East Lothian Council

REPORT TO: East Lothian Council

MEETING DATE: 12 December 2023

BY: Chief Executive

SUBJECT: Corporate Risk Register 2023-24

1   PURPOSE

1.1   The Corporate Risk Register was last fully reported to Council in August 2023, with the High and Very High Corporate Risks being reported in October 2023. Within the context of developing international, national and local risks impacting on delivery of Council services and local communities, the Corporate Risk Register, although live, is being reported to Council given the continued substantial levels of heightened risk.

1.2   The significant economic factors driving increased financial pressures and risks for the Council have been incorporated into the relevant risks across the Corporate Risk Register. Any further risk developments impacting on the Council in the period from 27 November 2023, will be reported verbally at Council in presentation of this report.

2   RECOMMENDATIONS

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

- the Corporate Risk Register is maintained as a 'live' document which will be reviewed by the Council Management Team (CMT), the CMT sub-group on Risk Management, Service Management Teams (SMT), risk owners and the Corporate Risk Management Group on a regular basis and reported back to Council as and when required;

- agree that the relevant risks have been identified;

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

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

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

3   BACKGROUND

3.1   In keeping with the Council's Risk Management Strategy and reflecting upon the concurrent and constantly changing nature of risks managed by the Council, the Corporate Risk Register, although live, is being reported to Council given the continued substantial levels of heightened risk. The Corporate Risk Register considers the international, national and local risk factors impacting on the delivery of Council services and is also informed by the impacts of business continuity arrangements currently deployed in some services across Council.

3.2   The 2023-24 Corporate Risk Register as at 27 November 2023, currently includes 7 Very High Risks, 7 High Risks, 6 Medium Risks and 1 Low Risk.

3.3   A 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.

3.4   Risk CR1 on 'Managing the Financial Environment' continues to have both current and residual risk scores of 25 (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, an increasing and significant range of external and inflationary cost and demand pressures, significant increased cost of borrowing and consequences of national pay awards.

3.5   A new risk has been added at CR14 on a National Power Outage (NPO) to reflect the potential impacts of such a risk, including the current measures the Council has in place to mitigate this risk and planned measures the Council is progressing to reduce the impact of such a risk. This risk will be further refined following receipt of anticipated national guidance in respect of NPO.

3.6   The Council remains in emergency response with business continuity plans invoked within nine Council services at the time of this report which are Facilities, Estates, Legal, Housing, Waste, Finance, Sport, Countryside & Leisure (Forestry Team), Connected Communities (Port Seton Centre and Pennypit) and Property Maintenance (Stores). These services' Business Continuity Plans are invoked predominantly in response to staffing pressure arising from a very challenged employment market, limited volume and calibre of response to recruitment campaigns and increased demand for services. Activation of Business Continuity Plans for these services results in the available staffing resource being deployed to deliver 'business critical' activities as priority.

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

3.8 The Council's Corporate Risk Strategy is reviewed annually and was reported to Cabinet on 14 March 2023.

4 POLICY IMPLICATIONS

4.1 In approving 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 corporate risks and mitigation measures remain under close monitoring and review, aligned with the Council's Financial Strategy. 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 impacting on the administration and oversight of the Corporate Risk Strategy and Framework.

6.3 Other – Effective implementation of this register will require the support and commitment of the risk owners identified within the register.

7 BACKGROUND PAPERS

7.1 Appendix 1 – Corporate Risk Register 2023-24, v4.

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DESIGNATION	Team Manager - Emergency Planning and Resilience
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DATE	27 November 2023

East Lothian Council Corporate Risk Register 2023-24 V4

Risk Ref.	Risk Category	Risk Description	Existing Risk Control Measures	Assessment of Current Risk			Planned Risk Control Measures	Assessment of Residual Risk [With proposed control measures]			Timescale for Completion / Review Frequency	Evidence held of Regular Review
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				L	**I**	**L x I**		**L**	**I**	**L x I**		
ELC CR 1	Financial Service Objectives	**Managing the Financial Environment** The Council is operating in the most challenging and complex financial operating environment it has ever faced. There remains significant immediate and future external cost and demand pressures being placed on the Council, which simply cannot be met within the resources which are now being made available. These include: • The level of national funding being made available to this Council to deliver local services is now at an unsustainable level, and increasingly complex. ○ An increasing proportion of funding being directed to support new policy and legislative requirements and lack of flexibility in how it can be used. ○ The increasingly complex, national short-term funding settlements create significant uncertainty and impede robust medium term financial planning and on-going sustainability. • An increasing and significant range of external and inflationary cost and demand pressures including: ○ High inflation with rising cost of goods and services and commissioned contract services. ○ Significant challenges relating to high utility costs. ○ Meeting the total recurring costs of public sector pay awards. • There remains a significant and increasing challenge facing this Council in supporting the resource requirements associated with the delivery of the growth agenda resulting from the approved Local Development Plan, which is driven largely by national statutory planning. This includes financing of essential infrastructure, and in particularly the revenue consequences associated with growth. • The Council is facing significant challenges in the affordability of supporting current and future infrastructure obligations. ○ Higher interest rates resulting in increased capital financing costs which will present a risk to the sustainability of the capital programme. ○ Significantly higher costs of construction in excess of approved budget levels. ○ Increased gap between approved S75 contributions and cost of infrastructure aligned to growth, with the increased cost being placed on the Council to meet. ○ There remain continued risks around the level of national funding being made available to support planned flood protection schemes given the on-going national review of the flooding resources. ○ New financial 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 remains on-going uncertainty relating to the proposed national capital accounting review, which	The Council has well developed medium term financial planning arrangements, which have recently been updated as part of the recent review of budget development framework. The budget development framework now incorporates a cross party budget working group, which meets regularly throughout the year to progress budget development options. The Council annually refreshes the Financial Strategy, Capital Strategy and Treasury Management Strategy to take cognisance of any new / emerging financial risks. These documents support the medium-term financial planning for the organisation. The Council has approved an enhanced reserves strategy, which sets out the current level of reserves and associated commitments, including a requirement to maintain a minimum level of uncommitted reserves to support any unforeseen event. The Council has a wide range of on-going cost control and financial management arrangements to manage in year budget performance and delivery of planned efficiencies. This includes regular management information to CMT and wider Council management, and quarterly financial reporting through political governance. This provides mitigating controls in terms of the immediate financial risk and pressures the Council is faced with. Given the scale of the escalating levels of financial risk and pressures, the Council has already agreed to continue with an enhanced range of urgent cost control measures aimed at mitigating and limiting the scale of these rising costs. Officers across the Council are now operating enhanced financial controls within these approved mitigation parameters. Council officers will continue to progress the delivery of planned efficiency savings aligned to Council decisions. 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. The Council met with cross party-political representation with the Deputy First Minister on 23 August 2023, to set out the significance of the financial implications facing this Council aligned to supporting a growing population and national statutory housing land allocations. Officers	5	5	25	Officers continue to implement enhanced financial controls aligned to Council approved mitigation measures. Given significant concerns relating to the on-going affordability of the Capital Programme as well as associated revenue costs, officers continue to review the Capital Programme with an initial update presented to Council in October. This will continue to remain under review. Continue to support national discussions through CIPFA Directors of Finance aligned to ensuring the on-going financial sustainability of local government. Continue to progress the delivery of an enhanced Transformational Programme and Asset Review aligned to the approved budget development principles, which will support the further transformation of services and deliver and enhanced programme of efficiencies. On-going engagement with Scottish Government and COSLA on local government funding and distribution to support a fair and adequate allocation of resources to deliver local services. Given the significant scale of the funding gap, on-going work with CMT and elected members to accelerate, develop and implement additional budget savings proposals, which will also include budget and service reductions and income generation opportunities aligned to the meet the scale of the funding gap over the medium term. These budget savings options will remain aligned to the principles of the budget development framework. Continue to engage with Scottish Government and COSLA to adequately resource the funding requirements associated with population growth arising from the Local Development Plan, taking into consideration both revenue and capital costs. Continue to support regional placed based funding discussions with City Region Deal Partners. Continue to seek urgent national agreement with DFM for additional place-based revenue funding for East Lothian.	5	5	25	Actions ongoing and under continuous review while monitoring arrangements will continue to be applied.	Risk reviewed by Head of Finance and Executive Director Council Resources (CFO), October 2023, with no changes to risk scores. Risk reviewed by Head of Finance and Executive Director Council Resources, August 2023 with residual score increased to 25 given the scale of the current financial challenge. 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.

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		could result in changes in accounting for capital infrastructure and could result in significantly increased cost to local taxpayers. This national review has been delayed by 12 months. • The 2022/23 financial accounts currently remain in draft and will not be concluded until mid-December 2023. The financial results therefore remain in draft and subject to change. Given the severity of the financial challenges facing the Council, this delay presents a further risk in forward planning given the current uncertainty relating to the 2022/23 financial position and results. The Council is operating in an extremely challenging financial environment and is current forecasting an overspend of £22.17m in 2023/24, and after applying planned reserves reduces £10.3m. The Council's minimum level of reserves is currently £7.2m. If this level of overspend materialises this will not only remove the unallocated balances but will also require a redirection of earmarked reserves aligned to supporting critical transformation activities with a view to delivering recurring savings. This will adversely impact on the delivery of strategy and operational activities which rely on funding from these reserves and will also significantly enhance the financial risk and resilience of the Council with low levels of reserves. There remain enhanced risks relating to the ability for the IJB to meet the planned savings aligned to delegated Council budgets and wider demand. 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. The Council's approved budget for 2023/24 is supported by a requirement to deliver £6.7m planned efficiencies. Currently £0.475m is forecast as undeliverable. There remains an increased risk that the Council will not be able to deliver planned efficiencies, and this will place further increased pressure on on-going financial sustainability. The projected medium term funding gap facing the Council over the next 5 years is £71 million. Whilst the Council has set a balanced budget for 2023/24 and has identified further planned savings of £9.6m, very significant additional savings proposals will need to be developed to address the scale of this funding gap. The FM has recently announced a proposed Council Tax freeze for 2024/25, and this remains the subject of national discussions. The FM has indicated his commitment to ensure Councils are compensated for the Council Tax freeze. The funding gap facing the Council for 2024/25 is equivalent to a Council Tax rise of 32%. In addition, there remains a significant funding gap in excess of £1m to support the national CTRS. Collectively this is likely to place further financial pressure on this Council, both to manage the delivery of a balanced budget for 2024/25 and the recurring impact. 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.	continue to pursue the key asks set out in this meeting, including the urgent need to provide additional funding, and continue to support place-based funding regional discussions aligned to City Region Deal. Following on from the FM announcement to freeze Council Tax for 2024/25, the Council Leader has written to the FM and DFM setting out his concerns and impact on the financial sustainability of this Council. Senior officers have also expressed concerns through national discussions. Senior officers continue to lobby and set out the severity of the Council's financial position in national discussions with COSLA, wider professional bodies such as CIPFA Directors of Finance and SOLACE and wider professional commentators, and professional advisers to consider the financial sustainability of Local Government and associated challenges. COSLA and Scottish Government have recently approved a new 'Verity House' agreement which sets out a new relationship between local and national government including discussions around national funding. Senior Officers continue to feed into national discussions supporting this. Given the significance of the financial challenge facing the Council, financial reviews will now report formally to Council rather than Cabinet for wider scrutiny setting out the in-year financial performance against approved budgets. 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. On-going engagement with Treasury advisers with annual treasury indicators approved as part of Treasury Strategy and mid-year review against indicators reported through political governance structures of A&G Committee. On-going discussions with the IJB Chief Financial Officer and Chief Officer around the delivery of current planned efficiencies and future resource requirements aligned to on-going strategic financial planning. Finance officers are working pragmatically with Audit Scotland with a view to concluding the 2022/23 statutory annual audit. National pay negotiations for most of the pay bargaining groups is now concluded for 2023/24, providing some certainty around the pay award for staff.			🟥	Continue to work with Audit Scotland to conclude the 2022/23 statutory audit, and this is anticipated to be finalised mid December 2023. The Scottish Government will publish its draft budget for 2024/25 on 19 December, and this will provide some clarity to the national funding this Council is likely to receive for 2024/25. It is currently unclear whether this will form a multi year funding settlement. Discussions are on-going across CIPFA Directors of Finance to determine how the funding package aligned to LG Pay deal will be supported and the associated financial implications for this Council.			🟥		

