

REPORT TO: AUDIT AND GOVERNANCE COMMITTEE

MEETING DATE: 13 June 2023

BY: Chief Executive

SUBJECT: Corporate Risk Register

1 PURPOSE

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

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

2 RECOMMENDATIONS

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

3 BACKGROUND

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

- 3.2 The Council's response in relation to adverse risk or its risk appetite is such that:
- Very High risk is unacceptable and measures should be taken to reduce, transfer or treat the risk to a more tolerable position;
 - High risk may be tolerable providing the Council is assured that adequate and effective control measures are in place;
 - Medium risk is tolerable with control measures that are cost effective;
 - Low risk is broadly acceptable without any further action to prevent or mitigate risk.
- 3.4 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 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.
- 3.6 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.
- 3.7 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.
- 3.8 Nine 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, Engineering Services 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.

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

5 INTEGRATED IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

- 6.1 Financial –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 Appendix 1 – Corporate Risk Register
 7.2 Appendix 2 – Risk Matrix

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|----------------------|---|
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| DATE | 01 June 2023 |

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 | | |
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| ELC CR 1 | Financial Service Objectives | <p>Managing the Financial Environment</p> <p>The Council is operating in an increasingly complex financial environment.</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> 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. | <p>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.</p> <p>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.</p> <p>The Financial Strategy contains an enhanced reserves strategy which sets out the current level of reserves and associated commitments, including a requirement to maintain a minimum level of uncommitted reserves to support any unforeseen event.</p> <p>The Council has 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.</p> <p>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:</p> <ul style="list-style-type: none"> 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 | 5 | 25 | <p>Prioritisation of enhanced in year monitoring and review of expenditure commitments against approved budgets, including progress against cost mitigation measures.</p> <p>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.</p> <p>Continue to progress discussions to explore all wider national fiscal flexibilities to support options which deliver a sustainable net benefit to the revenue account.</p> <p>Continue to support national discussions through CIPFA Directors of Finance aligned to ensuring the on-going financial sustainability of local government.</p> <p>Early commencement of work to develop the financial and capital strategies for 2024/25 onwards, with an initial report to Council in June 2023.</p> <p>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 an enhanced programme of efficiencies.</p> <p>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.</p> <p>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.</p> <p>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.</p> | 5 | 4 | 20 | <p>Actions ongoing and under continuous review while monitoring arrangements will continue to be applied.</p> | <p>Risk reviewed by Head of Finance and Executive Director Council Resources, May 2023 with no change to assessment of scores.</p> <p>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.</p> |

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| | | | | L | I | L x I | | L | I | L x I | | |
| | | <ul style="list-style-type: none"> 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. There remain enhanced risks relating to the ability for the IJB to meet the planned savings aligned to delegated Council budgets. Should this materialise and the IJB remain unable to meet the wider savings gap, this will result in an additional financial pressure for the Council. There remains continued risks around national funding being made available to support planned flood prevention schemes given the on-going national review of the flooding resources. <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> | <ul style="list-style-type: none"> Introduce energy champions in all public buildings and explore the option of community champions. <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>On-going discussions with the IJB CFO around planned efficiencies.</p> | | | | Planned meeting with DFM to discuss the financial challenges facing East Lothian. | | | | | |

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| ELC CR 2 | Impact on Service Objectives Financial Legal | <p>Homelessness</p> <p>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.</p> <p>Scottish Government require the implementation of a Housing First approach as a key priority, although no funding is available for ongoing revenue costs.</p> <p>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.</p> <p>Continued levels of low turnover results in limited lets available and longer average time spent in temporary accommodation. Scottish Housing Regulator has noted this.</p> <p>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.</p> <p>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.</p> <p>Enforceable temporary accommodation standards framework to be implemented from 2021/22 which further reduces the existing portfolio of 'suitable' accommodation.</p> <p>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.</p> <p>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.</p> <p>Requirement to prioritise sisted eviction cases upon opening of Sheriff Court.</p> | <p>Housing Options preventative approach to provision of advice.</p> <p>Continued monitoring of RSL nomination process (new build and routine turnover).</p> <p>Allocation Policy reduced number of offers for each Homeless applicant to 1, to encourage quicker throughput in temporary accommodation.</p> <p>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.</p> <p>Cabinet approval of allocations targets to general needs / homeless applicants. Performance to targets kept under ongoing review. Cabinet approval of Allocations Policy Review.</p> <p>Open Market Acquisitions increase supply prioritising the western part of the county, where demand is highest.</p> <p>Housing First protocol in place and placements ongoing.</p> <p>Significant work complete re policies and procedures to increase flow through the rent deposit scheme.</p> <p>Audit of existing accommodation undertaken in advance of extension to unsuitable accommodation order.</p> <p>Refreshed performance monitoring framework in place to enable improved ongoing monitoring of key aspects of service.</p> <p>Fortnightly monitoring of voids performance to ensure turnaround times are kept to a minimum.</p> <p>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.</p> | 5 | 4 | 20 | <p>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.</p> <p>Continue new build activity to increase housing stock, exploring potential to further increase supply within context of the growth agenda.</p> <p>Significant growth in mid-market rent properties coming forward.</p> <p>Housing Options Training Toolkit to be rolled out during 2022/23, to improve homelessness prevention and complement new Prevention Duty anticipated late 2021.</p> <p>Exploration of flat share / hosting models and shared tenancies ongoing, which could potentially make better use of existing stock.</p> <p>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.</p> <p>Improved partnership working with existing partners and neighbouring authorities could potentially result in new ways of working and economies of scale.</p> <p>New approach to spend to save, utilising RRTP resource allocation could result in cost savings re B&B spend.</p> <p>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.</p> <p>Significant work to improve void timescales could assist with improved flow through temporary / permanent accommodation.</p> <p>Consideration of business case/options appraisal in respect of alternative forms of accommodation in response to forthcoming legislative change.</p> <p>A new LHS is being drafted which will set out the challenges and actions for the next 5 years.</p> <p>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.</p> | 5 | 4 | 20 | <p>October 2023</p> <p>March 2024</p> <p>March 2024</p> <p>October 2023</p> <p>October 2023</p> <p>October 2023</p> <p>October 2023</p> <p>October 2023</p> <p>October 2023</p> <p>October 2023</p> <p>April 2024</p> | <p>Risk updated by Head of Housing and Service Manager - Comm Housing & Homelessness May 2023 with no changes to risk scores.</p> <p>Decision to move risk H1 to Corporate Risk Register following update by Service Manager – Comm Housing & Homelessness October 2022 with residual score increased from 16 to 20.</p> |

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| | | | | L | I | L x I | | L | I | L x I | | |
| | | <p>Potential increase in service demand due to poverty and relationship breakdown associated with cost of living crisis.</p> <p>Uncertainty over future funding of supported housing (DWP) and proposed changes in respect of restructuring the financing of temporary accommodation.</p> <p>A focus is required on migrant homelessness and destitution in 2022/23, an area of complexity subject to limited Scottish Government flexibility.</p> <p>The Scottish Government aim to pursue a right to adequate housing through a Human Rights Bill, which will pose additional homelessness / supply pressures.</p> <p>Legislative change is likely to increase demand on homelessness services and corresponding duties to accommodate, meaning increased spend.</p> <p>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.</p> | <p>New team in place in response to Ukrainian refugee situation from October 2022.</p> | | | | <p>Ongoing review to convert tenancies to enable RRTP targets re reduction in temporary accommodation to be met.</p> <p>Increased focus on homelessness prevention for vulnerable groups, via transformation of Prevention / Response Teams.</p> <p>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.</p> <p>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</p> | | | | <p>October 2023</p> <p>October 2023</p> <p>December 2023</p> | |
| ELC CR 3 | <p>Financial</p> <p>Service Objectives</p> <p>Legal & Regulatory</p> | <p>The Impact of the National Care Service on East Lothian Council</p> <p>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.</p> <p>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:</p> | <p>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).</p> <p>Council officers will actively engage in National Professional networks and feedback any relevant information to the working group.</p> <p>CMT will continue to monitor the development of the proposal and report as appropriate to the Council.</p> | 5 | 4 | 20 | <p>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.</p> | 5 | 4 | 20 | <p>In line with Scottish Government decisions</p> | <p>Risk reviewed April 2023 by Executive Director, Education & Children's Services with no changes to risk scores.</p> <p>Risk reviewed July 2022 by Executive Director - Education & Children's Services and Head of Children's Services with the residual score</p> |

