engage with the SCAI to anticipate and forecast future claims and ensure ELC is represented well in the public hearings. Ensure current social work practice with children who are accommodated away from home meets high professional standards and complies with legislation and national standards to ensure they are safe and reduce the likelihood of any 'new' claims arising. Full review of the overall Council Records Management systems and behaviours required to be undertaken to streamline obtaining the relevant information requested.	4	3	12	All measures reviewed quarterly at cross service catch up meeting and will be ongoing for some time.	Risk reviewed April 2023 by Insurance, Legal and CSWO with no changes to risk scores. Risk reviewed May 2022 by Chief Social Work Officer with planned score increased from 9 to 12.

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		The next phase of the Inquiry is in relation to residential schools and includes the previous St Joseph's, Tranent. Claims have been presented to successor authorities of LRC in relation to this establishment Redress Scotland established to provide survivors with an avenue to compensation where they do not wish to submit a claim directly to a successor organisation. Where the Redress Scheme is not used, any legitimate claimant may still raise action against ELC. Note that there remains a period from 2004 to present which is not covered by Scottish Government proposals/legislation for compensation schemes and as such any legitimate claim arising would need to be taken forward through ELC and/or Insurers.	risks of limits of indemnity and future allocation of claims. The Scottish Government redress schemes is available for potential claimants to pursue. Where a survivor submits a claim to the redress scheme and accepts the compensation offered, a waiver is signed so that they may not submit an insurance claim. The maximum amount of compensation through Redress Scotland is £100,000. Regular discussions with Council's Insurance providers and brokers to ensure risk continues to be covered and/or mitigated to allow regular review for sufficient budgetary provision for any additional costs/claims that may not be covered by insurance.									
ELC CR 11	Physical and/or Psychological Impact on People Service Objectives Legal & Regulatory	**Flooding and Coastal Erosion** As the incidence of flooding and coastal erosion increases as an impact of Climate Change, there is an increased risk of disruption and damage to road and path networks, impact on public and community safety, property, businesses, harbours and natural heritage sites and an associated increase in claims against the Council.	In December 2021, a Flood Risk Management Plan covering the Forth Estuary catchment over the 2022-28 (Cycle 2) period was published. In March 2023, the Forth Estuary Local Flood Risk Management Plan covering 2022-28 was published. This publication outlines the specific objectives and actions to be undertaken to mitigate flood risk in the East Lothian area and complies with East Lothian Council's duties under the Flood Risk Management (Scotland) Act 2009. The Forth Estuary Local Flood Risk Management Plan (LFRMP) 2022-28 identifies actions such as river and coastal flood studies, awareness raising and maintenance which are subject to funding. Musselburgh Flood Protection Scheme is proposed to be funded 80% by Scottish Government. The delivery of flood protection schemes is reliant on funding. An updated Timeline of Outline Design for the Musselburgh Flood Protection Scheme was approved in October 2022 and a community consultation event is scheduled for June 2023, with three events having taken place in February and April 2023. Flood risk and drainage issues are considered when processing planning applications and within long-term development planning. This assessment is aligned to new policy within National Planning Framework 4 (NPF4), published February 2023. 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 flooding procedures are in place and have proven effective. A Shoreline Management Plan has been produced. Advice on dealing with flooding is available on the	4	4	16	Flood studies for Dunbar, West Barns & North Berwick (Coastal), Cockenzie, Port Seton, Longniddry & Prestonpans, and Tranent & Macmerry have been included in the 2021-28 Flood Risk Management Plan and the 2022-28 Forth Estuary LFRMP. As part of the 2022-28 Local Flood Risk Management Plans Flood Protection Schemes for Musselburgh and Haddington are included in the list of actions for the Forth Estuary Local Plan District. ELC have undertaken Flood Studies for Musselburgh and Haddington within the 2016-2022 FRM cycle and are currently progressing the Musselburgh Flood Protection Scheme which is a fully established project. It has completed three of its nine stages, and is currently progressing Stage 4 (Outline Design) of the Scheme Design in accordance with the project's PRINCE2 Project Management System. Musselburgh FPS is not yet approved under the Flood Risk Management (Scotland) Act 2009 – the formal approval process will take place once the Outline Design stage is complete. The Council's Severe Weather Response will be tested in an Emergency Planning exercise during 2023-24 which will incorporate Flooding.	3	3	9	2023-2028 2013-2028 2024 2023-2024 2023-2024	Risk reviewed and updated March 2023 by Senior Engineer - Flood Protection, with no change to assessment of current scores.