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CR 2	Financial	**Maintenance of Assets** Risk of insufficient staffing and financial resource to carry out repairs and maintenance programmes to ensure buildings are maintained in a good condition. Core Facts returns to The Scottish Government confirm that this is a risk which requires to be addressed. A budgeted, programmed plan of work is required for all existing property assets to confirm how these will be improved from Condition C/D to B or maintained as Condition A/B for their lifetime. Significant additional financial and staff resource is required to achieve this. Failure to carry out repairs and maintenance programmes could result in unavailability of buildings e.g. school closure and reputational damage to the Council. Repairs and maintenance cost pressures and adoption of new facilities e.g. school extensions mean a real term reduction in resource and availability. This could ultimately result in a failure of building elements with the risk of closure or enforcement by Statutory or Regulatory authorities. Failure to carry our repairs and maintenance programmes could result in injury/loss of life of public building users and legal action against the Council. There is also a high risk to health and safety and of reputational damage. The risks posed through the identification of RACC/Siporex and subsequent costs from the implications in respect of management, remediation and or total loss of assets. Fabric issues in property assets are now having serious operational and reputational consequences – Loch Centre, Brunton Hall, albeit that remedial works at Preston Lodge High School and Ross High School are progressing well. Reinforced Autoclaved Aerated Concrete (RAAC) The Local Government Association (LGA) has recently issued advice/warnings about Reinforced Autoclaved Aerated Concrete (RAAC), which is also known as Siporex. This material has been commonly used in Public Buildings between the 1960's and late 1980's. Due to the relative lightweight nature of the material and limited durability there has been a number of roof failures in the past and as a result East Lothian Council require to determine the extent and location of RAAC (Siporex) to our Public Buildings and then ensure a robust inspection process is undertaken to determine its condition, level of risk and undertake any action deemed necessary to mitigate the risk to occupants and members of the public and to avoid any catastrophic failure.	Annual update of programme of works based on Condition, Suitability and Statutory Compliance assessments to inform budget requirement. Building Surveyor now in post who will be working on accuracy of Asset Condition information. Team Manager – Property Asset Review 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 work has been focused on the office rationalisation to date. A Project Initiation Document has been approved by the Executive Team and Asset Project Board, to progress a Place-Making Property Asset Review. Recruitment to two other posts in the Property Asset Review team was successful and officers are in post Reports to the Corporate Asset Group will highlight risks which identify impact on the operation or safety of the assets to enable planned action to be considered and implemented. SFT SG revenue funding on new build schools. Ongoing review and update of programme of works based on Condition, Suitability and Statutory Compliance assessments to inform budget requirement. Management and survey work to identify RACC/Siporex. A Desktop Assessment has been carried out involving: • Liaison with Officers to ascertain if they are aware of RAAC being present within any Public Building Assets. • An initial review of ELC Asset Register to identify Buildings/Extensions constructed between the 1960's and the late 1980's when RAAC was widely used. Buildings/Extensions constructed outwith this period can be excluded from a further assessment. • Whereas Built Drawings are available, these have been assessed to identify if RAAC has been specified. • Information has been obtained from the Asset Register, Health & Safety Files, As Built Drawings, Microfiche Drawings & Condition Surveys. Visual inspections are being undertaken to determine the location/condition of RAAC within Building Assets and where desktop Assessment identifies the possible presence of RAAC, an	5	5	25	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. Identification of survey information currently required is ongoing. Surveys of RAAC elements is ongoing. Significant issues have been identified in several buildings with options appraisals being progressed to inform decision-making regarding remedial works. This is causing major disruption to service delivery. Looking at Lifecycle Costing as part of project/business plan and review on a project basis for future capital bids and budget setting. The service continues to regularly evaluate the current situation as regards material availability and works to mitigate any adverse effects of cancelled or delayed orders for this year's major summer works programme. Review and identify staffing resource required within SACPM, Education and Engineering Services. Service review ongoing. There is insufficient budget for the scope of work required. The Property Renewals Budget (circa £2m/annum) doesn't cover the maintenance required for the operational estate and will severely limit improvements. The budget for the non-operational portfolio (circa £130/annum) is insufficient for maintenance and will severely limit improvements. Assess property estate against Scottish Government targets to address Climate Change. Plan programme of works to improve performance of buildings. A high-level assessment, based on recent case study information prepared by City Of Edinburgh Council, has been carried out and the cost to achieve 'Net Zero' targets has been estimated as between £850million and £1billion for the Council property estate, Identification and management of assets affected by RACC and Siporex with option appraisals to identify remediation and or demolition and future provision.	4	5	20	All measures are ongoing and under constant review as to when they will be in place by.	Risk reviewed by Head of Infrastructure, June 2023 and scores increased from 20 and 16 to 25 & 20 due to ongoing RACC / Siporex issues and subsequent costs. 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.

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		Use of part of buildings subject to inspections may be restricted or unavailable for a period of time following assessment. Currently there is an uncertainty in relation to material availability and delivery times to carry out the major summer works programme. Assess property estate against Scottish Government targets and imminent changes to energy performance requirements to address Climate Change. Plan programme of works to improve performance of buildings. Significant additional finance commitment and staff resource is required to achieve this, assess the current status, and plan works to bring buildings up to the required standard. There is currently a risk in relation to the lifecycle, maintenance and repair of Council assets which are operated by children's services (i.e. Lothian Villa Meadowmill and Olivebank) The need to ensure school security is enhanced and aligned between the asset and educational practice.	inspection will be carried out by a Building Surveyor / Structural Engineer. Areas where further investigation is required or where there is any indication of risk to users of a building have been isolated and removed from use pending consideration of remedial works required. Procurement for a Structural Engineer to investigate RAAC issues has been completed and site inspections currently underway. Risk highlighted at ELC PPP Monthly Meetings and at Innovate Board Meetings. Areas requiring immediate action highlighted to Innovate, PPP Provider, inspections carried out and reports received. Transformational work progressing to move to a Corporate Landlord Model and a fully functional, comprehensive property asset management system, possibly by expanding the capability of the existing CIPFA modules held by Engineering Services and Finance. The Learning Estate Improvement Strategy was approved by full Council in December 2022. An associated learning estate improvement plan is the final stages of development and will be used to support works associated with the learning estate. Education and Strategic Asset Management teams work closely to analyse the data provided by Education and identify requirements arising as a direct result of proposed development. An enhanced and robust school roll projection and class organisation system is in place in Education, which determines the future capacity needs of schools. Regular review meetings are held between Education, Planning, Finance and Strategic Asset and Capital Plan Management. Regular engagement with Care Inspectorate re-quality of care environment. Property Inspectors and the Asset Team within Engineering Services identify priorities on a 3-year rolling programme and implement within available budgets. Work is prioritised on a risk management basis, addressing statutory compliance matters first (fire safety, electrical, safety DDA etc.). PPP Team and Engineering team to review and align work streams related to asset security with Educational operational requirements and practice.			🟥	Surveys are well advanced and continuing and have already identified remedial works, some of which have been instructed. Remedial works may involve installation of access hatches or similar to enable ongoing inspection by a structural engineer. However, it is anticipated that certain areas identified shall require replacement roofing works and significant resource & budget to address these findings. Formal notification of further inspections by consultant appointed by ELC has been issued to Innovate, PPP Provider. 'Discovery Survey' Inspections have been carried out in all eight PPP properties. Further investigation is required in a number of areas. Significant issues have been identified in Preston Lodge High School and mitigation is ongoing. Issues have also been identified at Ross High School – Further investigation is progressing to establish the required action. Contingency plans are being prepared to mitigate restricted use or unavailability of parts of buildings following assessments. Council Management and Executive Team to be made aware of emergency planning proposals. Review on provision of the residential social care estate including contingency planning for re-provision of Lothian Villa (Meadowmill). The security of secondary school grounds will be reviewed with Education and will be prioritised in terms of risk and available capital and revenue budget. Work is ongoing. The security of primary school grounds will be reviewed with Education and will be prioritised in terms of risk and available capital and revenue budget.			🟥		

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				L	**I**	**L x I**		**L**	**I**	**L x I**		
ELC CR 3	Impact on Service Objectives

Financial

Legal | **Homelessness**

New policy approach rapid rehousing requires the Council to transform homelessness services, place people quickly into permanent accommodation, negating the use of temporary accommodation and requiring a significant reduction in temporary accommodation stock. Resource allocation, further exacerbated by a series of legislative change has been insufficient for service transformation and the approach has resulted in an inability to accommodate those in need, forcing use of non-contracted B&Bs / B&Bs out-with county.

Scottish Government require the implementation of a Housing First approach as a key priority, although no funding is available for ongoing revenue costs.

Legislative change regarding local connection came into force on 29th November 2022 and requires the Council to accept rehousing responsibility for additional homeless cases. This adds to increased pressures posed by discretion around intentionality and change in focus to deliberate manipulation of the system Changes to local connection have been enacted without preparation of Guidance which places the Council at risk in respect of threats of judicial review.

Continued levels of low stock turnover results in limited lets available and longer average time spent in temporary accommodation. Scottish Housing Regulator has noted this.

There is a higher financial cost burden for the general services budget due to increased costs as a result of a retendering exercise as well as increasing demand for suitable temporary accommodation, and lengthy stays in temporary accommodation, which is likely to increase further in light of anticipated legislative change.

Ongoing breaches of the Unsuitable Accommodation Order due to a shortage of 'suitable' temporary accommodation, with extension of the Order commencing October 2021 and subsequent daily breaches.

Enforceable temporary accommodation standards framework implemented from 2021/22 which further reduces the existing portfolio of 'suitable' accommodation.

Proposed changes to Homelessness Code of Guidance / new prevention duty pose further risk to existing practice / Homelessness Operations Policy. Implementation will result in increased referrals and a percentage increase in homeless assessments.

Reduced supply of private lets due to landlords' ongoing concerns re new Private Residential Tenancy, legislative change (energy efficiency and repairing standard), welfare reform impacts and cost of living increase, resulting in increased rents. This is further exacerbated by reliance on the PRS as a suitable housing option for Ukraine households, preventing their homelessness.

The cost-of-Living Bill (Scotland) has reduced the ability of landlords to recover tenancies extended to March 2024 and this will result in a significant number of households (currently with evictions on hold) presenting and requiring | Housing Options preventative approach to provision of advice.

Continued monitoring of RSL nomination process (new build and routine turnover).

Allocation Policy reduced number of offers for each Homeless applicant to 1, to encourage quicker throughput in temporary accommodation.

Cabinet approved recommended actions to address pressures relating to a lack of affordable housing supply and address homelessness pressures through delivery of an agreed action plan.

Cabinet approval of allocations targets to general needs / homeless applicants. Performance to targets kept under ongoing review. Cabinet approval of Allocations Policy Review.

Open Market Acquisitions increase supply prioritising the western part of the county, where demand is highest.

Housing First protocol in place and placements ongoing.

Significant work complete re policies and procedures to increase flow through the rent deposit scheme.

Audit of existing accommodation undertaken in advance of extension to unsuitable accommodation order.

Refreshed performance monitoring framework in place to enable improved ongoing monitoring of key aspects of service.

Fortnightly monitoring of voids performance to ensure turnaround times are kept to a minimum.

The Council Leader has written to the Minister noting the challenges around meeting our ambitions to deliver on our RRTP as a result of both recent and planned legislative changes, the impact of Ukraine and other Resettlement schemes and the risk that if interventions don't happen timeously the adverse impacts on our local housing system are significant.

Housing Options team provide housing options advice to all clients and try to mitigate situations of eviction and discuss housing options to assist others.
Government's Mortgage to Rent Scheme is available. | 5 | 4 | 20 | Further iterations of Rapid Rehousing Transition Plans (RRTP) with clear plans to transform homelessness services by 2024 and beyond, kept under regular review in context of resource allocation and changing legislation.

Continue new build activity to increase housing stock, exploring potential to further increase supply within context of the growth agenda.

Significant growth in mid-market rent properties coming forward.

Housing Options Training Toolkit to be rolled out during 2023/24, to improve homelessness prevention and complement new Prevention Duty anticipated late 2023/24.

Exploration of flat share / hosting models and shared tenancies ongoing, which could potentially make better use of existing stock.

Revised Homelessness Operations Policy to be put in place, alongside comprehensive review of existing policies and procedures, to ensure service is operating efficiently and effectively.

Improved partnership working with existing partners and neighbouring authorities could potentially result in new ways of working and economies of scale.

Continue to engage with the Scottish Government to review and monitor the impact that legislative changes and Resettlement Schemes are having on meeting RRTP ambitions to ensure any adverse impacts are addressed quickly. Engagement will likely focus on the concerns around local connection.

Significant work to improve void timescales could assist with improved flow through temporary / permanent accommodation. Project proposal for the clearance of the voids backlog in train.

Consideration of business case/options appraisal in respect of alternative forms of accommodation in response to forthcoming legislative change.

A new Consultative Draft LHS is under preparation, which will set out the challenges and actions for the next 5 years. | 5 | 4 | 20 | December 2023

March 2024

March 2024

March 2024

March 2024

March 2024

March 2024

March 2024

December 2023

December 2023

December 2023 | Risk updated by Head of Housing and Service Manager - Comm Housing & Homelessness September 2023 with no changes to risk scores.

Decision to move risk H1 to Corporate Risk Register following update by Service Manager – Comm Housing & Homelessness October 2022 with residual score increased from 16 to 20. |

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		temporary accommodation, towards March 2024. Linked to this, landlords are increasingly taking action to end tenancies due to mortgage interest rates rising on their own homes and / or homes they rent out.

Potential increase in service demand due to poverty and relationship breakdown associated with cost-of-living crisis are also likely to add pressure to the homeless team both in terms of staff and accommodation. Also likely to result in an increase in cost for temp accommodation.