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| | | | | L | I | L x I | | L | I | L x I | | |
| | | <ul style="list-style-type: none"> 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 "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. <p>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.</p> <p>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.</p> | 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. | | | | | | | | <p>increased from 16 to 20 due to the uncertainty around what the Council can do to treat the risk.</p> <p>Risk reviewed May 2022 with no amendments made.</p> <p>New Corporate Risk created March 2022 by Head of Children's Service, also to replace risk on Public Sector Reform.</p> | |
| ELC CR 4 | Financial Service Objectives Legal & Regulatory | <p>Cost of Living Pressures and Economic Volatility</p> <p>Construction Materials Supply Chain Construction costs are now causing serious risk of non-delivery of key projects e.g. Blindwells, Craighall and Whitecraig Primary Schools, extension to Aberlady Primary School, after all mitigations have been applied.</p> <p>The construction materials market is currently volatile due to a number of factors including Brexit, the war in</p> | <p>Regular discussions with current suppliers around market conditions, and alternative specifications / materials.</p> <p>Close engagement and monitoring of national frameworks and conditions through Scotland Excel.</p> | 5 | 4 | 20 | <p>On-going review of capital projects and plans exploring options for enhanced value engineering and prioritisation of specification and design parameters.</p> <p>Reviewing the opportunity to phase planned works rather than deliver wholesale projects.</p> | 4 | 4 | 16 | <p>The risk and all planned measures are reviewed / progressed on a weekly basis.</p> <p>All actions ongoing and dependant on</p> | <p>Risk reviewed by CMT, April 2023 with no change to risk scores.</p> <p>New risk created by Executive Director – Place, November 2022 by combining elements of previous</p> |

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| | | <p>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:</p> <ul style="list-style-type: none"> • 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 <p>These challenges have had significant impacts on construction, including:</p> <ul style="list-style-type: none"> • 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. • 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 <p>The main impacts are live project delays, delays to future projects, cost increases, contractors unable to submit fixed-price Tenders, higher risks for Contractors.</p> <p>The risks apply to capital and revenue-funded works for</p> <ul style="list-style-type: none"> • 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 | <p>Prioritisation – deciding which works are essential, balancing time, cost and risk, possibly delaying works until the market settles.</p> <p>Planning – assessing project programmes and possible procurement options</p> <p>Reporting – providing information to funding bodies, Council management and other services</p> <p>Monitoring – Continuing to liaise with industry bodies, working groups, other local authorities, the Scottish Government, suppliers and contractors to keep the Council informed.</p> <p>The Council is aiming to pre-order and provide enhanced stock management on certain materials where appropriate.</p> <p>Regular discussions are taking place on the Capital and Revenue Investment Plans.</p> <p>Continue to apply BCIS increases, monitor acceptance of offers and continue to maintain dialogues with framework contractors.</p> <p>Continue further engagement with Scottish Government, Government Agencies and Professional bodies.</p> <p>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.</p> | | | | <p>Consideration to delaying capital and revenue projects where appropriate and possible.</p> <p>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.</p> <p>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.</p> <p>Wider review of approved Capital Plan and prioritisation – to ensure programme remains affordable and focussed on critical priorities.</p> <p>Enhanced contract management processes to drive efficiency and value.</p> | | | | <p>decisions taken by UK Government</p> | <p>risks on Rising Energy Costs, Brexit and Supply/Cost of Materials.</p> |

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| | | <p>Risks have both financial and programme implications.</p> <p>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.</p> | | | | | | | | | | |
| | | <p>Brexit / Labour Market Impacts & Replacement EU Funding</p> <p>The end of European funding streams places service provision (business support and employability) at risk.</p> <p>The labour market post-Brexit presents substantial challenge in terms of labour availability. This is particularly evident across key sectors:</p> <ul style="list-style-type: none"> • Tourism & Hospitality • Farming & Agriculture • Facilities Management • Care • Transportation | <p>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.</p> <p>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 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.</p> | | | | 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. | | | | | |
| | | <p>Rising Energy Costs</p> <p>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.</p> <p>There is a risk that electricity, gas, and unregulated fuels (heating oil, LPG, and biomass etc.) rates could increase further in 2023/24.</p> | <p>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.</p> <p>The Council's Energy Transformation Board seeks to improve energy efficiency and energy supply from renewable sources reducing reliance on fossil fuels.</p> <p>Energy Transformation Project Board have appointed an advisory partner to advance market development of solar, wind, gas hybrid and hydrogen opportunities.</p> <p>Some additional funding has been reflected in 2023/24 approved budget with the expectation that energy costs will continue to fall in future years.</p> <p>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.</p> <p>Engagement through professional networks to support national discussions on wider market conditions and supporting interventions.</p> <p>Energy controls and thermostats are being used to reduce temperatures across the estate monitored to weather patterns and the Asset team are mothballing</p> | | | | | | | | | |

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| | | | <p>and reducing property use and portfolio where possible.</p> <p>The UK Government has introduced temporary arrangements to place price caps on energy supply costs for consumers and introduced the Energy Bill Relief Scheme for businesses, although these remain under review.</p> <p>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.</p> | | | | | | | | | |
| | | <p>Increased Financial Hardship</p> <p>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</p> <p>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.</p> <p>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.</p> <p>These factors continue to increase pressure on Council services in respect of welfare / poverty, employability, and business support.</p> <p>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.</p> | <p>Support for Residents</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Support for Businesses</p> <p>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.</p> | | | <p>The Council is continuing to promote the 'Boost Your income' campaign.</p> <p>East Lothian Poverty Plan – Action Plan Update is in progress for submission to Members Library Service in June 2023.</p> <p>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.</p> | | | | | | |
| | | <p>Recovery and Renewal</p> <p>Without a Recovery & Renewal Plan in place our economy and County could fail to thrive following the impacts of COVID-19.</p> | <p>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.</p> <p>The recovery and Renewal Plan is being overseen by the East Lothian Partnership and a reporting</p> | | | <p>Ongoing monitoring of the EL Recovery and Renewal Plan/Action Plan with production of ongoing performance and progress reports.</p> <p>By June 2023 a further progress report on the COVID Recovery & Renewal Plan will be submitted to Members' Library.</p> | | | | | | |