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				L	I	L x I		L	I	L x I		
			Council website and directs people to the relevant websites, including SEPA's website. The Council is working with various organisations to promote and progress "Resilient Communities" as per the Scottish Government initiative "Ready Scotland". Communication with vulnerable groups regarding access and assistance during severe weather events. Watercourse inspections and clearance and repair works take place. Maintenance of existing flood protection schemes. Improvements to introduce a risk-based process of undertaking watercourse inspections and delivering appropriate clearance and repair of watercourses was implemented in 2022.									
ELC CR 12	Physical and/or Psychological Impact on People	**Public Protection – Risk of Harm** The Council has a legal responsibility to address concerns that may require a Child or Adult protection response. The Council also has an obligation to manage offenders through the Justice Social Work service and contribute to MAPPA arrangements. It should be noted that by the very nature of the work involved in Child Protection, Adult Protection, management of offenders and people experiencing domestic abuse this is a high risk business even with all the controls and measures in place. Any failure to adequately respond to concerns may negatively impact on children and adults, who may be at risk of harm. This could also result in serious harm/death to an individual/s, prosecution, having to pay compensation and have a negative impact on the reputation of the Council. A failure to secure efficient and effective Public Protection arrangements, covering Child Protection, Adult Support and Protection, local MAPPA arrangements, 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. There are continuing issues with the delivery of Social Care Services within the Care Home and Care at Home sector. There is the potential for a service failure which could place vulnerable adults at risk of harm. There has been a long standing waiting list for an Outreach Service from Women's Aid Mid and East Lothian which is the specialist service provider for Women experiencing or having experienced domestic abuse. There is a funding gap created by non-recurring revenue streams and increased demand.	Strategic Structure The East and Midlothian Public Protection Committee (EMPPC) is the local strategic partnership responsible for the overview of policy and practice in relation to Adult Protection, Child Protection, Offender Management and Violence Against Women and Girls. The primary aim of the Committee is to provide leadership and strategic oversight of Public Protection activity and performance across East Lothian and Midlothian. It discharges its functions through four sub-groups which meet quarterly: • Performance and Quality Improvement sub-group maintains overview of work through the door and performance in relation to CP and ASP work • Learning and Practice Development sub-group takes forward our 2021-23 strategy for Multi-agency training, and oversees our training programme. Training needs on aspects of Public Protection are considered by this group and are informed by Training Needs Analyses undertaken by the East Lothian Workforce Development Officers in Children's Services and the HSCP. • VAWG delivery group keeps oversight of services for gender based violence • East and Midlothian MAPPA Group (EMMG) oversees MAPPA arrangements. Critical Services Oversight Group (CSOG), Provides governance and leadership of EMPPC on a quarterly basis. The CSWO is chair of the local Strategic Oversight Group for MAPPA and actively involved in national and local discussions around MAPPA information sharing, supported by ELC legal and justice services. The East and Midlothian MAPPA Group provides	3 **53**	4	12	A Joint Strategic Needs Assessment for Public Protection is being taken forward by CSOG. The Council Management Team and EMPCC learning and development sub-group will seek assurance that arrangements are in place for completion of Level 1 training. Awaiting feedback from Scottish Government. L&D Work has begun to refresh the knowledge and understanding of both CMT and SMT that child protection is everyone's responsibility and to ensure that this key message is communicated and understood by all staff. Under the new East Lothian Safety and Justice Strategic Partnership, the national strategy Equally Safe will be progressed through its own dedicated sub-group. The East Lothian Partnership's establishment of the new Community Safety and Justice Partnership, and creation of its 3 supporting groups – Community Safety Group, Community Justice Group and Equally Safe Group – will see a renewed focus on community safety and justice priorities during 2023/24.	2	4	8	June 2023 May 2023 March 2024	Risk reviewed April 2023 by Head of Operations, H&SCP with no change to risk scores. Risk refreshed October 2022 by General Manager - Adult Social Work and Public Protection Team Manager with current score reduced from 16 to 12 and residual score from 12 to 8. Risk reviewed and refreshed by Public Protection Team Manager, March 2022. Risk reduced from 20 and 20 to 16 and 12 due to an improving picture.

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		In the context of rising demand for domestic abuse supports in the county, the council's arrangements for delivering Equally Safe, the national strategy to eradicate violence against women and girls requires a stronger strategic and partnership focus. Without this, East Lothian will not reduce the numbers of people experiencing harm through domestic abuse. Police Scotland had proposed unilateral changes to information sharing arrangements within MAPPA that would have had serious repercussions for the safe operation of MAPPA and the council's ability to deliver its duties as a responsible authority. Whilst the imminence of this risk has been reduced by extending the deadline for the change, the underlying barriers have not been resolved and some uncertainties remain around operational joint working between ELC and Police Scotland. East Lothian has no access to ViSOR. There are currently a small number of vacancies at senior leadership level arising from the Head of Children's Services/Chief Social Work Officer the Head of Operations, H&SCP and General Manager - Adult Social Work moving on to new posts. This loss of experience presents a risk and has the potential to create some uncertainty amongst staff teams.	oversight and assurance of local MAPPA performance and practice. The CSWO remains actively engaged in national meetings aimed at achieving a long-term solution to the MAPPA information sharing / ViSOR issue ahead of the implementation of the replacement system MAPPS. The CSWO will continue to provide regular assurance of the safety of MAPPA practice to the CEO. The CSWO and Chief Executive are fully sighted on the current situation regarding VISOR. Access to ViSOR requires Non-Police Personnel Vetting L2 or L3 and this is a highly intrusive process and colleagues in legal, Information Governance and HR have advised that JSW staff cannot be instructed to undertake this vetting and have confirmed that JSW need access to the information that ViSOR holds only, not the system itself, to fulfil their duties under the Management of Offenders (Scotland) Act 2005 on which MAPPA is based. An acting Head of Children's Services and CSWO has been put in place whilst the recruitment process is underway to fill the permanent post. 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. East Lothian Safe and Together implementation group will continue to meet to review and maintain oversight of training and embedding S&T in practice in East Lothian. This will also be monitored via EMPPC Learning and Development Sub-group. A Joint Strategic Needs Assessment for Public Protection has being developed and is being reviewed by CSOG. This projects increased demand for services and makes a number of recommendations for the future delivery of Public Protection services. ELC H&SCP Management attend NHS Gold meetings where the capacity gap is detailed and set in the context of the wider system risk caused by challenges facing NHS Lothian acute sites ELC H&SCP have regular Care at Home Oversight Group Meetings to monitor the levels of provision of essential care at home. The councils' CSWO attends this meeting to ensure discharge of assuring the quality of care. This will remain in place until there is assurance of stability. Care at Home service provision continues to be monitored via East Lothian and Midlothian Public Protection Committee and Critical Services Oversight Group which both meet quarterly.									