Uncertainty over future funding of supported housing (DWP) and proposed changes in respect of restructuring the financing of temporary accommodation.

A focus is required on migrant homelessness and destitution in 2023/24, an area of complexity subject to limited Scottish Government flexibility.

Legislative change is likely to increase demand on homelessness services and corresponding duties to accommodate, meaning increased spend.

There are ongoing concerns regarding limited flow through the housing system and inability to accommodate people in emergency accommodation, due to lack of supply. This can impact upon the ability to source emergency accommodation at times of crisis, which can be particularly stressful for staff on call and leave homeless households without adequate shelter.

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, particularly in respect of the move in focus from a 'warm Scots welcome' to a 'warm Scots future'. 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 to some extent, 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 resulted in an inability to prepare an updated RRTP in June 2022. | Team in place in response to Ukrainian refugee situation from October 2022. | | | | A follow up letter is being drafted for the Housing Minister for further discussion and engagement asking for assistance to help alleviate some of these Housing Pressures, with a focus on the issues presented by legislative change regarding local connection.

Ongoing conversion of tenancies to enable RRTP targets re reduction in temporary accommodation to be met.

Increased focus on homelessness prevention for vulnerable groups, via transformation of Prevention / Response Teams.
Joint working with Adaero is ongoing, to create an emergency accommodation project for the exclusive use of on call staff.

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. | | | | April 2024

December 2023

December 2023

December 2023 | |

Risk Ref.	Risk Category	Risk Description	Existing Risk Control Measures	Assessment of Current Risk			Planned Risk Control Measures	Assessment of Residual Risk [With proposed control measures]			Timescale for Completion / Review Frequency	Evidence held of Regular Review
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				L	**I**	**L x I**		**L**	**I**	**L x I**		
ELC CR 4	Financial Service Objectives Legal & Regulatory	**Cost of Living Pressures and Economic Volatility** **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. The construction materials market is currently volatile due to a number of factors including Brexit, the war in Ukraine and the Pandemic impact upon the production and supply chain. Current market uplift percentage is in the region of 15% - 20%. Moving forward we predict a quarterly uplift of 5 % over the next year. Current challenges include: • Significant / unexpected upturn in worldwide workload • Covid-19 recovery & logistical constraints • Supply from the European Union • Hedging and bulk ordering • Increase in cost of raw materials – due to Covid-19, post-Brexit trading rules and rising oil prices. • Shortage of drivers of Heavy Goods Vehicles • The war in Ukraine and reduction in manufacturing These challenges have had significant impacts on construction, including: • Massive increase in demand is resulting in shortages on key products and placing strain on labour availability. • During the pandemic manufacturing facilities were closed and the world's distribution network 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 take up to 12 weeks to be delivered. • The war has impacted on Ukrainian steel production. The main impacts are live project delays, delays to future projects, cost increases, contractors unable to submit fixed-price Tenders, higher risks for contractors. The risks apply to capital and revenue-funded works for • Property • Roads • Housebuilding generally • Affordable housing programme • Voids and relets • Maintenance and lifecycle works in the operational / non-operational, 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.	Regular discussions with current suppliers around market conditions, and alternative specifications / materials. Close engagement and monitoring of national frameworks and conditions through Scotland Excel. Prioritisation – deciding which works are essential, balancing time, cost and risk, possibly delaying works until the market settles. Planning – assessing project programmes and possible procurement options. Reporting – providing information to funding bodies, Council management and other services. Monitoring – Continuing to liaise with industry bodies, working groups, other local authorities, the Scottish Government, suppliers and contractors to keep the Council informed. The Council is aiming to pre-order and provide enhanced stock management on certain materials where appropriate. Regular discussions are taking place on the Capital and Revenue Investment Plans. Continue to apply BCIS increases, monitor acceptance of offers and continue to maintain dialogues with framework contractors. Continue further engagement with Scottish Government, Government Agencies and Professional bodies. An enhanced review and on-going monitoring of the Council's capital projects remains on-going to identify financial implications associated with the cost of construction and ensure capital investment plans remains affordable.	5	4	20	On-going review of capital projects and plans exploring options for enhanced value engineering and prioritisation of specification and design parameters. Reviewing the opportunity to phase planned works rather than deliver wholesale projects. Consideration to delaying capital and revenue projects where appropriate and possible. Enhanced partnership working with HUB and major suppliers to enable pre ordering and project budget caps to be set - whilst this carries risk of increased front-loaded costs used correctly it can cap risk and enable controlled project delivery. Consideration of enhanced contract payments to transfer risk to the private sector – by paying upfront to cap project risks of escalating costs from Covid and material increases project caps can be set to limit overall risk to the Council. Wider review of approved Capital Plan and prioritisation – to ensure programme remains affordable and focussed on critical priorities. Enhanced contract management processes to drive efficiency and value.	4	4	16	The risk and all planned measures are reviewed / progressed on a weekly basis. All actions ongoing and dependant on decisions taken by UK Government	Risk reviewed by CMT, June 2023 with no change to risk scores. New risk created by Executive Director – Place, November 2022 by combining elements of previous risks on Rising Energy Costs, Brexit and Supply/Cost of Materials.

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		Risks have both financial and programme implications. Higher material and labour costs are not necessarily being reflected in the building cost indices (BCIS) used to vary building framework prices in line with Procurement rules. This could result in ranked framework contractors declining offers of work or tendering for future contracts.										
		Brexit / Labour Market Impacts & Replacement EU Funding The end of European funding streams places service provision (business support and employability) at risk. The labour market post-Brexit presents substantial challenge in terms of labour availability. This is particularly evident across key sectors: • Tourism & Hospitality • Farming & Agriculture • Facilities Management • Care • Transportation	UK Government have established the shared Prosperity Fund prospectus to replace previous EU funding arrangements. The council approved a Local Implementation Plan (LIP) for year 1 investment arrangements and awaits UK Government response. The Connected Economy Group (CEG) continues to take a partnership approach to assessment of Brexit related impacts providing connected support and advice to business and ensuring as far as possible aligned collegiate understanding in a continually 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.				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.					
		Rising Energy Costs Volatility in energy markets will result in significantly higher energy costs for the foreseeable future. Increasing rates will impact on the cost to operate buildings, street lighting provision, third party users of services, electric vehicle charging rates etc. Rising energy costs will indirectly impact the cost of other goods and services e.g. materials, consumables, transportation. Electricity, gas, and unregulated fuels (heating oil, LPG, and biomass etc.) rates have increase further in 2023/24. On 26/06/23, Scottish Government informed LAs of their intention to introduce a Management Charge to selected Procurement Frameworks: Electricity and Water & Waste Water Frameworks from April 2024 and Gas from April 2025. The Management Charge for Electricity and Gas will be based on a nominal charge applied to each meter used and the charge rate set will depend on meter type. This approach also mirrors current Industry Practice.	Electricity, gas and oil is procured through Scottish Procurement. While rates continue to rise Scottish Procurements purchasing strategy provided some protection throughout the volatility. It is anticipated that Suppliers will pick up the new management charges on the frameworks. However, this will, likely be, passed on to LAs. The Council's Energy Transformation Board seeks to improve energy efficiency and energy supply from renewable sources reducing reliance on fossil fuels. Energy Transformation Project Board have appointed an advisory partner to advance market development of solar, wind, gas hybrid and hydrogen opportunities. Some additional funding has been reflected in 2023/24 approved budget with the expectation that energy costs will continue to fall in future years. The Council has approved a number of existing mitigation measures aimed at controlling existing cost pressures including the need to ensure the temperature in all public buildings is maintained at 18 degrees maximum. Engagement through professional networks to support national discussions on wider market conditions and supporting interventions.									

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			Energy controls and thermostats are being used to reduce temperatures across the estate monitored to weather patterns and the Asset team are mothballing and reducing property use and portfolio where possible. The UK Government has introduced temporary arrangements to place price caps on energy supply costs for consumers and introduced and the Energy Bill Relief Scheme for businesses, although these remain under review. Community Windpower has made a £1m donation to East Lothian to support local people with energy costs and the cost of living over the winter, to 31 March 2023. The Council operated as a 'trusted partner' of the scheme being run through Advice Direct, submitting applications on behalf of clients in receipt of benefits or otherwise in financial hardship. The scheme paid up to £1,200 per eligible household to 3 March 2023.			🟥					🟧		
		Increased Financial Hardship The financial implications from COVID and subsequent concurrent economic volatility has continued to impact on the financial position of local business, local households and the Council. Low-income households spend a larger proportion than average on energy, food and interest payments and will therefore be relatively more affected by increases in prices. Businesses are being significantly impacted by cost base rises including energy costs, and staff shortages (often attributed to EU exit), putting pressure on margins and viability, as well as pushing up the prices charged to consumers and the availability of some goods and services. These factors continue to increase pressure on Council services in respect of welfare / poverty, employability, and business support. The council's 2022/23 budget included funding from the Local Authority Economic Recovery (LACER) Fund to provide support to low-income households, as well as a one-off contribution from reserves to support low-income households. No equivalent funding has been made available through the 2023/24 budget, meaning that the council's capacity to support residents experiencing financial hardship has reduced. Given significant demands on the Scottish Welfare Fund (SWF), the Council has now moved assessment criteria from 1 September 2023 to the 'highest and most compelling'.	**Support for Residents** Some welfare benefits have changed in response to this in order to help alleviate financial hardship, and some additional national funding has been made available to support those in need. All teams are continuing to provide support and advice for EL residents and businesses struggling financially at this time and are continuing to encourage those who can continue to pay to do so. The Revenues Service has developed a new leaflet 'Helping with the cost-of-living crisis', which is being widely publicised by all Revenues teams and other Council services to make sure that details of the help and support available is well communicated to local residents. **Support for Businesses** The Connected Economy Group (CEG) continues to take a partnership approach to assessment and monitoring of energy related costs to business and makes representation to UK and Scottish Governments in the context of temporary and medium-term mitigation measures as well as providing connected support and advice to business and ensuring as far as possible aligned collegiate understanding in a continually challenging and dynamic environment. **Scottish Welfare Fund** The Council Leader has written to the Scottish Government highlighting concern at the SWF position. Officers have engaged with Scottish Government officials and Scottish Public Services Ombudsman to notify them of these changes.			🟥	The Council is continuing to promote the 'Boost Your income' campaign. East Lothian Poverty Plan – Action Plan Update is in progress for submission to Members Library Service in June 2023. A cost-of-living survey of council tenants has been conducted and the outputs will be considered by the financial inclusion team and poverty working group.			🟧		

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ELC CR 5	Capacity	**Workforce Challenges** Maintaining a stable and skilled workforce is essential to efficient, effective and safe delivery of services. Reduction in skilled, qualified and experienced workforce would result in an inability to provide good quality services, increased pressure on existing staff and increased likelihood of poor operational performance e.g. operating below required regulatory standards, potential harm to employees and / or the public, and reputational damage. Pressures in the recruitment market are compounded by reductions in staff attendance due to sickness absence, maternity leave and annual leave – placing additional pressure on the remaining 'at work' workforce. Post-COVID-19 response, some of the Council's workforce are experiencing mental health issues, lowered resilience and fatigue. The recruitment market is challenging due to low levels of unemployment locally and a lack of specialist professional and technical within the market, exacerbated by Brexit related workforce supply issues within key sectors e.g. Facilities Management and Hospitality. The Council's salary and grading structure for the Local Government Employee Group may not be competitive compared to other employers making it more difficult to recruit qualified staff to a wide range of posts. Attractive employment opportunities in other sectors risks staff migrating out of Council service into less stressful, often better paid, employment, where terms and conditions of employment can be negotiated. The Council decision on 29 August 2023 to introduce a temporary recruitment freeze for many posts and to introduce a delay to the current recruitment process creates an additional pressure for service delivery and for staff health and wellbeing. This will also have an impact on customers and community life leading to possible reputational damage to the Council. These pressures have resulted in a reduced ability to provide the full range of services to the public and impact on the Council's ability to provide internal support services e.g. Legal services. Reflecting these workforce risks, the following services are currently operating under Business Continuity Plans: • Facilities Management • Estates • Children's Services - Support & Intervention • Waste Services – Garden Waste • Housing Options Team • Legal • Forestry Squad • Finance • Connected Communities (Port Seton Centre and Pennypit) Failure to preserve business critical activities within these services could lead to increased risks in respect of 'life and limb' services, finance and severe reputational damage to the Council.	The 2023-2027 Workforce Plan was approved by Cabinet (Jan 2023). The 2023-2027 Workforce Plan actions are being implemented. There is a corporate action plan resulting from the Employee Engagement Survey 2023 which has been integrated into the Workforce Plan and actions will be monitored through the Workforce Plan Action Plan, of which CMT has oversight. A recruitment task group has been established (August 2022) with representatives from key services and an action plan drawn up with various options being explored by HR and services. The HR service in conjunction with Corporate Communications are reviewing community-based advertising methodologies e.g. poster campaigns, pro-active social media campaigns and recruitment fairs. A number of school career events in the diary over Autumn/Winter 2022. Regular assessment of staffing capacity within services enables redeployment of available resources to maintain frontline service delivery, reducing service provision when essential in non-statutory services. Staff have opportunity to work additional hours and overtime when appropriate to service needs. Essential vacancies are advertised within the approved Recruitment & Selection Policy processes and in accord with budgetary controls criteria instigated by Council in August 2023. The Council has agreed 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). Agency staffing is utilised within Agency procurement frameworks in extremis to meet service needs. Developing graduate intern opportunities to meet service professional requirements. Managers continue to apply the Managing Attendance Policy. Initiatives are in place to help employees manage their own stress, including Employee Assistance Programme, Listening Ears, Healthy Working Lives Organisational Development and Healthy Working Lives briefings to staff and managers on techniques etc. to support staff to maintain mental health and wellbeing.	5	4	20	Employee Engagement Survey 2023 conducted, results analysed and action plans are in development by services. A 'You said/we did' update is planned and planning is underway for the 2024 survey.	5	3	15	March 2024	Risk updated November 2023 by Service Managers – CP&I and Customer Services with no change to risk scores. Risk Refreshed November 2022 by CMT – amalgamating previous CR6, CR 15 and CR 18 – composing one 'workforce challenges' risk. Risk refreshed November 2022 by CMT Sub-Group on Corporate Risks with current score increased from 16 to 20 and residual from 12 to 15 given number of services in BC mode.