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| | | | <p>framework through the Strategic Partnerships and the ELP Governance Group has been developed.</p> <p>The Council has had to adapt its 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.</p> <p>The new ELC Plan approved at Council in June 2022 embeds the COVID Recovery and Renewal Plan actions.</p> <p>A COVID Recovery & Renewal Plan Members' Library Report was submitted in February 2023.</p> | | | | | | | | | |
| CR 5 | Financial | <p>Maintenance of Assets</p> <p>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.</p> <p>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.</p> <p>Failure to carry out repairs and maintenance programmes could result in unavailability of buildings e.g. school closure and reputational damage to the Council.</p> <p>Repairs and maintenance cost pressures and adoption of new facilities e.g. school extensions mean a real term reduction in resource and availability. This could ultimately result in a failure of building elements with the risk of closure or enforcement by Statutory or Regulatory authorities.</p> <p>Failure to carry out 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.</p> <p>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.</p> <p>Fabric issues in property assets are now having serious operational and reputational consequences – Loch Centre, Brunton Hall, Preston Lodge High</p> | <p>Annual update of programme of works based on Condition, Suitability and Statutory Compliance assessments to inform budget requirement.</p> <p>Building Surveyor now in post who will be working on accuracy of Asset Condition information.</p> <p>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.</p> <p>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.</p> <p>SFT SG revenue funding on new build schools.</p> <p>Ongoing review and update of programme of works based on Condition, Suitability and Statutory Compliance assessments to inform budget requirement.</p> <p>Management and survey work to identify RACC/Siporex.</p> <p>A Desktop Assessment has been carried out involving:</p> <ul style="list-style-type: none"> Liaison with Officers to ascertain if they are aware of RAAC being present within any Public Building Assets. | 5 | 4 | 20 | <p>Ensure Condition and other data is maintained up to date to inform the planned delivery of works required to ensure buildings comply with statutory and legal requirements and are maintained in a good condition.</p> <p>Looking at Lifecycle Costing as part of project/business plan and review on a project basis for future capital bids and budget setting.</p> <p>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.</p> <p>Review and identify staffing resource required within SACPM, Education and Engineering Services. Service review ongoing.</p> <p>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.</p> <p>Identification and management of assets affected by RACC and Siporex with option appraisals to identify remediation and or demolition and future provision.</p> <p>Budgeted, programmed plan of work for all existing property assets to confirm how these</p> | 4 | 4 | 16 | <p>June 2023</p> <p>June 2023</p> <p>May 2023</p> <p>Ongoing – Learning Estate Review / PPRC report</p> <p>Ongoing</p> <p>Ongoing</p> | <p>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.</p> <p>Risk refreshed September 2022 by Service Manager – Strategic Asset & Capital Plan Management with no changes to risk scores.</p> <p>Risks on New and Existing Assets amalgamated to create new risk September 2021 with further amendments during December to add Children's Services elements.</p> <p>Risk refreshed April 2019 with current score increased from 12 to 16 and residual score from 8 to 12.</p> <p>New risk created March 2023 by Service Managers, ES & BS and SA&CPM.</p> |

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| | | <p>School are the major ones, but there are others impacting to a lesser extent.</p> <p>Reinforced Autoclaved Aerated Concrete (RAAC)</p> <p>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.</p> <p>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.</p> <p>Use of part of buildings subject to inspections may be restricted or unavailable for a period of time following assessment.</p> <p>Currently there is an uncertainty in relation to material availability and delivery times to carry out the major summer works programme.</p> <p>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.</p> <p>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)</p> <p>The need to ensure school security is enhanced and aligned between the asset and educational practice.</p> | <ul style="list-style-type: none"> 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. <p>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 inspection will be carried out by a Building Surveyor / Structural Engineer.</p> <p>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.</p> <p>Procurement for a Structural Engineer to investigate RAAC issues has been completed and site inspections currently underway.</p> <p>Risk highlighted at ELC PPP Monthly Meetings and at Innovate Board Meetings.</p> <p>Areas requiring immediate action highlighted to Innovate, PPP Provider, inspections carried out and reports received.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>An enhanced and robust school roll projection and class organisation system is in place in Education, which determines the future capacity needs of schools.</p> <p>Regular review meetings are held between Education, Planning, Finance and Strategic Asset and Capital Plan Management.</p> | | | | <p>will be improved from Condition C/D to B or maintained as Condition A/B for their lifetime.</p> <p>Assess property estate against Scottish Government targets to address Climate Change. Plan programme of works to improve performance of buildings.</p> <p>Surveys are well advanced and continuing and have already identified remedial works, which have been instructed.</p> <p>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.</p> <p>Formal notification of further inspections by consultant appointed by ELC to be issued to Innovate, PPP Provider.</p> <p>Inspections to be carried out in all eight PPP properties thereafter.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> | | | | <p>Ongoing</p> <p>March 2024</p> | |

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| | | | 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. | | | | | | | | | |
| ELC CR 6 | Capacity | <p>Workforce Challenges</p> <p>Maintaining a stable and skilled workforce is essential to efficient, effective and safe delivery of services.</p> <p>Reduction in skilled, qualified and experienced workforce would result in an inability to provide good quality services, increased pressure on existing staff and increased likelihood of poor operational performance e.g. operating below required regulatory standards, potential harm to employees and / or the public, and reputational damage.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • Facilities Management • Estates • Children’s Services - Support & Intervention | <p>The 2023-2027 Workforce Plan was approved by Cabinet (Jan 2023).</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Staff have opportunity to work additional hours and overtime when appropriate to service needs.</p> <p>Essential vacancies are advertised within the approved Recruitment & Selection Policy processes.</p> <p>Agency staffing is utilised within Agency procurement frameworks in extremis to meet service needs.</p> <p>Managers continue to apply the Managing Attendance Policy.</p> <p>Initiatives are in place to help employees manage their own stress, including Employee Assistance Programme, Listening Ears, Healthy Working Lives</p> <p>Organisational Development and Healthy Working Lives briefings to staff and managers on techniques etc. to support staff to maintain mental health and wellbeing.</p> <p>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.</p> | 5 | 4 | 20 | <p>The 2023-2027 Workforce Plan actions will be implemented</p> <p>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).</p> <p>Develop graduate intern opportunities to meet service professional requirements.</p> <p>Consideration of expanding the apprenticeship programme.</p> <p>Service Reviews involving inputs from HR and Finance to ensure appropriate role and grading definitions within the service and broader corporate context.</p> <p>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.</p> <p>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.</p> <p>Employee Engagement Survey 2023 conducted and feedback in analysis.</p> | 5 | 3 | 15 | October 2023 | <p>Risk updated March 2023 by Service Manager – Improvement, Policy & Communications with no change to risk scores.</p> <p>Risk Refreshed November 2022 by CMT – amalgamating previous CR6, CR 15 and CR 18 – composing one ‘workforce challenges’ risk.</p> <p>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.</p> |

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| | | | <p>inspection of management arrangements is being undertaken, covering:</p> <p>Manual Handling Stress Lone Working Safe Driving at Work Fire Safety School Trips</p> <p>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 carried out on employees where they are exposed to specific hazards.</p> <p>Health and Safety Training needs are identified from project plans and Risk Assessment findings. An annual programme of training is delivered.</p> <p>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.</p> | | | | <p>Update Management Arrangements:</p> <ul style="list-style-type: none"> Legionella Management Fire Safety First Aid | | | | | |
| ELC CR 7 | Reputational | <p>Information Security and Data Protection</p> <p>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.</p> <p>Information Security Failure to have comprehensive council wide Information Security Management (ISM) measures in place will put at risk the availability, integrity and confidentiality of the councils information and may cause a Council wide failure of central IT systems (incl. Telephony) caused by a malicious attack by hackers, virus, trojan, disclosure of information or Fire/Flood event.</p> <p>Attacks via spam emails containing infected ransomware attachments 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.</p> <p>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</p> | <p>Continue to follow advice and guidance from the National Cyber Security Centre, UK and Scottish Governments and Local Government Digital Office and react accordingly.</p> <p>Information Security The Council complies with the international standard ISO 27001:2017 as the framework for its ISM system.</p> <p>As part ISO27001:2017 a number of control areas are set out : IS policy; IS organisation; Human resources security; Asset management; Access controls and managing user access; Physical & Environmental security of all sites/equipment. Secure communications, Data handling and Data Protection (including paper documents); Secure acquisition, development, and support of information systems; Security for suppliers and third parties; Information Security Incident management; Business continuity/disaster recovery (to the extent that it affects information security);</p> <p>Annual IT health checks on the existing infrastructure.</p> <p>New systems introduced are risk assessed and security checked to ensure they meet the criteria.</p> | 5 | 4 | 20 | <p>Information Security Upgrade of external facing systems taking place to increase security of our internet facing gateways. Due to increased use of cloud systems at ELC, we need to review our security posture & systems to ensure we are covering this area. We are reviewing all security systems to ensure protection.</p> <p>Further Service Review on-going to support on-going resilience and workforce planning requirements.</p> | 3 | 4 | 12 | Ongoing May 2023 | <p>Risk refreshed March 2023 by Service manager – IT and Team Manager, Information Governance with no change to risk scores.</p> <p>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.</p> |