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			A risk management tool has been developed in relation to Care at Home to provide consistency in how the providers are assessing their capacity to respond and deliver their required level of service. Policies, Protocols, Procedures and Guidance are in place, subject to ongoing review and update and available on Public Protection website: www.emppc.org.uk. Chief Social Work Officer (CSWO) fulfils statutory role and responsibilities, overseeing and reporting on Public Protection issues to Chief Executive and Elected Members, reporting annually to Council giving oversight of Public Protection performance including assessment of risks and pressures. The Council, through the CONTEST Oversight working Group, Chaired by Head of Communities, continues to work towards delivering the UK Government's Counter Terrorism strategy, known as CONTEST, of which Prevent is a key element. EMPPC has a Prevent referral pathway which has been reviewed. The Lead Officer for Adult Protection leads the Council Officer forum, to support learning and practice and process consistency in Adult Protection. 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 all Regulated Services inspections. A weekly Care at Home Oversight Group has been established to oversee and manage risks in relation to staffing Both the Lead Officer for Child Protection and Adult Protection participate in the Inter-agency Referral Discussion Overview Group, which reviews and provides quality assurance of the decisions taken to manage vulnerable children and adults risks.				Contest Oversight Working Group reviewing forthcoming Protect Duty and obligations, relating to counter-terrorism security and safety measures in public places/spaces: final UK Government legislative requirements awaited.					
ELC CR 13	Service Objectives Legal & Regulatory	**Duty of Care to Public** The Council has a responsibility to provide care and support for the people of East Lothian and East Lothian's environment. Any breach of this duty of care may compromise legislative duties, health, safety and wellbeing, impacting on, for example, the protection of children and adults. Failure to fulfil the duty of care could also result in serious harm/death to an individual/s, prosecution, having to pay compensation and have a negative impact on the reputation of the Council. Additional pressure within this area caused by external providers struggling to deliver through staffing issues.	Prioritise maintenance of safe staffing levels for all statutory services the partnership delivers. Briefing sessions, specialist training and supports are in place. Regular formal supervision in place for all staff including completion of PRD's and e-KSF, focusing on specific and agreed development needs. Clinical & Care Governance Committee established which is to provide strategic oversight within the Partnership. Chief Social Work Officer, Chief Nurse, Clinical Director, AHP Lead oversight and review of practice to assess workload allocation and risk management.	3 **55**	4	12	Review of oversight and governance arrangements for assessment. Alteration of the workforce model for delivery of care a home services including expansion of internal delivery. Comprehensive pathway modelling underway lead by Head of Operations.	2	4	8	Ongoing Ongoing Ongoing	Risk reviewed April 2023 by Head of Operations, H&SCP with no change to risk scores. New risk created November 2022 by Head of Operations, H&SCP.

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		Members of the public access services in many public buildings which require to operate within statutory health and safety requirements relating to the building itself, and spaces within it. Some services are provided in the outdoor public realm. Failure to operate services safely both within ELC buildings and in outdoor spaces could risk harm to members of the public and staff, resulting in injury, financial liability and reputational damage.	Specific oversight groups established for example Care Home, Health & Safety and Risk Management. Review ongoing through bi-weekly Care at Home meetings chaired by General Managers. Services comply with required professional registration standards for all staff, e.g. SSSC, HCPC, NMC etc. "Safer Recruitment" practices and PVG checks embedded. LSI mechanism in place with reporting structure through PPC. Regular engagement with the Care Inspectorate reviewing services in place Risk assessment documentation shared with providers with client RAG in place to ensure services are prioritised for those most at risk. Council owned buildings and open spaces subject to strict management and maintenance regimes, with all requisite risk assessments and safe operating arrangements in place.									
ELC CR 14	Physical and/or Psychological Impact on People Legal & Regulatory	**Communicable Disease Outbreaks of Public Health Significance** ELC continue to liaise with NHSL Public Health Service, and wider national and international reports e.g. World Health Organisation, to monitor public health advice and guidelines relating to all public health outbreaks e.g. legionella. Pandemic, et al. The ability to quickly and effectively respond to any declared national or local public health outbreak remains embedded in Civil Contingency Act 2004 first responders e.g. NHS, Police, Fire, Councils.	Processes in place to establish proactive communicating, and encouraging compliance with all government and public health authorities' advice and reducing the impact/spread of misinformation by relying on information from trusted sources. Established mechanism to stand up the Council Management Team (Critical Incident Response Team) to oversee and direct the Council's response to any public health outbreak. COVID19 Recovery and Renewal Coordination Group is deployed overseeing management of recovery and renewal across East Lothian. The Council has had to adapt is delivery of services beyond the COVID pandemic and now subsequent concurrent challenges including the cost of living crisis and ensuing economic volatility. The Recovery & Renewal Plan interventions remain valid and under constant review. ELC will continue to lead recovery supported by our partner agencies context of the Civil Contingencies Act 2004. Resilience Direct continues to be available for use to share information on a multi-agency basis.	3 **56**	3	9	Ongoing deployment of JCVI vaccine and booster programme and liaison with NHSL and PHS relating to any public health outbreak to inform service interventions and timely community information and updates re service delivery and ongoing safety measures.	3	3	9	All measures are live and monitored on a weekly basis.	Risk reviewed April 2023 by Head of Operations, H&SCP with current risk score reduced from 12 to 9 due to service not seeing a significant impact. Risk reviewed November 2022 by Head of Operations, H&SCP and Service Manager, Protective Services with risk title and content edited from only COVID to all Communicable Diseases. Risk fully reviewed and refreshed by Executive Director of Place, CMT and Risk Owners May 2022 with current risk score reduced from 16 to 12 and residual score from 12 to 9.

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				L	I	L x I		L	I	L x I		
			Business Continuity Plans in place in all services leading to staff continuing to work from home unless it is essential for them to be in their place of work. Public Health Scotland has published (September 2022) National Respiratory Surveillance Plan and also Plan for Monitoring and Responding to New SARS-Cov-2 Variants and Mutations. These plans detail how an effective and efficient surveillance service will be delivered in Scotland and sets out how the identification, investigation, risk assessment and response in relation to COVID19 variants and mutations will be carried out. The document recommends local authorities to stand ready to support any operational roll out of a VAM response. Protective Services continue to have regular engagement with NHS Lothian Health Protection Team and are ready to work in partnership with NHS Lothian in relation to standing up a response where required. HSCP continues to support delivery of the COVID19 vaccination programme. Resilient Communities Groups exist in each Community Council area and Groups are ready to stand-up when required. Volunteer Centre East Lothian collaboration over support for local Third and Voluntary sector organisations able to respond to consequences across communities. 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. HSCP are following NHS and ELC guidance on staffing and using JPF to monitor the situation.									
ELC CR 15	Physical and/or Psychological Impact on People	**Severe Weather** 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. 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. 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.	East Lothian Councils Winter Maintenance Plan has been in place for some time and ensures that the main transport routes are treated as priority. The 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. 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. The ELC Severe Weather Response Plan has been developed over many years and ensures a co-ordinated and consistent multi-agency response	3	3	9		3	3	9		Risk reviewed and updated April 2023, with no change to assessment of current scores.