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				L	**I**	**L x I**		**L**	**I**	**L x I**		
		Certain services such as FM, Garden Waste, Housing Options and Children's Services are likely to remain within Business Continuity arrangements for some time due to absence and recruitment challenges. Insufficient staff can also lead to an inability to open facilities, or to reducing opening hours/days, impacting on local service access and reducing community programmes of activity. A lack of cross-service staff capacity to meet emergency response requirements and any other concurrent risks e.g. winter weather emergency, refugee response, avian flu outbreak, ash dieback et al., would increase risks to public safety, bringing reputational damage to the Council. The Council recognises that a large proportion of the workforce is aged over 55 years and many staff with significant knowledge and experience could leave the Council leaving the Council at risk in key areas – an inability to recruit impacts on succession planning and risks key specialist roles remaining unfilled. The Council has a duty of care to the workforce, a breach of which may affect the health, safety and wellbeing of employees leading to increased sickness absence, pressures on service delivery and added potential for employee liability claims against the Council for incidents involving employees or non-employees or enforcement action by the Health & Safety Executive. Areas which have been identified as posing a particularly high level of risk to the workforce are: • Manual Handling • Stress / Mental wellbeing • Lone Working • Unacceptable Behaviour • Risks from Public Monuments • Safe Driving at work • School Trips	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. Service Reviews involve inputs from HR and Finance to ensure appropriate role and grading definitions within the service and broader corporate context. Efficient deployment of Disclosure Scotland checks. Review of recruitment options, online and face to face, in progress. Induction programmes for new employees have been updated. CMT operate a Business Continuity Plan and maintain up-to-date training in Emergency Planning and Response. Business Continuity Plans activated as necessary, reducing scope and scale of service delivery to focus existing resource on business critical and statutory functions. As an example Garden Waste collections which are non-statutory will remain on a monthly cycle to protect statutory services. 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. Support is provided by Amenity services to supplement the winter emergency response team. Provision of LGV licence training to increase capacity amongst drivers within services e.g. to drive gritters. Service planning and mitigations, public information issued. Emergency Response debriefs are carried out e.g. most recently into Storm Arwen noting lessons learned and promptly implementing subsequent actions. Service planning and mitigations, public information issued. Investment in apprenticeships, Graduate Trainee opportunities and targeted recruitment e.g. With schools, colleges and universities. Refresh of Flexible working Policies - Homeworking and Worksmart - maximising work options for LGE staff. Health, Safety and Wellbeing Strategy in place.			🟥	Through Services Planning and PRD processes continue developing leadership resilience and capacity within existing resources and risk controls.			🟧		

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			All employees receive corporate and service appropriate induction including Health & Safety.

All staff have job outlines and follow the PRD process ensuring all are role-capable and trained to perform safely in their roles.

The Joint Health & Safety Committee and Joint Consultative Committee oversee joint health and safety arrangements for all staff.

Management Arrangements in place outlining the responsibilities of each level of management and employees. A rolling programme of audit and inspection of management arrangements is being undertaken, covering:

Manual Handling
Stress
Lone Working
Safe Driving at Work
Fire Safety
School Trips

HoE guidance issued on Fire Safety in July 2023, full suite of Head of Establishment Guidance updated and issued in November 2023.

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.

Health and Safety Training needs are identified from project plans and Risk Assessment findings. An annual programme of training is delivered.

Linking-Risks Sub-Group to the Corporate Risk Management Group Management Meetings ensures effective risk management oversight between Health & Safety Service, Insurance Service, Information Governance Services and Internal Audit Service to ensure cohesive oversight of risks associated to staff and public duty of care – reporting to the Corporate Risk management Group, Chaired by Head of Communities. | | | **(Total: 20 – red)** | Update Management Arrangements:
• Legionella Management
• Fire Safety
• First Aid | | | | April 2024 | |
| ELC CR 6 | Reputational | **Information Security and Data Protection**

Heightened Risk Due to Wars in Ukraine & Gaza
Due to the current conflict in Ukraine & Gaza 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.

Increasing Number of Cyber Attacks on Suppliers
The number of cyber-attacks on suppliers to Local and Central Government has increased significantly in recent months and shows no signs of abating. | Continue to follow advice and guidance from the National Cyber Security Centre, UK and Scottish Governments and Local Government Digital Office and react accordingly.

Programme of regular patching of systems and hardware in place.

Phase out hardware and software when it reaches its end of life or out of support dates. | 5 | 4 | 20 | | 3 | 4 | 12 | | Risk Refreshed by Team Manager, Information Governance November 2023 with no change to risk scores.

Risk refreshed July 2023 by Service manager – IT and Team Manager, Information Governance with no |

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				L	**I**	**L x I**		**L**	**I**	**L x I**		
		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 council's information and may cause a Council wide failure of central IT systems (incl. Telephony) caused by a malicious attack by hackers, virus, trojan, disclosure of information or Fire/Flood event. Attacks via spam emails containing infected ransomware attachments continue to be high. Should these emails manage to break through Firewalls and Intrusion Detection Systems there is a high possibility of file encryption at both a local and network wide levels. During 2020/21 high profile attacks against supply chain and other Scottish public bodies has shown this risk has not decreased. An increase in the use of Cloud facilities and our dependence on suppliers having remote access to our networks means our security risk from external influences has increased and our security posture needs to change to meet these new challenges. The Cabinet Office introduced a zero-tolerance approach for all LA's connected to the Public Sector Network (PSN). Scottish LA's use the PSN to register Births, Marriages & Deaths and connection to DWP for benefit provision. We have to re-accredit to this network every year and must meet stringent requirements. Failure to do so would mean disconnection from the PSN. In 2017 the Scottish Government introduced the Cyber - Public Sector Action Plan which sets out the minimum-security standards for all public bodies New ways of working and shared buildings including the proposed Collaborative Hub between the Council, Police and other parties present new risks and challenges to maintaining IT Security and Data Privacy. Procedures, appropriate design of workspaces and staff training are needed to mitigate risks. **Data Protection** Under the Data Protection Act 2018 and the UK GDPR, the Council is required to ensure that personal data is processed lawfully, fairly and securely. Breaches of the Data Protection Act / GDPR could result in: - harm to individuals; - legal action; - fines of up to £17.5 million or 4% of turnover, whichever is higher; - requirement to pay compensation; - adverse publicity; - damage to reputation The Council has a mandatory 72-hour window in which to report relevant breaches to the Information Commissioner's Office. Limited security, procedural and environmental controls at the Dunbar Road records store mean that records and	**Information Security** The Council complies with the international standard ISO 27001:2017 as the framework for its ISM system. As part ISO27001:2017 a number of control areas are set out : IS policy; IS organisation; Human resources security; Asset management; Access controls and managing user access; Physical & Environmental security of all sites/equipment, Secure communications, Data handling and Data Protection (including paper documents); Secure acquisition, development, and support of information systems; Security for suppliers and third parties; Information Security Incident management; Business continuity/disaster recovery (to the extent that it affects information security); Annual IT health checks on the existing infrastructure. New systems are risk assessed and security checked prior to introduction to ensure they meet expected criteria. Council Information Governance and Security (IGS) Forum co-hosted by the IT Team Manager – Infrastructure and Security and the Team Manager – Information Governance / Data Protection Officer. The DPO/Team Manager-Information Governance & Team Manager – Infrastructure & Security (CISO) are members of the Collaborative Hub Working Group and the JMH User Group and provide advice and support re: compliance & Info Security. Acceptable use policy for all ELC employees has been refreshed and is now live following consultation. All employees will be expected to read, re-sign and adhere to the policy to keep themselves and the Council safe. **Data Protection** The Council has a comprehensive suite of measures to ensure compliance, including the retention of a statutory Data Protection Officer (DPO), the Data Protection Policy, Data Breach Procedure and multiple procedures governing the creation, use and disposition of records and personal data. IS, DP and Records Management Awareness training is a mandatory part of induction and must be refreshed every two years. E-learning module content was refreshed and redesigned in May 2022. The ELNet pages for Information Governance also include templates, guidance and information to support corporate compliance. A new Team Leader-Information Governance took up her post on 31 July 2023, whose brief includes									
							Data Protection <u>Training & awareness</u>: The DPO, Team Manager- IT Infrastructure & Security and Communications teams are progressing a Communications Plan including Inform briefings, e-mail updates and other training and briefings to reinforce awareness of data protection and information security across the Council; Newly recruited Team Leader is commencing consultation with Council Services to identify training gaps/needs. <u>Information Transformation Strategy</u>: The Team Manager–Information Governance and Team Manager-IT Infrastructure & Security are drafting an Information Transformation Strategy and associated Action Plan to underpin the Digital				June 2024 Ongoing	change to risk scores. Risk updated March 2022 by Team Managers – IT Security and Information Governance with current risk score increased from 16 to 20 due to war in Ukraine.

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		personal data are at risk of security breach and/or accidental loss or destruction. The shift to home/digital working in response to COVID-19 has also placed additional pressures to digitise paper records management systems and ensure new ways of working remain secure. Requests for personal data (SARs) have increased significantly in both number and complexity (50% increase on Jan-May 2022). Increase is partially attributable to the indirect impact of the Scottish Child Abuse Inquiry and the launch of the Redress Scheme. Combined impact with staffing challenges, increase in FOI requests and disproportionate impact of a number of frequent requesters, the Council is at higher risk of missing statutory timescales for responses. This gap continues to rise year-on-year. DP compliance is dependent on good records management. The Council's Records Management Plan 2014-2019 needs to be formally updated to account for GDPR/DPA18 as well as changes to recordkeeping practice across the Council. This is also a requirement of the Public Records (Scotland) Act 2011 (PRSA). Current pressures on Registration service and increased demand from Services for review of Data Sharing Agreements / Data Protection Impact Assessments are impacting capacity to address Records Management.	leading the Information Governance training and awareness programme. The Council's Records Management Plan (RMP) covers how the Council manages its records and includes links to our IS, DP policies and retention schedule. There is an annual assessment of Progress of Records Management Plan by The Keeper's office. The Council is planning formal re-submission of its RMP for the Keeper's approval (date tbc). The Council has a close working relationship with SOLAR (Society of Local Authority Lawyers and Administrators) and attends meetings regularly. These meetings are also attended by the Information Commissioners office. The Council also attends and currently chairs ASLAWG (Archivists of Scottish Local Authorities Working Group) to share best practice with other record keeping professionals. Records Management Plan: 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. A Digital Preservation Policy has been drafted and prepared for review by relevant stakeholders. 5 departments have completed reviews of the Retention Schedule to map to their own records with support from the Information Governance Team. Information Asset Register: 3 workshops have been completed with Feedback. Procurement and Economic Development to identify data flows and risk points. This is a key compliance measure under Article 30 of the UK GDPR and the Council's Records Management Plan. DSA/DPIA Process Reviews completed: DSA and DPIA processes have been reviewed and simplified, with reduced waiting times. Team Leader now taking on new DPIA requests allowing Team Manager to address backlog. Dunbar Road Options Paper: CMT has approved proposals to contract out paper document management services, including records storage, retrievals, metadata management, scan-on-demand and secure destructions. Information Strategy Work continues to implement Microsoft 365 across corporate Council Services; consultant workshops have now been completed and migration of email to Microsoft Exchange near completion with new 5-year retention rule applied going forward. Data Protection/Records Management training delivered as needed to Asset Review Champions.				Strategy and Business Transformation agendas and 'to ensure the right information gets to the right person, at the right time, and in the right format'. Records Management Plan: All 14 elements of the Council's RMP will be reviewed and updated, focusing particularly on secure destruction, digital preservation, application of retention schedules and changes to ways of working. Paper document management: Procurement exercise to identify best value for document management services for all paper records. Existing contract has been extended with supplier Oasis by six months to allow for completion amidst other service pressures.				Ongoing March 2024	

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				L	**I**	**L x I**		**L**	**I**	**L x I**		
ELC CR 7	Physical and/or Psychological Impact on People

Legal & Regulatory | **Refugee/Asylum Schemes**

Both the UK and Scottish Government have responded to the Ukrainian humanitarian crisis by introducing refugee schemes that are largely required to be administered by local authorities. These schemes are broader in scope and of a significantly greater scale than previous 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.