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| | | <p>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).</p> <p>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.</p> | <p><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.</p> <p><u>DSA/DPIA Process Reviews</u>: DSA and DPIA processes have been reviewed and simplified.</p> <p><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.</p> | | | | | | | | | |
| ELC CR 8 | Physical and/or Psychological Impact on People Legal & Regulatory | <p>Refugee/Asylum Schemes</p> <p>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.</p> <p>Current challenges include, but are not limited to:</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> Disclosure checks Property and welfare visits Wraparound support Refugee payments Host payments | <p>Cross-Service Oversight Group meetings in place.</p> <p>Cross-Service Working group in place. Additional resources identified within Community Housing & Homelessness (CH&H) secured to deal with administrative tasks and casework</p> <p>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)</p> <p>Plans in place re of how SSSS outreach work, disclosures, payments etc. will operate</p> <p>Regular attendance at meetings with SG, Home Office and COSLA.</p> <p>ELC Website page in place.</p> <p>ELC Ukraine enquiries contact email address set up.</p> <p>Initial dedication of two-full time officers from Housing Options team to set up procedures, team interfaces, casework and administration of schemes.</p> <p>Database of hosts and families created comprising all administrative aspects (disclosures, property checks, payments, education requirements etc.).</p> <p>Ongoing case management of hosts / guests, where appropriate.</p> <p>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.</p> <p>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.</p> <p>Jira safeguarding system in place.</p> | 5 | 4 | 20 | <p>Internal processes and procedures to be reviewed to identify improvements</p> <p>Quantification of Scottish Super Sponsor scheme (SSS) numbers, data integrity work, background checking to be done by CH&H resource</p> <p>Quantification of future resource demands to be identified and articulated through oversight and working group meetings</p> <p>Improvement work to ensure processes and resource deployment are as effective as they can be</p> <p>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</p> <p>Children's services is developing a host families scheme to provide accommodation and support for UASC.</p> <p>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.</p> | 4 | 3 | 12 | <p>October 2023</p> <p>October 2023</p> <p>October 2023</p> <p>October 2023</p> <p>October 2023</p> <p>October 2023</p> <p>June 2023</p> | <p>Risk refreshed by Service Manager May 2023 with no changes to risk scores.</p> <p>Risk created 9th May 2022 by Head of Housing.</p> |

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| | | <ul style="list-style-type: none"> 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 – 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. | <p>Children's and adult social work undertaking wellbeing assessment visits to all families.</p> <p>Privacy Statement signed off.</p> <p>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.</p> <p>Clarity on funding at national level, notwithstanding ongoing changes.</p> <p>Successful recruitment of two Tenancy Support Officers.</p> | | | | | | | | | |
| ELC CR 9 | Reputation Financial | <p>Climate Emergency</p> <p>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.</p> <p>The risks associated with the responsibilities are:</p> <ul style="list-style-type: none"> 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. | <p>Annual reporting to the Scottish Government to track CO₂e reductions and delivery of adaptation programmes.</p> <p>Annual reporting to the Council to track actions and delivery towards ELC's Climate Change Strategy (2020-2025) to achieve net zero by 2045.</p> <p>Quarterly Cross-Party Sustainability Forum meetings to ensure tracked progress and follow up of the Council's declaration of a climate emergency.</p> <p>Quarterly Climate Change Planning and Monitoring Group meetings to ensure Council-wide commitment to the Climate Change Strategy and Action Plan.</p> <p>Bi-monthly Energy Transformation Board meetings, to deliver a Local Heat & Energy Efficiency Strategy for the county, improve innovation and energy supply from renewable sources while generating income from installing low carbon technologies across the Council's estate.</p> | 4 | 4 | 16 | <p>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).</p> <p>Secure the tools, powers and resources to enable the delivery of a 'Net Zero Council'.</p> <p>Identify interim emission reduction targets across Council Services and implement a monitoring & evaluation framework in response to this.</p> <p>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.</p> | 3 | 4 | 12 | <p>Ongoing with annual review</p> <p>2025 - annual review</p> <p>Ongoing with annual review</p> <p>June 2023</p> <p>October 2023</p> | <p>Risk refreshed May 2023 by Sustainability and Climate Change Officer with no change to risk scores.</p> |

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| | | <ul style="list-style-type: none"> 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 Fleet¹ and Asset² Management. <p>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.</p> <p>The Council are making progress on the Climate Emergency risks. However, there is an urgent need to 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.</p> <p>¹Fleet 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.</p> <p>²Asset 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.</p> | <p>The Council's COVID Recovery and Renewable Framework, in which a Green Recovery from COVID is a key principle.</p> <p>To address the climate change risks, the Council collaborates with:</p> <ul style="list-style-type: none"> 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. The Sustainable Transport Officers Group, which coordinates a multi-departmental response to increase active and sustainable travel. <p>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).</p> <p>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.</p> <p>Climate emergency workshops are being held to the Area Partnerships to include climate emergency in their Area Plans. NBC have had theirs, Musselburgh's is planned for June and discussions have been had with Haddington.</p> <p>Meet with Association of East Lothian Community Councils to discuss the climate impacts in the area and actions needed.</p> | | | | 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. | | | | | |
| ELC CR 10 | Legal & Regulatory | <p>Limitation (Childhood Abuse) (Scotland) Act 2017</p> <p>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.</p> <p>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</p> | <p>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.</p> <p>Child Abuse Claims Group and SCAI Overview Group – East Lothian co-ordination of responses, reported strategically, managed flow and collaboration.</p> <p>Close monitoring of the work of the Scottish CAI itself and review of any published materials. Scotland-</p> | 4 | 4 | 16 | <p>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.</p> <p>Fully engage with the SCAI to anticipate and forecast future claims and ensure ELC is represented well in the public hearings.</p> | 4 | 3 | 12 | <p>All measures reviewed quarterly at cross service catch up meeting and will be ongoing for some time.</p> | <p>Risk reviewed April 2023 by Insurance, Legal and CSWO with no changes to risk scores.</p> <p>Risk reviewed May 2022 by Chief Social Work Officer with planned score increased from 9 to 12.</p> |

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| | | <p>definition above) are made and upheld against East Lothian Council as the statutory successor.</p> <p>There is no way of knowing how many claims may be made (i.e. all 'living' potential claimants). 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.</p> <p>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.</p> <p>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.</p> <p>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</p> <p>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.</p> <p>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.</p> | <p>wide networking and information sharing on SCAI between authorities.</p> <p>Council has appointed external solicitors to provide legal support for the public fostering inquiry.</p> <p>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.</p> <p>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.</p> <p>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 risks of limits of indemnity and future allocation of claims.</p> <p>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.</p> <p>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.</p> | | | | <p>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.</p> <p>Full review of the overall Council Records Management systems and behaviours required to be undertaken to streamline obtaining the relevant information requested.</p> | | | | | |
| ELC CR 11 | Physical and/or Psychological Impact on People Service Objectives Legal Regulatory & | <p>Flooding and Coastal Erosion</p> <p>As the incidence of flooding and coastal erosion increases as an impact of Climate Change, there is an increased risk of disruption 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.</p> | <p>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.</p> <p>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.</p> <p>Musselburgh Flood Protection Scheme is proposed to be funded 80% by Scottish Government. The</p> | 4 | 4 | 16 | <p>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.</p> <p>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.</p> <p>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</p> | 3 | 3 | 9 | <p>2023-2028</p> <p>2023-2028</p> <p>2024</p> | <p>Risk reviewed and updated March 2023 by Senior Engineer - Flood Protection, with no change to assessment of current scores.</p> |