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				L	I	L x I		L	I	L x I		
		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 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.	across the county. This plan is reviewed annually in conjunction with support from partner agencies. The ELC Severe Weather Response plan includes reference to and improvements learned from the 'Beast from the East' (snow) incident in 2018 and Storm Arwen 2021 (wind). The Council's Salt Barn has a capacity of 8,000 tonnes to meet demand arising from severe cold weather. A fourth-generation SXL framework was approved by Executive Sub Committee in August 2022. This framework has commenced for salt for winter road maintenance for the period 1 November 2022 until 31 October 2026. 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. 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. 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 by ELC Emergency Planning staff. 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. ELC finances all 20 Community Councils' annual insurance premiums ensuring that Insurance is not perceived as a barrier to invoking such plans. 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.									

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				L	I	L x I		L	I	L x I		
ELC CR 16	Physical and/or Psychological Impact on People Legal & Regulatory	**Threat of Terrorism** Delivering the UK Government's Counter Terrorism (CT) strategy, known as CONTEST (comprised of four components - Prevent, Protect, Prepare and Pursue). 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. 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 within the act and would also result in a loss of reputation and negative publicity.	Multi agency 'J' Division CONTEST Meeting attended by East Lothian Council representatives. ELC has established a CT WG chaired by the Head of Communities with members consisting of CMT, key senior managers, Police Scotland and a QMU representative. 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 although not a statutory requirement, has also been appointed (Emergency Planning, Risk and Resilience Manager). Under Protect the CMT are prepared should the Government 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 during any emergency response. ELC follows and contributes towards the 'J' Division Contest group implementation plan. The SPOC Prevent Group in the East of Scotland is attended by the ELC SPoC. Prevent Multi–Agency Panels Chair (SPoC) and Depute (Iain Gorman) identified to chair multi-agency meetings established to discuss any referrals. Regular internal and external communication of any national counter-terrorism updates. Information regarding Protect and Prepare is received from the National Counter Terrorism Security Office. This information is then circulated to appropriate key ELC staff and local businesses. A Prevent working group, chaired by the Head of Children's Services, meets regularly and a Prevent reporting process has been established. A refreshed Prevent Delivery Plan has been completed and has been approved by the ELC Contest group. Progress of the Prevent delivery plan will be monitored through quarterly Prevent working group meetings and reporting to EL Contest group. Elected Members were briefed in January 2022. Joint training (with Midlothian) for PMAP members was undertaken. Home Office PMAP training was provided for managers in justice, children's and adult social work services. ELC have submitted an annual assurance statement of compliance with Prevent to Scottish Government	3	3	9	Awareness-raising sessions are being arranged with Police colleagues with independent service providers operating in East Lothian. CT police are offering bespoke Prevent training across other council services and supporting managers to update paper-based training materials for manual staff. Further service-specific Prevent training is being arranged for children's and justice social work services. Roll out and 2022/23 uptake of mandatory Prevent e-learning will be reported to the Prevent working Group in May 2023. Protect e-learning rolled out wef March 2023 will be reported to the Contest Oversight Group in May 2024. Review and implement learning from Exercise Safe Steeple.	2	3	6	September 2023 September 2023 September 2023 May 2023 May 2024 September 2023	Risk refreshed by Head of Communities, Contest Working Group Chair, April 2023 – no change to risk scores. Risk reviewed August 2018 by Board of Directors with Current Score reduced from 12 to 9.

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				L	I	L x I		L	I	L x I		
			in relation to the new statutory guidance for Prevent and PMAP (Feb 2021). Education personnel are fully engaged with Prevent and appropriate filters have been installed on the Education infrastructure. Updated Prevent referral pathway has been agreed with EMPPC and communicated on the intranet, including the new national Prevent referral form. Whilst ELC Managers have received Prevent training through LearnPro previously, since November 2020 interim mandatory e-learning for all staff has been in place via Home Office e-learning resources pending the roll-out of new Scottish Government training materials. Ongoing exploration of other arrangements including toolbox sessions. UK Government Home Officer e-learning for the new Protect Duty rolled out from March 2023, signposted to services/staff working in complex public buildings/venues and in outdoor arenas. ELC Emergency Planning, Risk and resilience and members of CMT attended Exercise Safe Steeple, March 2023, led by SGov Resilience to exercise multi-agency response to a marauding terrorist attack. 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.								
ELC CR 17	Service Objectives Legal & Regulatory Physical and/or Psychological Impact on People	**Business Continuity** Failure to ensure currency of Business Continuity Plans could lead to services not having a robust response to an incident affecting their service area or critical services may not be maintained, while critical services for the public could be affected and statutory requirements not completed. Non availability of: • premises, through fire, flood or other unexpected incident; • key staff or significant numbers of front-line staff for any reason e.g. a Pandemic; • systems (IT, telephony, power failure etc.); • any form of transportation due to a fuel shortage. The occurrence of any of these may have an adverse effect on the Council to function fully and to complete critical services and statutory requirements.	Business Continuity Framework Plan in place and regularly reviewed. Business Continuity Plans are maintained for all service areas, giving details of minimum levels of staff, alternate locations, exercise and review dates and version control. The Chief Executive has a statutory responsibility for the ELC BC process. The Heads of Service remain responsible for ensuring the BC process is completed within their area of work. Each service area now has a Single Point of Contact (SPoC) and deputy who are responsible for, their services BC Plan, exercising this plan and ensuring it is maintained. All BC Plans are managed through Continuity² Software. The Council carried out a Council Wide Business Continuity Exercise in November 2019 which successfully tested the BC capabilities of the Council. Each Service carries out an annual BC exercise.	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	September 2023	Risk refreshed March 2023 noting changes to risk description and mitigation measures whilst no change to risk scores.