Current challenges include, but are not limited to:

• Complexity and variation between four different schemes (Homes for Ukraine (H4U), Scottish Super Sponsor & Family Visa& H4U Extension Scheme (UES)
• Constant changing and revision of national guidance, which continues to evolve through ongoing discussion between SG, COSLA, Home Office and local authorities.
• Being clear on different funding arrangements, scope and operational deployment
• Being clear on extent of safeguarding responsibilities and wraparound support
•
• 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:
  o Disclosure checks
  o Property and welfare visits
  o Wraparound support
  o Refugee payments
  o Host payments
  o Interface with Education and HSC
• Clarity as to whether funding will continue going forward at what level and in what form
• Potential increased homeless and housing demand (where hosting arrangements break down)
• 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 of MS Victoria, with households placed in hotels across central Scotland is creating additional service pressures in respect of homelessness and availability of temporary accommodation.
• 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. | Cross-Service Oversight Group meetings in place.

Cross-Service Working group in place. Additional resources identified within Community Housing & Homelessness (CH&H) secured to deal with administrative tasks and casework.

Additional development resource identified from CH&H to provide third sector interface, assist with improvement work, address local community issues and maximisation of resources (internal and external)

Regular attendance at meetings with SG, Home Office and COSLA.

ELC Website page in place.

ELC Ukraine enquiries contact email address set up.

Initial dedication of two-full time officers from Housing Options team to set up procedures, team interfaces, casework and administration of schemes.

Database of hosts and families created comprising all administrative aspects (disclosures, property checks, payments, education requirements etc.).

Ongoing case management of hosts / guests, where appropriate.

Resource requirements of other service areas identified and in operation, including the contribution of colleagues in HR, Protective Services, Finance, Education, Customer Services, Communications Team and HSC.

Cross-Service agreement of how Disclosure checks will be undertaken, conduct of home visits, and administration of payments have been secured and procedures in place.

Jira safeguarding system in place.

Children's and adult social work undertaking wellbeing assessment visits to all families.

Privacy Statement signed off.

Unaccompanied Asylum Seeking Children (UASC) are currently being supported by the Aftercare Team in children's services, making use of accommodation within the My Place project. Managers attend regular national meetings to ensure we understand best practice.

Clarity on funding at national level, notwithstanding ongoing changes. | 5 | 4 | 20 | Internal processes and procedures to be reviewed to identify improvements required, going forward.

Quantification of Scottish Super Sponsor scheme (SSS) numbers, data integrity work, background checking to be done by CH&H resource

Quantification of future resource demands to be identified and articulated through oversight and working group meetings.

Improvement works to ensure processes and resource deployment are as effective as they can be.

Working closely with SG & COSLA to inform future iterations of Guidance for clarity and confirming with SG & COSLA colleagues that ELC cannot source social housing properties as housing pressure continues to be extreme.

Children's services are developing a host families scheme to provide accommodation and support for UASC.

Work with ALACHO, SOLACE, COSLA and others to ensure future funding arrangements are adequate, in accordance with the revised approach to a 'warm Scots future'. | 4 | 3 | 12 | March 2024

December 2023

March 2024

December 2023

December 2023

December 2023

March 2024 | Risk refreshed by Service Manager September 2023 with no changes to risk scores.

Risk created 9th May 2022 by Head of Housing. |

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		• 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, resulting in significant aborted work around matching. • A change in Scottish Government policy focus from a 'warm Scots welcome' to delivery of a 'warm Scots future' within the context of wider homelessness and housing pressures.	Successful recruitment of two Tenancy Support Officers.									
ELC CR 8	Reputation Financial	**Climate and Nature Emergency** East Lothian Council has statutory duties to mitigate its emissions, further biodiversity conservation, adapt to climate change and act sustainably. The Scottish Government's Climate Change Act (2009) requires the Council to support the delivery of the national net zero targets and adaptation programmes. The risks associated with the responsibilities are: • Failure to meet our statutory duty under Scotland's Climate Change Act (2009). • Failure to meet our statutory duty under the Nature Conservation (Scotland) Act 2004. • Lack of financial and staff resources to mitigate emissions and deliver the net zero interim target by 2030 and full target by 2045. • Lack of financial and staff resources to proportionately respond to the nature emergency. • Unknown costs of the transformational change needed to adapt to climate change impacts. • Risk aversion, particularly in relation to new technologies that could support mitigation and adaptation. • Reputational damage and failure in corporate social responsibility if climate action and biodiversity conservation are not mainstreamed across the Council. • Lack of/unclear funding and unbudgeted costs to reduce carbon emissions, e.g., for the transformational changes needed in Fleet[1] and Asset[2] Management. The latest IPCC sixth assessment reports show that we have reached a tipping point where we will face extreme weather and climate change impacts despite efforts to mitigate greenhouse gas emissions. To cope with these risks we need to ensure that our adaptation efforts are as ambitious as our mitigation actions. The State of Nature Scotland Report (2019) found that 49% of Scottish species have decreased in abundance and 11% are under threat from extinction. Failure to halt biodiversity loss and restore nature will have a detrimental impact on our environment, economy, jobs, health and wellbeing and impact our capacity to adapt to and mitigate the climate crisis. The Council is making progress in reducing the Climate and Nature Emergency risks. However, there is an urgent need to secure the funding, resources, tools and powers to enable us	Annual reporting to the Scottish Government to track CO$_2$e reductions and delivery of adaptation programmes. Reporting to the Scottish Government every three years on the actions the Council has taken to meet our Biodiversity Duty. Annual reporting to the Council to track actions and delivery towards ELC's Climate Change Strategy (2020-2025) to achieve net zero by 2045. This includes actions to support and enhance nature / biodiversity and enhance green networks. Quarterly Cross-Party Sustainability Forum meetings to ensure tracked progress and follow up of the Council's declaration of a climate emergency. Quarterly Climate Change Planning and Monitoring Group meetings to ensure Council-wide commitment to the Climate Change Strategy and Action Plan. 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. The Council's COVID Recovery and Renewable Framework, in which a Green Recovery from COVID is a key principle. To address the climate change and nature emergency risks, the Council collaborates with: • Sustainable Scotland Network (SSN) and the Scottish Government, guiding public authorities to implement the National Climate Change Plan Update (Dec 2020). • Adaptation Scotland and SSN, ensuring consistency and collaboration between public bodies in the response to the climate emergency. • Scottish Biodiversity Officers' Network and the Scottish Government to implement the Scottish Biodiversity Strategy and ensure consistency and collaboration between local authorities on biodiversity matters.	4	4	16	Identify budget and funding streams to continue delivering transformational change to Fleet and Asset Management (e.g. staff resources to chase funding opportunities and support services to access them). Secure the tools, powers and resources to enable the delivery of a 'Net Zero Council'. Identify interim emission reduction targets across Council Services and implement a monitoring & evaluation framework in response to this. Engage East Lothian Partnership to include carbon emissions reduction targets in review and update of the East Lothian Plan. Work has commenced with Strategic Assessment Workshops and the internal Community Wealth Building Working Group. Re-engage with the Resilient Communities initiative, to prepare East Lothian residents for emergencies and severe weather events. Progress made: internal adaptation workshop with Senior Council Managers, community workshop with East Lothian Climate Action Network planned. Monitoring and reporting to be set up to track progress following the Council's declaration of Nature Emergency in October 2023, including a report to Council and monitoring and discussion on an ongoing basis after this by the cross-party Climate Change and Sustainability Forum. Work with stakeholders through the East Lothian Biodiversity Partnership to develop the East Lothian Biodiversity Action Plan, to identify priorities for action to reverse biodiversity loss and identify interim targets for nature recovery.	3	4	12	Ongoing with annual review 2025 - annual review Ongoing with annual review Ongoing October 2024 December 2023 September 2025 with annual review thereafter	Risk updated November 2023 by Sustainability and Climate Change Officer, Biodiversity Officer, and Team Manager – Strategy, Policy & Development with no change to risk scores.

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				L	**I**	**L x I**		**L**	**I**	**L x I**		
		to deliver net zero and become nature positive. Until then, our capability for transformational change to reduce these risks is uncertain. [1]Fleet Management: We need to replace public sector fleet vehicles with ULEV by 2025. However, funding from the Scottish Government is limited and focused on smaller vehicles. Shifting ELC's heavy commercial fleet to a UNLEV platform will require additional unbudgeted funding. Currently, the cost of an EV refuse collection vehicle is 2.5 times more expensive than a fossil-fuelled equivalent. Another cost implication is the charging infrastructure needed to support these vehicles. [2]Asset management: We anticipate the costs of transformational change for our built assets to reach net zero to be substantial. To achieve net zero, we need to ensure that capital is available (e.g. capital for asset reconfiguration, energy efficiency measures, energy generation, etc.). It is key to manage Council assets in line with the climate change agenda.	• NatureScot, who provide guidance on and funding for management of natural heritage resources. • Transport Scotland, funding ELC's ULEV public sector fleet objective (2025). NB, funding options are limited to be 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. 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). The Council works to protect and enhance species and habitats within its land holding through the work of the Countryside Rangers and Amenity Services, including the development of Nature Networks within its urban landholding, and works closely with partners, community groups and through the planning & development process to protect and enhance biodiversity and green networks across the county, to deliver actions set out in the Green Networks Strategy SPG, Open Space Strategy, Climate Change Strategy, Countryside Site Management Plans and Nature Networks in Parks & Greenspaces Action Plan. The East Lothian Biodiversity Partnership has been re-convened to develop and update East Lothian's Local Biodiversity Action Plan. Carbon Literacy Training is currently being rolled out to staff. The Council has set a target of training 500 staff members by 2027, as this is one way to comply with our statutory duty in the Climate Change (Scotland) Act 2009 that public bodies must act sustainably. Raising climate literacy helps each department to identify action and contribute to mitigating and adapting to climate change. Climate emergency workshops have been held with the Area Partnerships in NBC, Musselburgh and PSG to integrate climate action in the Area Plans. Meetings with Association of East Lothian Community Councils to discuss the climate impacts in the area and actions needed. Meet with Association of East Lothian Community Councils to discuss the climate impacts in the area and actions needed.				Convene the East Lothian Biodiversity Partnership to identify priorities for action to reverse biodiversity loss and identify interim targets for nature recovery. Identify funding streams and partners to continue delivering projects to conserve and enhance biodiversity on a local and landscape scale. Work with Community Councils and Community Groups to raise awareness of the nature emergency and identify local actions.				September 2024 Ongoing with annual review Ongoing with annual review	