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| | | | <p>delivery of flood protection schemes is reliant on funding.</p> <p>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 both February and April 2023.</p> <p>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.</p> <p>The Severe Weather Response Plan has been developed and ensures a co-ordinated and consistent multi-agency response across the county.</p> <p>Emergency surface water, coastal and river flooding procedures are in place and have proven effective.</p> <p>A Shoreline Management Plan has been produced.</p> <p>Advice on dealing with flooding is available on the Council website and directs people to the relevant websites, including SEPA's website.</p> <p>The Council is working with various organisations to promote and progress "Resilient Communities" as per the Scottish Government initiative "Ready Scotland".</p> <p>Communication with vulnerable groups regarding access and assistance during severe weather events.</p> <p>Maintenance of existing flood protection schemes.</p> <p>Improvements to introduce a risk-based process of undertaking watercourse inspections and delivering appropriate clearance and repair of watercourses was implemented in 2022.</p> | | | | <p>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.</p> <p>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.</p> <p>The Council's Severe Weather Response will be tested in an Emergency Planning exercise during 2023-24 which will incorporate Flooding.</p> | | | | <p>2023-2024</p> <p>2023-2024</p> | |
| ELC CR 12 | Physical and/or Psychological Impact on People | <p>Public Protection – Risk of Harm</p> <p>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.</p> <p>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.</p> | <p>Strategic Structure</p> <p>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:</p> <ul style="list-style-type: none"> Performance and Quality Improvement sub-group maintains overview of work through the door and performance in relation to CP and ASP work | 3 | 4 | 12 | <p>A Joint Strategic Needs Assessment for Public Protection is being taken forward by CSOG.</p> <p>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.</p> <p>Awaiting feedback from Scottish Government.</p> <p>L&D</p> <p>Work has begun to refresh the knowledge and understanding of both CMT and SMT that child protection is everyone's</p> | 2 | 4 | 8 | <p>June 2023</p> <p>May 2023</p> | <p>Risk reviewed April 2023 by Head of Operations, H&SCP with no change to risk scores.</p> <p>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.</p> |

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| | | <p>A failure to secure efficient and effective Public Protection arrangements, covering Child Protection, Adult Support and Protection, local MAPPAs 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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Police Scotland had proposed unilateral changes to information sharing arrangements within MAPPAs that would have had serious repercussions for the safe operation of MAPPAs 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.</p> <p>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.</p> | <ul style="list-style-type: none"> 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 MAPPAs Group (EMMG) oversees MAPPAs arrangements. <p>Critical Services Oversight Group (CSOG), Provides governance and leadership of EMPPC on a quarterly basis.</p> <p>The CSWO is chair of the local Strategic Oversight Group for MAPPAs and actively involved in national and local discussions around MAPPAs information sharing, supported by ELC legal and justice services. The East and Midlothian MAPPAs Group provides oversight and assurance of local MAPPAs performance and practice.</p> <p>The CSWO remains actively engaged in national meetings aimed at achieving a long-term solution to the MAPPAs 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 MAPPAs practice to the CEO.</p> <p>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 MAPPAs is based.</p> <p>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.</p> <p>Marac (Multi-agency risk assessment conferences) continues to operate on a four weekly basis, by Microsoft Teams, with additional meetings scheduled to respond to increase in demand, ensuring that the needs of and supports to highest risk victims of domestic abuse are planned for on a multi-agency basis.</p> <p>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.</p> | | | | <p>responsibility and to ensure that this key message is communicated and understood by all staff.</p> <p>Under the new East Lothian Safety and Justice Strategic Partnership, the national strategy Equally Safe will be progressed through its own dedicated sub-group.</p> <p>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.</p> | | | | March 2024 | 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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| | | | Discussion Overview Group, which reviews and provides quality assurance of the decisions taken to manage vulnerable children and adults risks. | | | | | | | | | |
| ELC CR 13 | Service Objectives & Legal Regulatory | <p>Duty of Care to Public</p> <p>The Council has a responsibility to provide care and support for the people of East Lothian and East Lothian's environment. Any breach of this duty of care may compromise legislative duties, health, safety and wellbeing, impacting on, for example, the protection of children and adults.</p> <p>Failure to fulfil the duty of care could also result in serious harm/death to an individual/s, prosecution, having to pay compensation and have a negative impact on the reputation of the Council.</p> <p>Additional pressure within this area caused by external providers struggling to deliver through staffing issues.</p> | <p>Prioritise maintenance of safe staffing levels for all statutory services the partnership delivers.</p> <p>Briefing sessions, specialist training and supports are in place.</p> <p>Regular formal supervision in place for all staff including completion of PRD's and e-KSF, focusing on specific and agreed development needs.</p> <p>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.</p> <p>Specific oversight groups established for example Care Home, Health & Safety and Risk Management.</p> <p>Review ongoing through bi-weekly Care at Home meetings chaired by General Managers.</p> <p>Services comply with required professional registration standards for all staff, e.g. SSSC, HCPC, NMC etc.</p> <p>"Safer Recruitment" practices and PVG checks embedded.</p> <p>LSI mechanism in place with reporting structure through PPC.</p> <p>Regular engagement with the Care Inspectorate reviewing services in place</p> <p>Risk assessment documentation shared with providers with client RAG in place to ensure services are prioritised for those most at risk.</p> <p>Council owned buildings and open spaces subject to strict management and maintenance regimes, with all requisite risk assessments and safe operating arrangements in place.</p> | 3 | 4 | 12 | <p>Review of oversight and governance arrangements for assessment.</p> <p>Alteration of the workforce model for delivery of care a home services including expansion of internal delivery.</p> <p>Comprehensive pathway modelling underway lead by Head of Operations.</p> | 2 | 4 | 8 | <p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p> | <p>Risk reviewed April 2023 by Head of Operations, H&SCP with no change to risk scores.</p> <p>New risk created November 2022 by Head of Operations, H&SCP.</p> |
| ELC CR 14 | Physical and/or Psychological Impact on People & Legal & Regulatory | <p>Communicable Disease Outbreaks of Public Health Significance</p> <p>ELC continue to liaise with NHSL Public Health Service, and wider national and international reports e.g. World Health Organisation, to monitor public</p> | <p>Processes in place to establish proactive communicating, and encouraging compliance with all government and public health authorities' advice and</p> | 3 | 3 | 9 | <p>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</p> | 3 | 3 | 9 | <p>All measures are live and monitored on a weekly basis.</p> | <p>Risk reviewed April 2023 by Head of Operations, H&SCP with current risk score reduced from</p> |