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				L	I	L x I		L	I	L x I		
			ELC staff have access to an e-learning package on Business Continuity which was reviewed and refreshed during March 2021. Business Continuity Plans are invoked as Services suffer BC issues with a fortnightly update of those plans invoked provided to CMT. 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. Specific disaster recovery arrangements are in place for the critical systems of telephony, e-mail and social care. 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. All Services asked to consider a National Power Outage as part of their BC Plan. ELC services are encouraged to take all risks that may impact on East Lothian into account when completing their Business Continuity (BC) plans as an example, severe weather or electricity failure or extreme staff shortages. BC plans are key to ensure ELC services continue to provide their critical activities.									
ELC CR 18	Service Objectives Legal & Regulatory	**Development Plan** Failure to prepare a new Local Development Plan within the 5 year timeframe set by the Scottish Government. This could result in an outdated Development Plan and could result in an out of date planning strategy and policy context for planning decisions in East Lothian; it could: • contribute towards the Council not being able to achieve Council Plan objectives (particularly around the provision of sufficient employment land) – Growing our Economy and Growing our Communities – and related Single Outcome Agreement objectives; • lead to failure to accord with other Council plans and more recent higher level plans and legislation; • potentially undermine our ability to defend local planning decisions leading to 'planning by appeal'. This could result in unplanned development at odds with the planning strategy for East Lothian, and consequent reputational damage; • undermine our ability to secure S75 contributions towards essential infrastructure with consequent impact on corporate capital and revenue planning. Risk is added to the process for the production of the next LDP as it will be commenced without all the national regulations and guidance being published.	The NPF4 has been published by the Scottish Government, which now forms part of the Development Plan. Production of the LDP Evidence Report has started with public engagement planned in late Spring and Summer of 2023. Maintenance of the Local Development Plan Scheme with timescales (last reviewed 2022). Interim Regional Spatial Strategy has been prepared, informing NPF4. The Regional Prosperity Framework has been ratified by the SE Scotland authorities. SG and SPG all approved/adopted, including Developer Contributions Framework.	4	2	8	Work on LDP2 has started and will continue from now until 2025/26. By starting the plan now the risk of the plan becoming out of date is reduced but the lack of approved national regulations and guidance provides a slightly heightened threat to the process.	2	2	4	May 2023	Risk reviewed by Head of Service - Development, April 2023 with current score increased to 8 from 6 and residual to 4 from 2. Risk Refreshed by Service Manager March 2021 with Current Score reduced from 8 to 6.

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				Likelihood	Impact	Total		Likelihood	Impact	Total		
				L	I	L x I		L	I	L x I		
ELC CR 19	Legal & Regulatory	**Corporate Events Management** Effective preparation and co-ordination across a number of services, for events held in East Lothian, is essential. Failure to achieve this could result in event safety being compromised followed by a risk of adverse reputational damage for the Council on a local/national/international level as well as possible legal ramifications at fatal accident enquiries accounting for action or non-action. COSLA, Police Scotland and the Health & Safety Executive (HSE) recommend that Local Authorities form a core group, led by a senior (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. The following criteria would be considered by the East Lothian Safety Advisory Group (ELSAG): • 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 • Event site – proximity to residential area, remote, inaccessible • Whether alcohol is available or any other license is required • Impact upon local community • Type of Activity - hazardous • The profile of the event – National following increasing footfall/interest. • The requirement for a TTRO • At the request of one of the partner agencies • At the request of an event organiser 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. 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. 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. All event organisers should attend a SAG meeting if required to do so.	East Lothian Council has a revised SAG policy in place which came into effect May 2022 (reported into Members' Library Service). The East Lothian Safety Advisory Group (ELSAG) strategy comprises two main elements: · Strategic Event Safety Oversight Group (SESOG) · Safety Advisory Group (SAG) The SESOG will hold SAG process overview meetings (at least twice 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 SESOG will be Chaired by an East Lothian Council Head of Service. The Emergency Planning, Risk and Resilience Manager, will Chair ELSAG meetings for Major and Large scale events and the ELC Emergency Planning, Resilient Communities and Events Officer will chair the ELSAG for small and medium scale events, except for any specific events where the SESOG determines otherwise. 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 Green (RAG) risk. Events graded as Green are not required to attend a SAG meeting. Those graded Red and Amber are required to attend a SAG meeting. The SAG process co-ordinates preparation for various events as per the risk profile, with representation from relevant Services areas and Multi-Agency Partners. Event guidance for organisers of events is published on the Council website. 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 may mean that the event cannot proceed. In these circumstances the event organiser will be advised to notify their insurance provider. That said other agencies or partners of the Group may act independently of the ELSAG and use their own statutory powers to unilaterally prevent the event from taking place. Police Scotland will always provide the final advice on public safety. Events information and documentation accessed through the ELC website reviewed by the ELC Event Safety & Resilience Officer, maintaining oversight of the processes linked with the ELSAG, through his/her line manager, to continually improve the overall system. Only events organised and managed directly by ELC are covered by our insurance, part of the due	2 **62**	3	6		2	3	6		Risk refreshed March 2023 with no change to risk scores.