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				L	**I**	**L x I**		**L**	**I**	**L x I**		
ELC CR 9	Legal & Regulatory	**Limitation (Childhood Abuse) (Scotland) Act 2017** Introduced on 4 October 2017 removing the three-year limitation period for civil actions arising out of childhood abuse (defined to include sexual abuse, physical abuse, and emotional abuse) relating to children who have been in the care system. The Act covers the period prior to 2004. In conjunction with the Scottish Child Abuse Inquiry there is an increased likelihood of survivors coming forward which will potentially result in financial pressures if historic claims of child abuse (see definition above) are made and upheld against East Lothian Council as the statutory successor. There is no way of knowing how many claims may be made (i.e. all 'living' potential claimants). It is not anticipated that this number will rise significantly, although claims may still be received. The Council's insurers have indicated that they will cover appropriate external legal costs and compensation payments However, the requirements to comply with SCAI S21 requests are placing significant strain on internal resources within the legal, social work and records management teams for which there is no additional budget. The Child Abuse Inquiry continues to extend its investigations into other areas which may affect the Council. The Inquiry recently considered foster care. There are currently two claims arising from foster care against the council. Judith Tait as CSWO gave evidence to the SCAI about the experiences of children in foster care in East Lothian. There may be more claims relating to foster care being made against the Council. The next phase of the Inquiry is in relation to residential schools and includes the previous St Joseph's, Tranent. Claims have been presented to successor authorities of LRC in relation to this establishment. Redress Scotland established to provide survivors with an avenue to compensation where they do not wish to submit a claim directly to a successor organisation. Where the Redress Scheme is not used, any legitimate claimant may still raise action against ELC. Note that there remains a period from 2004 to present which is not covered by Scottish Government proposals/legislation for compensation schemes and as such any legitimate claim arising would need to be taken forward through ELC and/or Insurers.	It is a requirement under the act that the abuse occurred at a time when the individual was a child which is defined as being under 18. Child Abuse Claims Group and SCAI Overview Group – East Lothian co-ordination of responses, reported strategically, managed flow and collaboration. Close monitoring of the work of the Scottish CAI itself and review of any published materials. Scotland-wide networking and information sharing on SCAI between authorities. Council has appointed external solicitors to provide legal support for the public fostering inquiry. Records Management expertise allows us to respond effectively to SAR requests and information requests / provide evidence. However, increase in volume of SAR requests received, not just in this area, are placing more pressure on the Information Governance team to be able to coordinate further work as required throughout the Council, to improve our records management systems to make them more efficient. Cross Lothian collaboration on Lothian Region period 1975 to 1996 (and predecessor authorities) re-records management etc. Accurate records post 1996 relating to East Lothian Council clients. Council Financial Reserve – may reduce the impact to service provision if claims extend beyond budget. 2023 update: further discussions to be held between successor LRC local authorities due to emerging risks of limits of indemnity and future allocation of claims. The Scottish Government redress schemes is available for potential claimants to pursue. Where a survivor submits a claim to the redress scheme and accepts the compensation offered, a waiver is signed so that they may not submit an insurance claim. The maximum amount of compensation through Redress Scotland is £100,000. Regular discussions with Council's Insurance providers and brokers to ensure risk continues to be covered and/or mitigated to allow regular review for sufficient budgetary provision for any additional costs/claims that may not be covered by insurance.	4	4	16	Discussions planned to consider how to ensure sufficient staffing resource available to deal with claims, court actions, and submission of S21 requests and recovery of documentation and to preserve the Council's position. Fully engage with the SCAI to anticipate and forecast future claims and ensure ELC is represented well in the public hearings. Ensure current social work practice with children who are accommodated away from home meets high professional standards and complies with legislation and national standards to ensure they are safe and reduce the likelihood of any 'new' claims arising. Full review of the overall Council Records Management systems and behaviours required to be undertaken to streamline obtaining the relevant information requested. Counsels' opinion has been sought in relation to historic liabilities for the former LRC and a meeting is due to take place soon to discuss.	4	3	12	All measures reviewed quarterly at cross service catch up meeting and will be ongoing for some time.	Risk reviewed November 2023 by Insurance, Legal and CSWO with no changes to risk scores. Risk reviewed May 2022 by Chief Social Work Officer with planned score increased from 9 to 12.
ELC CR 10	Physical and/or Psychological Impact on People Service Objectives Legal & Regulatory	**Flooding and Coastal Erosion** As the incidence of flooding and coastal erosion increases as an impact of Climate Change, there is an increased risk of disruption and damage to road and path networks, impact on public and community safety, property, businesses, harbours and natural heritage sites and an associated increase in claims against the Council.	In December 2021, a Flood Risk Management Plan covering the Forth Estuary catchment over the 2022-28 (Cycle 2) period was published. In March 2023, the Forth Estuary Local Flood Risk Management Plan covering 2022-28 was published. This publication outlines the specific objectives and actions to be undertaken to mitigate flood risk in the East Lothian area and complies	4	4	16	Flood studies for Dunbar, West Barns & North Berwick (Coastal), Cockenzie, Port Seton, Longniddry & Prestonpans, and Tranent & Macmerry have been included in the 2021-28 Flood Risk Management Plan and the 2022-28 Forth Estuary LFRMP.	3	3	9	2023-2028	Risk reviewed and updated July 2023 by Senior Engineer - Flood Protection, with no change to assessment of current scores.

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				L	**I**	**L x I**		**L**	**I**	**L x I**		
			with East Lothian Council's duties under the Flood Risk Management (Scotland) Act 2009. The Forth Estuary Local Flood Risk Management Plan (LFRMP) 2022-28 identifies actions such as river and coastal flood studies, awareness raising and maintenance which are subject to funding. Musselburgh Flood Protection Scheme is proposed to be funded 80% by Scottish Government. The delivery of flood protection schemes is reliant on funding. An updated Timeline of Outline Design for the Musselburgh Flood Protection Scheme was approved in October 2022 and a large-scale community consultation event took place to present the preferred outline design in June 2023. In the months beforehand, five local area consultation events were held in February and April 2023. Flood risk and drainage issues are considered when processing planning applications and within long-term development planning. This assessment is aligned to new policy within National Planning Framework 4 (NPF4), published February 2023. The Severe Weather Response Plan has been developed and ensures a co-ordinated and consistent multi-agency response across the county. Emergency surface water, coastal and river flooding procedures are in place and have proven effective. A Shoreline Management Plan has been produced. Advice on dealing with flooding is available on the Council website and directs people to the relevant websites, including SEPA's website. The Council is working with various organisations to promote and progress "Resilient Communities" as per the Scottish Government initiative "Ready Scotland". Communication with vulnerable groups regarding access and assistance during severe weather events. Maintenance of existing flood protection schemes. Improvements to introduce a risk-based process of undertaking watercourse inspections and delivering appropriate clearance and repair of watercourses was implemented in 2022.				As part of the 2022-28 Local Flood Risk Management Plans Flood Protection Schemes for Musselburgh and Haddington are included in the list of actions for the Forth Estuary Local Plan District. ELC have undertaken Flood Studies for Musselburgh and Haddington within the 2016-2022 FRM cycle and are currently progressing the Musselburgh Flood Protection Scheme which is a fully established project. It has completed three of its nine stages and is currently progressing Stage 4 (Outline Design) of the Scheme Design in accordance with the project's PRINCE2 Project Management System. Musselburgh FPS is not yet approved under the Flood Risk Management (Scotland) Act 2009 – the formal approval process will take place in early 2024 once the Outline Design stage is complete. The Council's Severe Weather Response will be tested in an Emergency Planning exercise during 2023-24 which will incorporate Flooding.				2023-2028 2024 2023-2024 2023-2024	

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				L	**I**	**L x I**		**L**	**I**	**L x I**		
ELC CR 11	Financial Service Objectives Legal & Regulatory	**The Impact of the National Care Service on East Lothian Council** The Scottish Government proposal to establish a National Care Service, which could extend to all adult social work and social care services, children's services, justice social work services will result in the largest re-organisation of local government since the creation of single tier local authorities in 1995/96. The National Care Service (Scotland) Bill was 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. On the 12th July 2023, SG and COSLA confirmed that they had reached an initial consensus agreement that accountability for the NCS would be a partnership between SG / LG and NHS. This included that the workforce and assets currently within local authorities, would remain there in the new NCS. In November 2023, COSLA reported some emerging uncertainties including that SG intended to retain as much of the NCS Bill as possible and were taking a 'maximalist approach' to NCS integration and delegation including for Children's Services and Justice Social Work. At its inception, the council detailed concerns at the risk involved in this proposal which were detailed in the Council's response to the Scottish Government's consultation on its proposals (report to Members Library, November 2021). The potential for elements of the proposed changes to lead to improved outcomes for vulnerable people is acknowledged. However, there remains uncertainty on any unintended consequences of the changes on how effectively and efficiently the council can continue to meet its statutory obligations.	The council provided a detailed and comprehensive response to the Scottish Government's consultation on its proposals, outlining the concerns and risks involved in the creation of a National Care Service (report to Members Library, November 2021). Council officers will actively engage in National Professional networks and feedback any relevant information to the working group. CMT will continue to monitor the development of the proposal and report as appropriate to the Council. Council agreed to delegate authority to the Exec Dir of E&CS to respond to consultation exercises, and submit evidence, in respect to the Scottish Government's proposal for a National Care Service for Scotland and the National Care Service (Scotland) Bill.	5	3	15	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.	4	3	12	In line with Scottish Government decisions	Risk reviewed November 2023 by Executive Director, Education & Children's Services with no change to risk scores. Risk reviewed September 2023 by Director of ELHSCP and Chief Social Worker with no change to risk scores. Risk reviewed July 2023 by Executive Director, Education & Children's Services and reviewed by CMT August 2023 with current score reduce from 20 to 15 and residual score from 20 to 12. Risk reviewed July 2022 by Executive Director - Education & Children's Services and Head of Children's Services with the residual score increased from 16 to 20 due to the uncertainty around what the Council can do to treat the risk.
ELC CR 12	Physical and/or Psychological Impact on People	**Public Protection – Risk of Harm** The Council has a legal responsibility to address concerns that may require a Child or Adult protection response. The Council also has an obligation to manage offenders through the Justice Social Work service and contribute to MAPPA arrangements. It should be noted that by the very nature of the work involved in Child Protection, Adult Protection, management of offenders and people experiencing domestic abuse this is a high-risk business even with all the controls and measures in place. Any failure to adequately respond to concerns may negatively impact on children and adults, who may be at risk of harm. This could also result in serious harm/death to an individual/s, prosecution, having to pay compensation and have a negative impact on the reputation of the Council. A failure to secure efficient and effective Public Protection arrangements, covering Child Protection, Adult Support and Protection, local MAPPA arrangements, Violence against Women and Girls (VAWG) and Substance Misuse services,	Strategic Structure The East and Midlothian Public Protection Committee (EMPPC) is the local strategic partnership responsible for the overview of policy and practice in relation to Adult Protection, Child Protection, Offender Management and Violence Against Women and Girls. The primary aim of the Committee is to provide leadership and strategic oversight of Public Protection activity and performance across East Lothian and Midlothian. It discharges its functions through four sub-groups which meet quarterly: • Performance and Quality Improvement sub-group maintains overview of work through the door and performance in relation to CP and ASP work • Learning and Practice Development sub-group takes forward our 2021-23 strategy for multi-agency training and oversees our training programme. Training needs on aspects of Public Protection are considered by this group	3	4	12	Awaiting feedback from Scottish Government. L&D Work has begun to refresh the knowledge and understanding of both CMT and SMT that child protection is everyone's responsibility and to ensure that this key message is communicated and understood by all staff. Under the new East Lothian Safety and Justice Strategic Partnership, the national strategy Equally Safe will be progressed through its own dedicated sub-group. The East Lothian Partnership's establishment of the new Community Safety and Justice Partnership, and creation of its 3 supporting groups – Community Safety Group, Community	2	4	8	All controls are ongoing. March 2024	Risk reviewed September 2023 by Director of ELHSCP and Chief Social Worker. Risk refreshed October 2022 by General Manager - Adult Social Work and Public Protection Team Manager with current score reduced from 16 to 12 and residual score from 12 to 8. Risk reviewed and refreshed by Public Protection Team Manager, March 2022. Risk reduced from 20 and 20 to 16 and 12 due to an improving picture.

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		may see the Council being unable to fulfil its statutory duties/duty of care which could contribute to a service user suffering harm/death or detriment. This would in turn result in reputational damage to and increased scrutiny of the Social Work services. There are continuing issues with the delivery of Social Care Services within the Care Home and Care at Home sector. There is the potential for a service failure which could place vulnerable adults at risk of harm. There has been a long-standing waiting list for an Outreach Service from Women's Aid Mid and East Lothian which is the specialist service provider for Women experiencing or having experienced domestic abuse. There is a funding gap created by non-recurring revenue streams and increased demand. In the context of rising demand for domestic abuse supports in the county, the council's arrangements for delivering Equally Safe, the national strategy to eradicate violence against women and girls requires a stronger strategic and partnership focus. Without this, East Lothian will not reduce the numbers of people experiencing harm through domestic abuse. Police Scotland had proposed unilateral changes to information sharing arrangements within MAPPA that would have had serious repercussions for the safe operation of MAPPA and the council's ability to deliver its duties as a responsible authority. Whilst the imminence of this risk has been reduced by extending the deadline for the change, the underlying barriers have not been resolved and some uncertainties remain around operational joint working between ELC and Police Scotland. East Lothian has no access to ViSOR. There are currently a small number of vacancies at senior leadership level arising from the Head of 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.	and are informed by Training Needs Analyses undertaken by the East Lothian Workforce Development Officers in Children's Services and the HSCP. • VAWG delivery group keeps oversight of services for gender based violence • East and Midlothian MAPPA Group (EMMG) oversees MAPPA arrangements. Level 1 training for Child Protection and Public Protection training are available via Learn-Pro. Critical Services Oversight Group (CSOG), Provides governance and leadership of EMPPC on a quarterly basis. The CSWO is chair of the local Strategic Oversight Group for MAPPA and actively involved in national and local discussions around MAPPA information sharing, supported by ELC legal and justice services. The East and Midlothian MAPPA Group provides oversight and assurance of local MAPPA performance and practice. The CSWO remains actively engaged in national meetings aimed at achieving a long-term solution to the MAPPA information sharing / ViSOR issue ahead of the implementation of the replacement system MAPPS. The CSWO will continue to provide regular assurance of the safety of MAPPA practice to the CEO. The CSWO and Chief Executive are fully sighted on the current situation regarding VISOR. Access to ViSOR requires Non-Police Personnel Vetting L2 or L3 and is a highly intrusive process. Colleagues in legal, Information Governance and HR have advised that JSW staff cannot be instructed to undertake this vetting and confirmed that JSW need access to the information that ViSOR holds only, not the system itself, to fulfil their duties under the Management of Offenders (Scotland) Act 2005 on which MAPPA is based. Acting Up' arrangements in place whilst recruitment process is underway to fill the permanent posts. Marac (Multi-agency risk assessment conferences) continues to operate on a four-weekly basis, by Microsoft Teams, with additional meetings scheduled to respond to increase in demand, ensuring that the needs of and supports to highest risk victims of domestic abuse are planned for on a multi-agency basis. East Lothian Safe and Together implementation group continue to meet to review and maintain oversight of training and embedding S&T in practice in East Lothian. This is monitored via EMPPC Learning and Development Sub-group. A Joint Strategic Needs Assessment for Public Protection has been progressed and is monitored by CSOG. This project increased demand for			 	Justice Group and Equally Safe Group – will see a renewed focus on community safety and justice priorities during 2023/24.			 		