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| | | <p>health advice and guidelines relating to all public health outbreaks e.g. legionella. Pandemic, et al.</p> <p>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.</p> | <p>reducing the impact/spread of misinformation by relying on information from trusted sources.</p> <p>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.</p> <p>COVID19 Recovery and Renewal Coordination Group is deployed overseeing management of recovery and renewal across East Lothian.</p> <p>The Council has had to adapt its 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.</p> <p>Resilience Direct continues to be available for use to share information on a multi-agency basis.</p> <p>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.</p> <p>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.</p> <p>The document recommends local authorities to stand ready to support any operational roll out of a VAM response.</p> <p>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.</p> <p>HSCP continues to support delivery of the COVID19 vaccination programme.</p> <p>Resilient Communities Groups exist in each Community Council area and Groups are ready to stand-up when required.</p> <p>Volunteer Centre East Lothian collaboration over support for local Third and Voluntary sector organisations able to respond to consequences across communities.</p> <p>The Council provides a prime source of local EL public information, constantly updated, in the Council Website as well as regular updates on Social Media platforms.</p> | | | | <p>timely community information and updates re service delivery and ongoing safety measures.</p> | | | | <p>12 to 9 due to service not seeing a significant impact.</p> <p>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.</p> <p>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.</p> | |

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| | | | 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 | <p>Severe Weather</p> <p>There is a risk that severe winter weather will lead to an increase in demand for gritting and snow clearing of roads/footpaths which exceeds normal capacity and supplies of salt.</p> <p>This could result in travel disruption, difficulties for people in accessing services, failure to maintain refuse collection timetable and school closures at short notice as well as a possible increase in insurance claims related to pothole damage.</p> <p>Communities may become isolated, particularly in rural areas, due to heavy and prolonged snow. In such cases communication with residents within these isolated areas may become difficult as they become cut off, possibly aligned to power failure caused by strong winds and/or the weight of snow on the lines.</p> <p>There are limitations to the service the council can offer. The Council Roads team focus on treatment and snow clearing of the main priority road network, made up of the major routes where the majority of vehicle 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.</p> <p>During periods of extreme weather and heavy snowfall when roads and footways are affected by significant levels of lying snow, priority will be given to primary carriageway routes and primary footpath routes with resources deployed on these specified routes continuously until satisfactory snow clearance has been achieved before resources are deployed to any secondary routes and tertiary routes, so it maybe some time before we can attend to these areas.</p> | <p>East Lothian Councils Winter Maintenance Plan has been in place for some time and ensures that the main transport routes are treated as priority.</p> <p>The Council has a Severe Weather and Adverse Events Policy in place for all staff while the Council has its own mitigating measures for its own estates/property during severe weather.</p> <p>During Severe Weather events our Contact Centre becomes the first point of contact for any issues to be raised and responded to whilst our Communications team shares warnings and other relevant information with the public as this becomes available.</p> <p>The ELC Severe Weather Response Plan has been developed over many years and ensures a co-ordinated and consistent multi-agency response across the county. This plan is reviewed annually in conjunction with support from partner agencies.</p> <p>The ELC Severe Weather Response plan includes reference to and improvements learned from the 'Beast from the East' (snow) incident in 2018 and Storm Arwen 2021 (wind).</p> <p>The Council's Salt Barn has a capacity of 8,000 tonnes to meet demand arising from severe cold weather.</p> <p>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.</p> <p>Snow clearing equipment has been supplied to Primary Schools. Community Councils through Resilient Communities are able to request winter response equipment from the Council. These requests are considered as per their need. A number of grit bins are provided to enable self-help gritting of adopted roads and footways. Resilient Communities are encouraged to survey the grit bins in their area and report back to the Council if new bins or grit is required.</p> <p>Winter Maintenance operatives are trained to SVQ or equivalent in winter gritting and snow clearing. Winter Maintenance Duty officers trained as Winter Service Supervisors to City and Guilds level.</p> <p>The majority of Community Councils have Resilient Community Groups who have created their own emergency response plans or asset registers of volunteers/skills available at a time of crises. Each Resilient Community has its own Single Point of Contact (SPOC) and deputy for resilient matters</p> | 3 | 3 | 9 | | | | | | Risk reviewed and updated April 2023, with no change to assessment of current scores. |

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| | | | <p>including severe weather. Communication and good working relationships have been created and maintained with these SPoCs/deputies by ELC Emergency Planning staff.</p> <p>Work continues with the Resilient Communities and also involves other voluntary groups such as Tenants and Residents Groups. ELC organises an annual workshop for Resilient Communities which allows lessons learned and best practice to be discussed and progressed. It also allows for the public to meet responder agency staff such as the 'blue lights', SEPA and the utility companies.</p> <p>ELC finances all 20 Community Councils' annual insurance premiums ensuring that Insurance is not perceived as a barrier to invoking such plans.</p> <p>Training and awareness sessions, related to the activation of the ELC Severe Weather response plan, are completed on a regular basis. Partner agencies are often involved.</p> | | | | | | | | | |
| ELC CR 16 | Physical and/or Psychological Impact on People Legal & Regulatory | <p>Threat of Terrorism</p> <p>Delivering the UK Government's Counter Terrorism (CT) strategy, known as CONTEST (comprised of four components - Prevent, Protect, Prepare and Pursue).</p> <p>All Local Authorities in Scotland are required to comply with the statutory legislation issued under section 24 of the Counter Terrorism and Security Act 2015 that relates to Prevent.</p> <p>Failure to discharge this duty could mean sufficient steps are not taken to prevent an incident taking place, under Prevent, and could result in the Secretary of State issuing a direction to the Council via the powers within the act and would also result in a loss of reputation and negative publicity.</p> | <p>Multi agency 'J' Division CONTEST Meeting attended by East Lothian Council representatives.</p> <p>ELC has established a CT WG chaired by the Head of Communities with members consisting of CMT, key senior managers, Police Scotland and a QMU representative.</p> <p>ELC has appointed senior members of staff as SPoC (Head of Children's Services) and Deputy SPoC (Executive Director Education and Children's Services) for Prevent as per statutory guidelines.</p> <p>A SPoC for Prepare and Protect although not a statutory requirement, has also been appointed (Emergency Planning, Risk and Resilience Manager).</p> <p>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.</p> <p>ELC follows and contributes towards the 'J' Division Contest group implementation plan.</p> <p>The SPOC Prevent Group in the East of Scotland is attended by the ELC SPoC.</p> <p>Prevent Multi-Agency Panels Chair (SPoC) and Depute (Iain Gorman) identified to chair multi-agency meetings established to discuss any referrals.</p> <p>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</p> | 3 | 3 | 9 | <p>Awareness-raising sessions are being arranged with Police colleagues with independent service providers operating in East Lothian.</p> <p>CT police are offering bespoke Prevent training across other council services and supporting managers to update paper-based training materials for manual staff.</p> <p>Further service-specific Prevent training is being arranged for children's and justice social work services.</p> <p>Roll out and 2022/23 uptake of mandatory Prevent e-learning will be reported to the Prevent working Group in May 2023.</p> <p>Protect e-learning rolled out wef March 2023 will be reported to the Contest Oversight Group in May 2024.</p> <p>Review and implement learning from Exercise Safe Steeple.</p> | 2 | 3 | 6 | <p>September 2023</p> <p>September 2023</p> <p>September 2023</p> <p>May 2023</p> <p>May 2024</p> <p>September 2023</p> | <p>Risk refreshed by Head of Communities, Contest Working Group Chair, April 2023 – no change to risk scores.</p> <p>Risk reviewed August 2018 by Board of Directors with Current Score reduced from 12 to 9.</p> |