Risk Ref.	Risk Category	Risk Description	Existing Risk Control Measures	Assessment of Current Risk			Planned Risk Control Measures	Assessment of Residual Risk [With proposed control measures]			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		
			diligence into any event requires that all insurance/s are verified for the activities that are to be undertaken. Where ELC cover is not in place, it may be appropriate to have additional cover through event insurance providers.									
ELC CR 20	Legal & Regulatory	**Equality** Failure to meet duties and legislative requirements of the Single Equality Act 2010. The Single Equality Act 2010 and related guidance places a general duty on public authorities to be active in promoting equality, eliminating unlawful conduct and fostering good relations. It also places specific duties on public authorities to • report on mainstreaming the equality duty; • publish equality outcomes and report progress; • assess and review policies and practices; • gather and use employee information; • publish gender pay gap information; • publish statements on equal pay; • consider award criteria and conditions in relation to public procurement; • publish in a manner that is accessible. The Scottish Government has introduced 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. There is a risk that the Council may not be able to meet its general or specific duties and in particular at a time when difficult budget decisions are having to be made that there will be cuts in services or increases in charges that have a disproportionate impact on people who may need those services most because of their equality background. The Council would be open to legal challenge of not meeting its duties and in particular of not carrying out adequate assessment of impact of policies and budget decisions.	ELC Equality Plan 2021-2025 was adopted in November 2021. This includes the commitments made by East Lothian Council as a Licensing Board and as an Education Authority. The plan outlines our commitments: • Continue to lead a culture where respect, choice and understanding is fostered and diversity positively valued; • Maintain a working environment where unlawful discrimination, harassment, victimisation or bullying is not tolerated; • Continue to develop our understanding of the needs of different individuals and communities in a time of rapid change; • Continue to embed the equality agenda in all our work, and contribute to the early intervention and prevention approach adopted by the Council and its Partners; • Improve understanding of the impact of poverty and inequality on people's lives; and • Ensure that we plan and deliver services which meet modern standards of delivery and that are inclusive of a wide range of different needs from digital services to face to face interactions The Integrated Impact Assessment Process is embedded and is now widely used. This includes consideration of poverty which should allow us to meet the requirements of the new socio economic duty. A programme of support, including training on the new IIA process is ongoing. Continue to embed the use of the Scottish Government's Sustainable Procurement Tools into procurement procedures. 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. As per our statutory obligation, HR is annually capturing the Employment Monitoring information required under the Act. This is reported publically	2	3	6	The Poverty Plan 2021-2023 (49 actions) will be reviewed and produced for the period 2023 – 2027. Delivery will be monitored by the Poverty Working Group and a new East Lothian Partnership Governance Group. The new Equality Plan 2021-2025 (28 actions) will be implemented. ELC Equalities Mainstreaming Annual Report 2022-23 will be published.	2	3	6	December 2023 October 2023 June 2023	Risk reviewed and updated March 2023 by Service Manager – Improvement, Policy & Communications with no change to assessment of current scores.

Risk Ref.	Risk Category	Risk Description	Existing Risk Control Measures	Assessment of Current Risk			Planned Risk Control Measures	Assessment of Residual Risk [With proposed control measures]			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		
			alongside the requirement to publish an annual Equal Pay Report. 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.									
ELC CR 21	Reputation Legal & Regulatory	**Standards in Public Life** Failure of corporate governance or to meet standards in public life. Failure of the Council's corporate governance or of officials or members to meet standards in public life could result in reputational damage.	Standing Orders (the Schemes of Administration and Scheme of Delegation) are regularly reviewed and revised. The Scheme of Administration was reviewed following the Local Government Elections in May 2022 to reflect the views of the incoming Administration The Council has an adopted Code of Conduct for its employees which gives all employees greater clarity around the standards of behaviour expected of them. Breach of the Code may amount to a disciplinary offence. Training on the Councillors' Code of Conduct is offered to Members periodically with regular updates from the Standards Commission circulated to Members. The Council's Monitoring Officer and Depute Monitoring Officers provide advice as required. An induction programme for new Councillors was delivered to both new and returning Members. This included training on standards in public life and, specifically, on compliance with the requirements of the Councillors' Code of Conduct. A 100-day review took place with our Elected Members in August 2022. 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.	2	2	4	The Council's Standing Orders are being reviewed in advance of the implementation of Hybrid Committee Meetings to ensure they remain up to date and relevant. A report of changes will be taken to Council in April 2023	2	2	4	April 2023	Risk Reviewed by Head of Corporate Support March 2023 with no change in risk scores.

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

East Lothian Council

REPORT TO: Cabinet

MEETING DATE: 9 May 2023

4

BY: Executive Director for Place

SUBJECT: The East Lothian Council (Scottish Open, The Renaissance Club) (Exemption) Order 2023

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1 PURPOSE

1.1 For Cabinet to approve the making of an Order under Section 11 of the Land Reform (Scotland) Act 2003, to facilitate the holding of the Genesis Scottish Open 2023 Golf Championship, to be held at The Renaissance Club, Dirleton, East Lothian.

2 RECOMMENDATIONS

2.1 That Cabinet approves the making of The East Lothian Council (Scottish Open, The Renaissance Club) (Exemption) Order 2023.

3 BACKGROUND

3.1 The Genesis Scottish Open 2023 Golf Championship is being held at The Renaissance Club, Dirleton, East Lothian in July 2023.

3.2 The Championship organisers the DP World Tour have applied to East Lothian Council for an Order under Section 11 of the Land Reform (Scotland) Act 2003 to exempt areas of The Renaissance Club from the access rights which would otherwise be exercisable there.

3.3 **The East Lothian Council (Scottish Open, The Renaissance Club) (Exemption) Order 2023:** The purpose of this Order is to enable the Genesis Scottish Open 2023 Golf Championship to be held, with the land being exempted temporarily from access rights (1) in the interests of the safety and security of players and the safety of the public during the Championship; and (2) to permit an entrance fee to be levied on spectators during the Championship.

3.4 It is proposed that this Order will take effect at 00.01 hours on Tuesday 11th July 2023 and will expire at 23.59 hours on Sunday 16th July 2023.

3.5 Consultation on this proposed Order has taken place with East Lothian Local Access Forum. Gullane Area Community Council, NatureScot, North Berwick Coastal Area Partnership, Dirleton Village Association, The Honourable Company of Edinburgh Golfers, Archerfield Estates and Archerfield Advisory Group have also been advised. No concerns have been raised by these organisations.