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				L	**I**	**L x I**		**L**	**I**	**L x I**		
			services and makes a number of recommendations for the future delivery of Public Protection services. ELC H&SCP Management attend NHS Gold meetings where the capacity gap is detailed and set in the context of the wider system risk caused by challenges facing NHS Lothian acute sites. ELC H&SCP have regular Care at Home Oversight Group Meetings to monitor the levels of provision of essential care at home. The councils' CSWO attends this meeting to ensure discharge of assuring the quality of care. This will remain in place until there is assurance of stability. Care at Home service provision continues to be monitored via East Lothian and Midlothian Public Protection Committee and Critical Services Oversight Group which both meet quarterly. A risk management tool has been developed in relation to Care at Home to provide consistency in how the providers are assessing their capacity to respond and deliver their required level of service. Policies, Protocols, Procedures and Guidance are in place, subject to ongoing review and update and available on Public Protection website: www.emppc.org.uk. Chief Social Work Officer (CSWO) fulfils statutory role and responsibilities, overseeing and reporting on Public Protection issues to Chief Executive and Elected Members, reporting annually to Council giving oversight of Public Protection performance including assessment of risks and pressures. The Council, through the CONTEST Oversight working Group, Chaired by Head of Communities, continues to work towards delivering the UK Government's Counter Terrorism strategy, known as CONTEST, of which Prevent is a key element. EMPPC has a Prevent referral pathway. The Lead Officer for Adult Protection leads the Council Officer forum supporting learning, practice and process consistency in Adult Protection. All Regulated Services e.g. Care homes, residential units for young people and Schools are inspected by Care Inspectorate and Education Scotland. Improvement plans are implemented following Regulated Services inspections. Weekly Care at Home Oversight Group established to oversee and manage risks in relation to staffing. Both the Lead Officer for Child Protection and Adult Protection participate in Inter-agency Referral Discussion Overview Group, which reviews and provides quality assurance of the decisions taken to manage vulnerable children and adults' risks.				Contest Oversight Working Group reviewing forthcoming Protect Duty and obligations, relating to counter-terrorism security and safety measures in public places/spaces: final UK Government legislative requirements awaited.					

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				L	**I**	**L x I**		**L**	**I**	**L x I**		
ELC CR 13	Service Objectives Legal & Regulatory	**Duty of Care to Public** The Council has a responsibility to provide care and support for the people of East Lothian and East Lothian's environment. Any breach of this duty of care may compromise legislative duties, health, safety and wellbeing, impacting on, for example, the protection of children and adults. Failure to fulfil the duty of care could also result in serious harm/death to an individual/s, prosecution, having to pay compensation and have a negative impact on the reputation of the Council. Additional pressure within this area caused by external providers struggling to deliver through staffing issues. The Council took out QBE policy in 2021 with Medmal, which now includes cover for some intrusive medical intervention (e.g. tube feeding or assistance with diabetic pumps). However, prior to this there is a 5-year period where the Council was without any cover, the claims for which may not be submitted for many years (particularly if it relating to children) meaning this risk will remain for some time. Members of the public access services in many public buildings which require to operate within statutory health and safety requirements relating to the building itself, and spaces within it. Some services are provided in the outdoor public realm. Failure to operate services safely both within ELC buildings and in outdoor spaces could risk harm to members of the public and staff, resulting in injury, financial liability and reputational damage. Serious and Organised Crime (SOC) poses a physical and virtual threat, be that human trafficking, drug supply, sexual exploitation, fly-tipping, fraud, unsafe consumer sales et al. These risks can include cyber-attacks, corruption, bribery, IT system infiltration, human 'plants' into organisations. SOC poses risks to our communities through targeting of vulnerable people and their properties e.g. to act as conduits for drug supply, door-step fraud, on-line crime et al.	Prioritise maintenance of safe staffing levels for all statutory services the partnership delivers. Briefing sessions, specialist training and supports are in place. Regular formal supervision in place for all staff including completion of PRD's and e-KSF, focusing on specific and agreed development needs. Clinical & Care Governance Committee established 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. Specific oversight groups established e.g. Care Home, Health & Safety and Risk Management. Review ongoing through bi-weekly Care at Home meetings chaired by General Managers. Services comply with required professional registration standards for all staff. "Safer Recruitment" practices and PVG checks embedded. LSI mechanism in place with reporting structure through PPC. Regular engagement with the Care Inspectorate reviewing services in place. Risk assessment documentation shared with providers with client RAG in place to ensure services are prioritised for those most at risk. Council owned buildings and open spaces subject to strict management and maintenance regimes, with all requisite risk assessments and safe operating arrangements in place. Effective Partnership working with Police Scotland, immigration and HMRC. Anti-social Behaviour Oversight Group operates and oversees Serious Organised Crime Multi-Agency Action Plan. Effective oversight of all aspects of Public Protection through the East and Midlothian Public Protection Committee. Trading Standards oversight of safe consumer practices and promotion of call blocking devices. Trusted Trader Scheme in operation. CONTEST and Prevent counter-terrorism arrangements in operation overseen by East and Midlothian Public Protection Committee.	3	4	12	Review of oversight and governance arrangements for assessment. Alteration of the workforce model for delivery of care at home services including expansion of internal delivery. Comprehensive pathway modelling underway lead by Head of Operations HSCP. Refresh of Serious and Organised Crime Multi-Agency Plan, aligned to review of Anti-social Behaviour Strategy.	2	4	8	Ongoing Ongoing Ongoing April 2024	Risk reviewed September 2023 by Director of ELHSCP, Head of Communities and the Head of Children's Services/Chief Social Worker with SOC Risk and mitigations moved from Communities Service Risk Register by CMT Risk Sub-Group Risk reviewed April 2023 by Head of Operations, H&SCP with no change to risk scores. New risk created November 2022 by Head of Operations, H&SCP.

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				L	**I**	**L x I**		**L**	**I**	**L x I**		
ELC CR 14	Physical and/or Psychological Impact on People Service Objectives	**National Power Outage** The National Electricity Transmission System (NETS) transports electricity across Great Britain. Total failure of this system would cause a nationwide loss of electricity supplies instantaneously and without warning. This would cause cascading failures across multiple sectors including telecoms, water, gas, sewage, food, health and fuel, and cause significant disruption to public service provision and most businesses and households. These disruptions could lead to physical and psychological casualties or fatalities due to the loss of the services relied upon by many, especially those with health and wellbeing vulnerabilities. ELC must be prepared, as best we can, to respond and recover should widespread electricity failure ever occur. Communications will be seriously interrupted, the care of vulnerable people will become hugely challenging and the continued provision of our critical activities, highlighted within our Business Continuity plans, will be seriously tested.	Backup generator at Penston House with Fuel to power essential emergency facilities for up to 8 days. Fuel Plan in place for the provision of fuel to backup generators and essential vehicles. Critical services have up to date business continuity plans, exercised annually. IT Back-up generator at JMH for vital server equipment. IT has completed a significant amount of upgrade work to the IT infrastructure to remove single points of failure. 3 x Airwave Radios Terminals are available for our use. These terminals are currently stored at Haddington Police Station and allow for communications with other category 1 emergency responders during incidents. Airwave Terminals are tested by the emergency planning team every 3 months.	2	5	10	Awaiting Scottish Government national framework for National Power Outage response. Complete ELC NPO framework Plan to assist the Council, should an NPO occur, to have processes in place to deal with the ongoing challenges and recover from the impacts of the power outage. Lothian and Borders Local resilience Partnership (LRP) have issued a final draft of their own NPO framework which outlines the multi-agency considerations for L&B LRP in the event of an NPO. Training exercise and incorporating in to ELC response documentation to be completed. Planned Starlink and RAYNET install at Penston house TSCC/ECC. All services to carry out an annual BC test based on NPO. Space X Starlink Satellite System to be installed at Penston house to provide Internet connectivity during NPO. Deployable Space X Starlink Satellite system to be developed to allow for internet connectivity at ELC facilities remote to Penston house such as Offices, Depots, Rest Centres and Media Briefing centres. Purchasing of resilient radio communications equipment including 4G/Wi-fi enabled radios to work with Starlink and RAYNET equipment. Purchase power banks to allow for charging of mobile phone and laptops and powering 230V devices.	2	3	6	December 2023 December 2023 December 2023 December 2023 August 2024 December 2023 December 2023 April 2024 April 2024	New risk created by Emergency Planning & Resilience Team, November 2023.
ELC CR 15	Physical and/or Psychological Impact on People	**Severe Weather** There is a risk that severe winter weather will lead to an increase in demand for gritting and snow clearing of roads/footpaths which exceeds normal capacity and supplies of salt. This could result in travel disruption, difficulties for people in accessing services, failure to maintain refuse collection timetable and school closures at short notice as well as a possible increase in insurance claims related to pothole damage. Communities may become isolated, particularly in rural areas, due to heavy and prolonged snow. In such cases communication with residents within these isolated areas may become difficult as they become cut off, possibly aligned to power failure caused by strong winds and/or the weight of snow on the lines.	East Lothian Councils Winter Maintenance Plan has been in place for some time and ensures that the main transport routes are treated as priority. The Council has a Severe Weather and Adverse Events Policy in place for all staff while the Council has its own mitigating measures for its own estates/property during severe weather. During Severe Weather events our Contact Centre becomes the first point of contact for any issues to be raised and responded to whilst our Communications team shares warnings and other relevant information with the public as this becomes available. The ELC Severe Weather Response Plan has been developed over many years and ensures a co-	3	3	9		3	3	9		Risk reviewed and updated July 2023, with no change to assessment of current scores.

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				L	**I**	**L x I**		**L**	**I**	**L x I**		
		There are limitations to the service the council can offer. The Council Roads team focus on treatment and snow clearing of the main priority road network, made up of the major routes where the majority of vehicle movements take place and also includes accesses to hospitals, ambulance stations, fire stations, other emergency service establishments, railway stations and schools. Primary Routes are treated and cleared of ice and snow first and then the Roads team move onto Secondary Routes and finally tertiary and minor routes which include residential areas, cul-de-sacs. During periods of extreme weather and heavy snowfall when roads and footways are affected by significant levels of lying snow, priority will be given to primary carriageway routes and primary footpath routes with resources deployed on these specified routes continuously until satisfactory snow clearance has been achieved before resources are deployed to any secondary routes and tertiary routes, so it maybe some time before we can attend to these areas.	ordinated and consistent multi-agency response across the county. This plan is reviewed annually in conjunction with support from partner agencies. The ELC Severe Weather Response plan includes reference to and improvements learned from the 'Beast from the East' (snow) incident in 2018 and Storm Arwen. The Council's Salt Barn has a capacity of 8,000 tonnes to meet demand arising from severe cold weather. A fourth-generation SXL framework was approved by Executive Sub Committee in August 2022. This framework has commenced for salt for winter road maintenance for the period 1 November 2022 until 31 October 2026. Snow clearing equipment has been supplied to Primary Schools. Community Councils through Resilient Communities are able to request winter response equipment from the Council. These requests are considered as per their need. A number of grit bins are provided to enable self-help gritting of adopted roads and footways. Resilient Communities are encouraged to survey the grit bins in their area and report back to the Council if new bins or grit is required. Winter Maintenance operatives are trained to SVQ or equivalent in winter gritting and snow clearing. Winter Maintenance Duty officers trained as Winter Service Supervisors to City and Guilds level. The majority of Community Councils have Resilient Community Groups who have created their own emergency response plans or asset registers of volunteers/skills available at a time of crises. Each Resilient Community has its own Single Point of Contact (SPOC) and deputy for resilient matters including severe weather. Communication and good working relationships have been created and maintained with these SPoCs/deputies by ELC Emergency Planning staff. Work continues with the Resilient Communities and also involves other voluntary groups such as Tenants and Residents Groups. ELC organises an annual workshop for Resilient Communities which allows lessons learned and best practice to be discussed and progressed. It also allows for the public to meet responder agency staff such as the 'blue lights', SEPA and the utility companies. ELC finances all 20 Community Councils' annual insurance premiums ensuring that Insurance is not perceived as a barrier to invoking such plans. Training and awareness sessions, related to the activation of the ELC Severe Weather response plan, are completed on a regular basis. Partner agencies are often involved.									