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| | | | <p>information is then circulated to appropriate key ELC staff and local businesses.</p> <p>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.</p> <p>Elected Members were briefed in January 2022.</p> <p>Joint training (with Midlothian) for PMAP members was undertaken.</p> <p>Home Office PMAP training was provided for managers in justice, children's and adult social work services.</p> <p>ELC have submitted an annual assurance statement of compliance with Prevent to Scottish Government in relation to the new statutory guidance for Prevent and PMAP (Feb 2021).</p> <p>Education personnel are fully engaged with Prevent and appropriate filters have been installed on the Education infrastructure.</p> <p>Updated Prevent referral pathway has been agreed with EMPPC and communicated on the intranet, including the new national Prevent referral form.</p> <p>Whilst ELC Managers have received Prevent training through LearnPro previously, since November 2020 interim 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.</p> <p>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.</p> <p>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.</p> <p>The ELC Prepare and Protect SPoC liaises with Police Scotland and in particular the CT team to ensure current information on these areas is circulated to appropriate ELC key staff and staff in general if required. The SPoC also ensures important information is uploaded onto the ELC Intranet.</p> | | | | | | | | | |
| ELC CR 17 | Service Objectives | Business Continuity Failure to ensure currency of Business Continuity Plans could lead to services not having a robust | Business Continuity Framework Plan in place and regularly reviewed. | 2 | 4 | 8 | | 2 | 3 | 6 | September 2023 | Risk refreshed March 2023 noting |

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| | Legal & Regulatory Physical and/or Psychological Impact on People | <p>response to an incident affecting their service area or critical services may not be maintained, while critical services for the public could be affected and statutory requirements not completed.</p> <p>Non availability of:</p> <ul style="list-style-type: none"> premises, through fire, flood or other unexpected incident; key staff or significant numbers of front-line staff for any reason e.g. a Pandemic; systems (IT, telephony, power failure etc.); any form of transportation due to a fuel shortage. <p>The occurrence of any of these may have an adverse effect on the Council to function fully and to complete critical services and statutory requirements.</p> | <p>Business Continuity Plans are maintained for all service areas, giving details of minimum levels of staff, alternate locations, exercise and review dates and version control.</p> <p>The Chief Executive has a statutory responsibility for the ELC BC process. The Heads of Service remain responsible for ensuring the BC process is completed within their area of work.</p> <p>Each service area now has a Single Point of Contact (SPoC) and deputy who are responsible for, their services BC Plan, exercising this plan and ensuring it is maintained. All BC Plans are managed through Continuity? Software.</p> <p>The Council carried out a Council Wide Business Continuity Exercise in November 2019 which successfully tested the BC capabilities of the Council. Each Service carries out an annual BC exercise.</p> <p>ELC staff have access to an e-learning package on Business Continuity which was reviewed and refreshed during March 2021.</p> <p>Business Continuity Plans are invoked as Services suffer BC issues with a fortnightly update of those plans invoked provided to CMT.</p> <p>An IT Disaster Recovery Plan is in place and will be regularly updated when any changes take place in the main data centres. For single server failure - there are over 100 systems now running on virtual servers which automatically fall over to another server if there are hardware issues. Specific disaster recovery arrangements are in place for the critical systems of telephony, e-mail and social care.</p> <p>Controls that are in place to prevent and limit the effects of IT system unavailability including firewalls, anti-virus software, system/data backup routines, and resilience in the form of a back-up generator for the main data centre at JMH.</p> <p>All Services asked to consider a National Power Outage as part of their BC Plan.</p> <p>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.</p> | | | | Progress Business Continuity Plans with Education and H&SCP in order that each School and Care Home has a plan. | | | | changes to risk description and mitigation measures whilst no change to risk scores. | |
| ELC CR 18 | Service Objectives Legal & Regulatory | <p>Development Plan</p> <p>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:</p> | <p>The NPF4 has been published by the Scottish Government, which now forms part of the Development Plan.</p> <p>Production of the LDP Evidence Report has started with public engagement planned in late Spring and Summer of 2023.</p> | 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. |

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| | | <ul style="list-style-type: none"> 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. <p>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.</p> | <p>Maintenance of the Local Development Plan Scheme with timescales (last reviewed 2022).</p> <p>Interim Regional Spatial Strategy has been prepared, informing NPF4. The Regional Prosperity Framework has been ratified by the SE Scotland authorities.</p> <p>SG and SPG all approved/adopted, including Developer Contributions Framework.</p> | | | | | | | | | |
| ELC CR 19 | Legal & Regulatory | <p>Corporate Events Management</p> <p>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.</p> <p>COSLA, Police Scotland and the Health & Safety Executive (HSE) recommend that Local Authorities form a core group, led by a senior (strategic) officer, who will meet to discuss all events taking place within their area over a pre-determined period of time. This group includes category 1 responders and other appropriate organisations and decide if each individual event should be organised through a separate, specific Safety Advisory Group (SAG) or if the event can carry on without interference, other than appropriate safety advice.</p> <p>The following criteria would be considered by the East Lothian Safety Advisory Group (ELSAG):</p> <ul style="list-style-type: none"> Status of the principal e.g. HM Queen Status of the event organiser e.g. Scottish Defence League The size of the crowd or the number of spectators 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 | <p>East Lothian Council has a revised SAG policy in place which came into effect May 2022 (reported into Members' Library Service).</p> <p>The East Lothian Safety Advisory Group (ELSAG) strategy comprises two main elements:</p> <ul style="list-style-type: none"> Strategic Event Safety Oversight Group (SESOG) Safety Advisory Group (SAG) <p>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.</p> <p>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.</p> <p>Events that require to be put through the SAG are managed through a risk profile process which grades each event as having a Red, Amber or 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.</p> <p>The SAG process co-ordinates preparation for various events as per the risk profile, with representation from relevant Services areas and Multi-Agency Partners.</p> <p>Event guidance for organisers of events is published on the Council website.</p> | 2 | 3 | 6 | | | | | | Risk refreshed March 2023 with no change to risk scores. |

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| | | | | Likelihood | Impact | Total | | Likelihood | Impact | Total | | |
| | | | | L | I | L x I | | L | I | L x I | | |
| | | <p>ELC is involved in events as they tend to take place in Council parks or on Council roads. The Council issues licenses and permits for events. The Council also has a statutory role in enforcement /inspection (building control, food hygiene etc.) and will help the organisers with traffic management, through TTRO's.</p> <p>If the event organisers fail to have the correct licences or safety processes in place it is the organisers who face the risk of possible criminal prosecution.</p> <p>East Lothian Council is itself responsible for organising several events on an annual basis. For each event an event organiser will be identified from within the Council.</p> <p>All event organisers should attend a SAG meeting if required to do so.</p> | <p>Where the SAG group is set up, for a specific event, it has no statutory power to stop it taking place. However, the SAG group can withdraw its support and co-operation, for any event, which 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.</p> <p>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.</p> <p>Only events organised and managed directly by ELC are covered by our insurance, part of the due 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.</p> | | | | | | | | | |
| ELC CR 20 | Legal & Regulatory | <p>Equality</p> <p>Failure to meet duties and legislative requirements of the Single Equality Act 2010.</p> <p>The Single Equality Act 2010 and related guidance places a general duty on public authorities to be active in promoting equality, eliminating unlawful conduct and fostering good relations. It also places specific duties on public authorities to</p> <ul style="list-style-type: none"> report on mainstreaming the equality duty; publish equality outcomes and report progress; assess and review policies and practices; gather and use employee information; publish gender pay gap information; publish statements on equal pay; consider award criteria and conditions in relation to public procurement; publish in a manner that is accessible. <p>The Scottish Government has introduced the Fairer Scotland (socio- economic) duty. This will require the Council to consider the impact of our work on those living in poverty. The Council will need to respond to the full requirements of this new duty and raise awareness of the requirements on the Council.</p> <p>There is a risk that the Council may not be able to meet its general or specific duties and in particular at a time when difficult budget decisions are having to be made that there will be cuts in services or increases in charges that have a disproportionate impact on people who may need those services most because of their equality background.</p> | <p>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:</p> <ul style="list-style-type: none"> Continue to lead a culture where respect, choice and understanding is fostered and diversity positively valued; Maintain a working environment where unlawful discrimination, harassment, victimisation or bullying is not tolerated; Continue to develop our understanding of the needs of different individuals and communities in a time of rapid change; Continue to embed the equality agenda in all our work, and contribute to the early intervention and prevention approach adopted by the Council and its Partners; Improve understanding of the impact of poverty and inequality on people's lives; and Ensure that we plan and deliver services which meet modern standards of delivery and that are inclusive of a wide range of different needs from digital services to face to face interactions <p>The Integrated Impact Assessment Process is embedded and is now widely used. This includes consideration of poverty which should allow us to meet the requirements of the new socio economic duty. A programme of support, including training on the new IIA process is ongoing.</p> | 2 | 3 | 6 | <p>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.</p> <p>The new Equality Plan 2021-2025 (28 actions) will be implemented.</p> <p>ELC Equalities Mainstreaming Annual Report 2022-23 will be published.</p> | 2 | 3 | 6 | <p>December 2023</p> <p>October 2023</p> <p>June 2023</p> | <p>Risk reviewed and updated March 2023 by Service Manager – Improvement, Policy & Communications with no change to assessment of current scores.</p> |