4 POLICY IMPLICATIONS

4.1 This Order is consistent with the provisions of the Land Reform (Scotland) Act 2003, and with policy and good practice set out in the Scottish Government Guidance for Local Authorities and National Park Authorities on Part 1 Land Reform (Scotland) Act 2003.

5 EQUALITIES IMPACT ASSESSMENT

5.1 This report is not applicable to the wellbeing of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

6.1 Financial – None.

6.2 Personnel – None.

6.3 Other – None.

7 BACKGROUND PAPERS

7.1 None.

Appendix 1: Proposed Order to exempt land from access rights for the 2023 Scottish Open: “The East Lothian Council (Scottish Open, The Renaissance Club) (Exemption) Order 2023”.

Appendix 2: Map showing the area of land “The East Lothian Council (Scottish Open, The Renaissance Club) (Exemption) Order 2023” will cover.

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DATE	21/04/2023

Appendix 1: Proposed Order to exempt land from access rights for the 2023 Scottish Open

EAST LOTHIAN COUNCIL

LAND REFORM (SCOTLAND) ACT 2003

THE EAST LOTHIAN COUNCIL (SCOTTISH OPEN, THE RENAISSANCE CLUB) (EXEMPTION) ORDER 2023

EAST LOTHIAN COUNCIL, in exercise of the powers conferred on them by Section 11(1) of the Land Reform (Scotland) Act 2003 ("the Act") and all other powers enabling them in that behalf, HEREBY MAKE the following Order:-

1. The Order may be cited as "The East Lothian Council (Scottish Open, The Renaissance Club) (Exemption) Order 2023" and shall come into effect at 00.01 hours on 11 July 2023 and will expire at 23.59 hours on 16 July 2023, unless revoked earlier.

2. The effect of the Order is to exempt the area of land at The Renaissance Club, Dirleton, which area is shown hatched red on the plan thereof annexed and executed as relative hereto, from the access rights which would otherwise be exercisable in respect of that land by virtue of Part 1 of the Act.

3. The purposes for which the Order are made are:

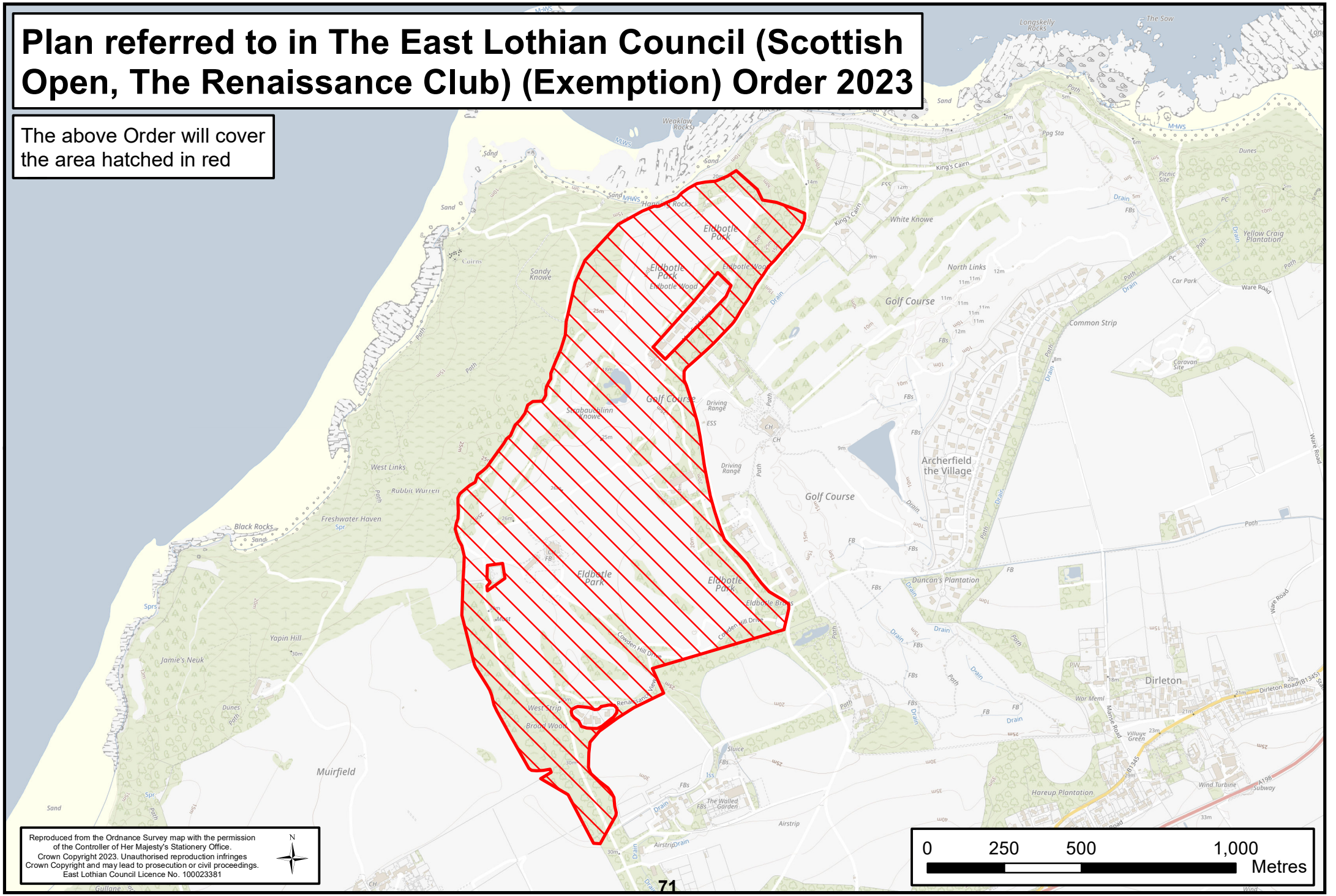
   (a) to permit an entrance fee to be levied on spectators for admission to the Scottish Open Golf Championship; and

   (b) to secure the safety and security of players and the safety of the public during the Championship.