| 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 | | |
| | | The Council would be open to legal challenge of not meeting its duties and in particular of not carrying out adequate assessment of impact of policies and budget decisions. | <p>Continue to embed the use of the Scottish Government's Sustainable Procurement Tools into procurement procedures.</p> <p>The Health & Social Care IJBs (East & Midlothian and City of Edinburgh) along with NHS Lothian will use the 'checklist and IIA form' package, with East and Midlothian Councils using the IIA form only package.</p> <p>As per our statutory obligation, HR is annually capturing the Employment Monitoring information required under the Act. This is reported publicly alongside the requirement to publish an annual Equal Pay Report.</p> <p>Elearning equalities modules are available on Learn Pro and 'Get in on the Act' guides to the Council's legal responsibilities are available for all employees and Elected members. A new e learning package 'Understanding Poverty' has been added to support employees to understand about taking poverty into account when designing services and will be updated once details of the Socio Economic duty are known.</p> | | | | | | | | | |
| ELC CR 21 | Reputation & Legal Regulatory | <p>Standards in Public Life</p> <p>Failure of corporate governance or to meet standards in public life.</p> <p>Failure of the Council's corporate governance or of officials or members to meet standards in public life could result in reputational damage.</p> | <p>Standing Orders (the Schemes of Administration and Scheme of Delegation) 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</p> <p>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.</p> <p>Training on the Councillors' Code of Conduct is offered to Members periodically with regular updates from the Standards Commission circulated to Members.</p> <p>The Council's Monitoring Officer and Depute Monitoring Officers provide advice as required.</p> <p>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.</p> <p>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.</p> | 2 | 2 | 4 | <p>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</p> | 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 | | |

| 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 | | |
| | | | | 10-19 | High | | | | | | | |
| | | | | 5-9 | Medium | | | | | | | |
| | | | | 1-4 | Low | | | | | | | |

East Lothian Council Risk Matrix

Likelihood Description

| Likelihood of Occurrence | Score | Description |
|--------------------------|-------|------------------------------|
| Almost Certain | 5 | >90% chance of occurring |
| Probable | 4 | 70%-90% chance of occurrence |
| Possible | 3 | 30-70% chance of occurring |
| Unlikely | 2 | 10-30% chance of occurring |
| Rare | 1 | <10% chance of occurring |

Impact Description

| Impact of Occurrence | Score | Description | | | | | | | |
|----------------------|-------|--|---|--|---|--|---|--|--|
| | | Impact on Service Objectives | Financial Impact | Physical and/or Psychological Impact on People | Impact on Time | Impact on Reputation | Impact on Assets | Business Continuity | Legal & Regulatory |
| Catastrophic | 5 | Catastrophic failure in service delivery and key service standards are not met, long-term catastrophic interruption to operations, several major partnerships are affected | Severe impacts on budgets (emergency Corporate measures to be taken to stabilise Council Finances. Consideration should be given as to whether this is an insured or uninsured risk and whether there may be reliance on reserves. The Council is expected to hold a reserve to budget ratio of 2%. | Single or Multiple fatality and or psychological impact, within council control, leading to fatal accident enquiry. | Serious - in excess of 2 years to recover pre-event position. | Highly damaging, severe loss of public confidence, Scottish Government or Audit Scotland involved. Prolonged regional and national condemnation. | Significant disruption to building, facilities, vehicles or equipment (Loss of building, vehicles, rebuilding required, temporary accommodation required, vital equipment lost without replacement capability available resulting in services being unable to be delivered). | Complete inability to provide service/system, prolonged downtime with no back-up in place. | Catastrophic legal, regulatory, or contractual breach likely to result in substantial fines or other sanctions, including substantial involvement from regulators. |
| Major | 4 | Major impact to service quality, multiple service standards are not met, long-term disruption to operations, multiple partnerships affected. | Major impact on budgets (need for Corporate solution to be identified to resolve funding difficulty). Consideration should be given as to whether this is an insured or uninsured risk and whether there may be reliance on reserves. | Number of extensive injuries (major permanent harm) or major psychological impact to employees, service users or public. | Major - between 1 & 2 years to recover pre-event position. | Serious negative national or regional criticism and publicity. | Major disruption to building, facilities, vehicles or equipment (Significant part of building unusable for prolonged period of time, alternative accommodation required, equipment or vehicles unavailable to provide significant elements of service delivery and no appropriate contingency arrangements in place). | Significant impact on service provision or loss of service. | Legal, regulatory, or contractual breach, severe impact to Council, fines and regulatory action publicly enforced. |
| Moderate | 3 | Significant fall in service quality, major partnership relationships strained, serious disruption in service standards. | Moderate impact on budgets (can be contained within overall directorate budget). | Serious injury requiring medical treatment or moderate psychological impact to employee, service user or public (semi-permanent harm up to 1yr), council liable. | Considerable - between 6 months and 1 year to recover pre-event position. | Adverse national media public attention with elected members becoming involved. | Moderate disruption to building, facilities, vehicles or equipment (loss of use of building for medium period, loss of equipment or vehicles requires contingency arrangements to be employed and has moderate impact on overall service delivery). | Security support and performance of service/system borderline. | Legal, regulatory, or contractual breach, moderate impact to Council, regulator action and or improvement required of the Council. |
| Minor | 2 | Minor impact to service quality, minor service standards are not met, short-term disruption to operations, minor impact on a partnerships | Minor impact on budgets (can be contained within service head's budget). | Non life changing injury or psychological impact to staff or member of the public requiring treatment. | Some - between 2 and 6 months to recover. | Minor adverse local, public or media attention and complaints. | Minor disruption to building, facilities, vehicles or equipment (alternative arrangements in place and covered by insurance, equipment or vehicles unavailable for small period of time minor impact on service). | Reasonable back-up arrangements, minor downtime of service/system. | Legal, regulatory, or contractual breach, minor impact to Council, regulator advice and improvement requested of the Council. |
| Minimal | 1 | No impact to service quality, limited disruption to operations. | Minimal impact on budgets (can be contained within unit's budget). | Minor injury or minor psychological impact to employee, service user or public. | Minimal - Up to 2 months to recover. | Public concern restricted to local complaints and of no interest to the media. | Minimal disruption to building, facilities, vehicles or equipment (alternative arrangements in place, equipment or vehicles alternative quickly available to replace or substitute). | No operational difficulties, back-up support in place and security level acceptable. | Legal, regulatory, or contractual breach, negligible impact to Council, regulator suggested improvements requested. |

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

Key

| | | | | |
|------|-----|--------|------|-----------|
| Risk | Low | Medium | High | Very High |
|------|-----|--------|------|-----------|