The foregoing Order typewritten on this page is, together with the plan annexed hereto, sealed with the Common Seal of East Lothian Council and subscribed for and on their behalf by , an authorised signatory and as such a "Proper Officer" for the purposes of Section 194 of the Local Government (Scotland) Act 1973 as amended, at HADDINGTON on the day of TWO THOUSAND and TWENTY THREE.

Plan referred to in The East Lothian Council (Scottish Open, The Renaissance Club) (Exemption) Order 2023

The above Order will cover the area hatched in red



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East Lothian Council

REPORT TO: Cabinet

MEETING DATE: 9 May 2023

BY: Executive Director for Place

5

SUBJECT: The New Mains, Dirleton, Right of Way

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1 PURPOSE

1.1 To seek Cabinet approval for officers to undertake any of the processes below (at paragraph 2.1(i), (ii) and (iii)) to ensure public access is maintained along a route through Dirleton New Mains between the John Muir Way and the access road to Yellowcraig. The preferred option would be to undertake a right of way diversion order along a proposed new route (paragraph 2.1 (i)), but if this is not possible, then to explore options for the constitution of new public access rights along the proposed new route (paragraph 2.1(ii)), or to enter into a path agreement (paragraph 2.1 (iii)) with the landowner along the new route. (The preferred option is only available if the original right of way is in existence. If it were found not to be in existence either option (ii) or (iii) would be required.)

2 RECOMMENDATIONS

2.1 That Cabinet approves officers pursue the processes below to ensure that public access rights remain along a route through Dirleton New Mains between the John Muir Way and the access road to Yellowcraig:

i) a diversion of the current right of way along a proposed new route under Section 208 of the Town and Country Planning (Scotland) Act 1997, to enable the development of the steading at New Mains, Dirleton, East Lothian;

ii) the constitution of new public access rights along the proposed new route;

iii) the option to enter into a path agreement with the landowner along the new route.

3 BACKGROUND

3.1 The track through Dirleton New Mains steading has long been used by the public as a walking, cycling and horse-riding route between the John Muir Way and the access road to Yellowcraig. In 2008 the then landowner applied for agricultural funding to promote and maintain this route. As part of this package, he erected signs at either end of the track, stating that it was a public path.

3.2 In 2018 Dirleton New Mains steading and the adjacent land was sold. Shortly afterwards work commenced on site and the track though the steading was closed by the new owner in the interest of public safety.

3.3 After a number of complaints to the Council, the local community gathered what we believe to be sufficient evidence to prove that the route through the steading was a public right of way.

3.4 In September 2019 planning permission was granted for three houses to be built on the site of Dirleton New Mains Steading. One of the buildings was proposed across the route of the claimed right of way through the steading. A condition of the planning permission was that "No development shall commence on site unless and until the alternative route of the public right of way footpath as detailed on drawing no. 003-PL0-010D docketed to this permission has been formed and made available for use. Thereafter the alternative route of the public right of way footpath as formed shall remain available for use unless otherwise approved in writing by the Planning Authority."

3.5 The developer quickly built an alternative route along the north and western boundaries of the property. This consisted of a 1.5 metre wide Type 1 gravel path.

3.6 Concerns were raised by the community that the alternative route may not have been built on land belonging to the developer. However, overlaying the Land Registers boundary line onto the aerial photograph shows that the path is on the developer's land. The community have also commented that the alternative route is narrow compared to the original track. A 1.5 metre wide path is consistent with other countryside paths, but its proximity to the security fence makes it feel narrower.

3.7 The remainder of the route is not obvious. The signs promoting the path, erected by the previous owner, have been removed and the eastern access road to the property has been surfaced in tarmac and formalised with gates, walls and flowerbeds. Anyone not knowing the area would not know that public access was permitted along the route.

3.8 The landowner's agent has recently written to the Council disputing the existence of the original right of way, but we are having an ongoing dialogue with them.

3.9 It is felt that a formal process, as suggested above, is required to protect the alternative route that was built by the developer. Because of the recent

correspondence with the landowner a formal diversion of the right of way may not prove to be possible, in which case other options will be pursued.

4 POLICY IMPLICATIONS

4.1 In terms of Section 46 of the Countryside (Scotland) Act 1967, it is the duty of a local planning authority to assert, protect and keep open and free from obstruction or encroachment any public right of way which is wholly or partly within their area.

4.2 In terms of Section 1 of the Land Reform (Scotland) Act 2003, it is the duty of the local authority to assert, protect and keep open and free from obstruction or encroachment any route, waterway or other means by which access rights may reasonably be exercised.

4.3 Local authorities have power to enter into paths agreement with the owners of land in respect of which access rights are exercisable (in terms of Section 21 of the 2003 Act).

4.4 Local authorities have the power to delineate paths by paths orders (in terms of Section 22 of the 2003 Act).

4.5 Local authorities can authorise the diversion of a footpath or bridleway if they are satisfied that it is necessary to do so in order to enable development (in terms of Section 208 of Town and Country Planning (Scotland) Act 1997).

4.6 The recommendations are consistent with the legislation noted above and in accordance with the Council's powers and duties under that legislation. The recommendations are also consistent with policy and good practice set out in the Scottish Government Guidance for Local Authorities and National Park Authorities on Part 1 Land Reform (Scotland) Act 2003.

5 EQUALITIES IMPACT ASSESSMENT

5.1 This report is not applicable to the wellbeing of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

6.1 Financial – None.

6.2 Personnel – None.

6.3 Other – None.

7 BACKGROUND PAPERS

7.1 None.

Appendix 1: Map showing the original route of the right of way through New Mains Steading, Dirleton and the alternative route that has been built and which we are seeking to formalise.

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Appendix 1. New Mains, Dirleton paths.

Key

The John Muir Way, Core Path

Original route of the public right of way

Alternative route built by developer, to be formalised