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				L	**I**	**L x I**		**L**	**I**	**L x I**		
ELC CR 16	Physical and/or Psychological Impact on People Legal & Regulatory	**Communicable Disease Outbreaks of Public Health Significance** ELC continue to liaise with NHSL Public Health Service, and wider national and international reports e.g. World Health Organisation, to monitor public health advice and guidelines relating to all public health outbreaks e.g. legionella. Pandemic, et al. The ability to quickly and effectively respond to any declared national or local public health outbreak remains embedded in Civil Contingency Act 2004 first responders e.g. NHS, Police, Fire, Councils.	Processes in place to establish proactive communicating and encouraging compliance with all government and public health authorities' advice and reducing the impact/spread of misinformation by relying on information from trusted sources. Established mechanism to stand up the Council Management Team (Critical Incident Response Team) to oversee and direct the Council's response to any public health outbreak. The Council has had to adapt is delivery of services beyond the COVID pandemic and now subsequent concurrent challenges including the cost-of-living crisis and ensuing economic volatility. The COVID-10 Recovery & Renewal Plan interventions are now embedded within the Council Plan and are also overseen by the East Lothian partnership. Resilience Direct continues to be available for use to share information on a multi-agency basis. Business Continuity Plans in place in all services leading to staff continuing to work from home unless it is essential for them to be in their place of work. Public Health Scotland has published (September 2022) National Respiratory Surveillance Plan and also Plan for Monitoring and Responding to New SARS-Cov-2 Variants and Mutations. These plans detail how an effective and efficient surveillance service will be delivered in Scotland and sets out how the identification, investigation, risk assessment and response in relation to COVID19 variants and mutations will be carried out. The document recommends local authorities to stand ready to support any operational roll out of a VAM response. Protective Services continue to have regular engagement with NHS Lothian Health Protection Team and are ready to work in partnership with NHS Lothian in relation to standing up a response where required. HSCP continues to support delivery of the COVID19 vaccination programme. Resilient Communities Groups exist in each Community Council area and Groups are ready to stand-up when required. Volunteer Centre East Lothian collaboration over support for local Third and Voluntary sector organisations able to respond to consequences across communities. The Council provides a prime source of local EL public information, constantly updated, in the	3	3	9	Ongoing deployment of JCVI vaccine and booster programme and liaison with NHSL and PHS relating to any public health outbreak to inform service interventions and timely community information and updates re service delivery and ongoing safety measures.	2	3	6	All measures are live and monitored on a weekly basis.	Risk reviewed September 2023 by Director of ELHSCP and no changes required. Risk reviewed April & May 2023 by Head of Operations, H&SCP with current risk score reduced from 12 to 9 due to service not seeing a significant impact and residual score reduced from 9 to 6 once vaccine fully rolled out.

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				L	**I**	**L x I**		**L**	**I**	**L x I**		
			Council Website as well as regular updates on Social Media platforms. HSCP are following NHS and ELC guidance on staffing and using JPF to monitor the situation.									
ELC CR 17	Physical and/or Psychological Impact on People Legal & Regulatory	**Threat of Terrorism** Delivering the UK Government's Counter Terrorism (CT) strategy, known as CONTEST (comprised of four components - Prevent, Protect, Prepare and Pursue). All Local Authorities in Scotland are required to comply with the statutory legislation issued under section 24 of the Counter Terrorism and Security Act 2015 that relates to Prevent. Failure to discharge this duty could mean sufficient steps are not taken to prevent an incident taking place, under Prevent, and could result in the Secretary of State issuing a direction to the Council via the powers within the act and would also result in a loss of reputation and negative publicity.	Multi agency 'J' Division CONTEST Meeting attended by East Lothian Council representatives. ELC has established a CT WG chaired by the Head of Communities with members consisting of CMT, key senior managers, Police Scotland and a QMU representative. ELC has appointed senior members of staff as SPoC (Head of Children's Services) and Deputy SPoC (Head of Education) for Prevent as per statutory guidelines. A SPoC for Prepare and Protect although not a statutory requirement, has also been appointed (Emergency Planning, Risk and Resilience Manager). Under Protect the CMT are prepared should the Government raise the Security Level to Critical. Service Business Continuity plans take this into account. This includes staff working from home as a result of council facilities being closed during any emergency response. ELC follows and contributes towards the 'J' Division Contest group implementation plan. The SPOC Prevent Group in the East of Scotland is attended by the ELC SPoC. Prevent Multi–Agency Panels Chair (SPoC) and Depute (Service Manager Adult Social Work and General Manager Children's Services respectively) identified to chair multi-agency meetings established to discuss any referrals. Regular internal and external communication of any national counter-terrorism updates. Information regarding Protect and Prepare is received from the National Counter Terrorism Security Office. This information is then circulated to appropriate key ELC staff and local businesses. A Prevent working group, chaired by the Head of Children's Services, meets regularly and a Prevent reporting process has been established. A refreshed Prevent Delivery Plan has been completed and has been approved by the ELC Contest group. Progress of the Prevent delivery plan will be monitored through quarterly Prevent working group meetings and reporting to EL Contest group. Joint training (with Midlothian) for PMAP members was undertaken.	3	3	9	Awareness-raising sessions are being arranged with Police colleagues with independent service providers operating in East Lothian. CT police are offering bespoke Prevent training across other council services and supporting managers to update paper-based training materials for manual staff. Further service specific Prevent training is being arranged for children's and justice social work services. Roll out and 2022/23 uptake of mandatory Prevent e-learning will be reported to the Prevent working Group. Review and implement learning from Exercise Safe Steeple.	2	3	6	March 2024 March 2024 March 2024 May 2024 March 2024	Risk refreshed by Head of Communities, Contest Working Group Chair, November 2023 – no change to risk scores.

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				L	**I**	**L x I**		**L**	**I**	**L x I**		
			Home Office PMAP training was provided for managers in justice, children's and adult social work services. ELC have submitted an annual assurance statement of compliance with Prevent to Scottish Government in relation to the new statutory guidance for Prevent and PMAP (Feb 2021). Education personnel are fully engaged with Prevent and appropriate filters have been installed on the Education infrastructure. Updated Prevent referral pathway has been agreed with EMPPC and communicated on the intranet, including the new national Prevent referral form. A Prevent – Counter Terrorism e-learning module is available on Learn Pro and is a mandatory learning module for staff. UK Government Home Officer e-learning for the new Protect Duty rolled out from March 2023, signposted to services/staff working in complex public buildings/venues and in outdoor arenas. ELC Emergency Planning, Risk and resilience and members of CMT attended Exercise Safe Steeple, March 2023, led by SGov Resilience to exercise multi-agency response to a marauding terrorist attack. The ELC Prepare and Protect SPoC liaises with Police Scotland and in particular the CT team to ensure current information on these areas is circulated to appropriate ELC key staff and staff in general if required. The SPoC also ensures important information is uploaded onto the ELC Intranet.									
ELC CR 18	Service Objectives Legal & Regulatory Physical and/or Psychological Impact on People	**Business Continuity** Failure to ensure currency of Business Continuity Plans could lead to services not having a robust response to an incident affecting their service area or critical services may not be maintained, while critical services for the public could be affected and statutory requirements not completed. Non availability of: • premises, through fire, flood or other unexpected incident; • key staff or significant numbers of front-line staff for any reason e.g. a Pandemic. • systems (IT, telephony, power failure etc.). • any form of transportation due to a fuel shortage. The occurrence of any of these may have an adverse effect on the Council to function fully and to complete critical services and statutory requirements.	Business Continuity Framework Plan in place and regularly reviewed. Business Continuity Plans are maintained for all service areas, giving details of minimum levels of staff, alternate locations, exercise and review dates and version control. The Chief Executive has a statutory responsibility for the ELC BC process. The Heads of Service remain responsible for ensuring the BC process is completed within their area of work. Each service area now has a Single Point of Contact (SPoC) and deputy who are responsible for, their services BC Plan, exercising this plan and ensuring it is maintained. All BC Plans are managed through Continuity² Software. The Council carried out a Council Wide Business Continuity Exercise in November 2019 which successfully tested the BC capabilities of the	2	4	8	Progress Business Continuity Plans with Education and H&SCP in order that each School and Care Home has a plan.	2	3	6	March 2024	Risk refreshed November 2023 noting changes to risk description and mitigation measures whilst no change to risk scores.

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				L	I	L x I		L	I	L x I		
			Council. Each Service carries out an annual BC exercise. ELC staff have access to an e-learning package on Business Continuity which was reviewed and refreshed during March 2021. Business Continuity Plans are invoked as Services suffer BC issues with a fortnightly update of those plans invoked provided to CMT. An IT Disaster Recovery Plan is in place and will be regularly updated when any changes take place in the main data centres. For single server failure - there are over 100 systems now running on virtual servers which automatically fall over to another server if there are hardware issues. Specific disaster recovery arrangements are in place for the critical systems of telephony, e-mail and social care. Controls that are in place to prevent and limit the effects of IT system unavailability including firewalls, anti-virus software, system/data backup routines, and resilience in the form of a back-up generator for the main data centre at JMH. All Services asked to consider a National Power Outage as part of their BC Plan. ELC services are encouraged to take all risks that may impact on East Lothian into account when completing their Business Continuity (BC) plans as an example, severe weather or electricity failure or extreme staff shortages. BC plans are key to ensure ELC services continue to provide their critical activities.									
ELC CR 19	Legal & Regulatory	**Failure to maintain, review & exercise Emergency Planning, Incident Response and Management** Failure to maintain, review and exercise Emergency Contingency Plans and to comply with current guidance and legislation or to contravene current legislation, which may result in severe penalties as well as an ineffective response to an emergency. Any ineffective preparation and planning for potential crises and disruptive events such as those reflected within the Community/UK Risk Register, that directly relate to the council as a 'Category 1 Responder' may result in the council's inability to effectively respond and manage the event in a way that minimises harm to the community, our employees and the reputation of the council. For example, connectivity between partner agencies during a response to spontaneous events/incidents is challenging due to several agencies using different software and platforms.	Contingency plans in place, to address risks as identified in the UK National Risk Register and that are most likely to impact on East Lothian, including generic, site, event and response specific. Incident response processes and resources are identified in contingency plans. Training and exercises to ensure emergency arrangements remain 'fit for purpose' and to test the robustness of contingency plans. Ensure 'key' ELC staff continue to stay abreast of incident/ emergency response arrangements and processes and are aware of their role and how they integrate with multi-agency partnership working. The Council works with Community Councils (CC) and other community groups e.g. Tenants and Residents Associations to promote and progress 'Resilient Communities' as per the Scottish Government initiative 'Ready Scotland'. The council communicates directly with community groups as risk warnings are received. Resilient Community Single Points of Contact (SPoC) are in place for the majority of CCs and are fully aware of their responsibilities.	2	4	8	Ongoing communication with ELC 'Resilient Communities'. Several more Community Councils are considering creating Resilient Communities plans following their response to COVID-19. Future Emergency/Resilience training will be progressed with ELC staff, strategic, tactical and operational to take account of the gaps that have occurred due to COVID 19 and changes to Council Management team and to senior staff/roles. A full Level 2 nuclear exercise will take place in 2024. An ELC response plan for incidents of significant electricity failure, also known as power loss or blackout, will be created alongside Scottish and UK Government guidance. Such an incident will have major impacts for all councils and there are no easy answers with a major such incident expected to last up to 7 days. However, this plan will ensure ELC is prepared, as much as it can be, to	1	4	4	March 2024 August 2025 June 2024 March 2024	Risk reviewed by EP, R & R Manager, November 2023 with no change to risk assessment scores.

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				L	I	L x I		L	I	L x I		
			Corporate emergency planning arrangements are in place, including media/public information and social care arrangements. Working with other Category 1 and 2 Responders e.g. Police Scotland, Scottish Fire & Rescue Service (SFRS), Scottish Ambulance Service (SAS), Utility companies etc. as defined by the Civil Contingencies Act 2004 to ensure an effective and integrated response. Debriefing processes are followed, when appropriate, to enable lessons learned to be fed back into contingency planning. 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. BC plans are key to ensure ELC services continue to provide their critical activities.				respond and recover from such an incident.					
ELC CR 20	Legal & Regulatory	**Equality** Failure to meet duties and legislative requirements of the Single Equality Act 2010. The Single Equality Act 2010 and related guidance places a general duty on public authorities to be active in promoting equality, eliminating unlawful conduct and fostering good relations. It also places specific duties on public authorities to • report on mainstreaming the equality duty. • publish equality outcomes and report progress. • assess and review policies and practices. • gather and use employee information. • publish gender pay gap information. • publish statements on equal pay. • consider award criteria and conditions in relation to public procurement. • publish in a manner that is accessible. The Scottish Government has introduced the Fairer Scotland (socio- economic) duty. This will require the Council to consider the impact of our work on those living in poverty. The Council will need to respond to the full requirements of this new duty and raise awareness of the requirements on the Council. There is a risk that the Council may not be able to meet its general or specific duties and in particular at a time when difficult budget decisions are having to be made that there will be cuts in services or increases in charges that have a disproportionate impact on people who may need those services most because of their equality background. The Council would be open to legal challenge of not meeting its duties and in particular of not carrying out adequate assessment of impact of policies and budget decisions.	ELC Equality Plan 2021-2025 was adopted in November 2021 and is now being implemented. This includes the commitments made by East Lothian Council as a Licensing Board and as an Education Authority. The plan outlines our commitments: • Continue to lead a culture where respect, choice and understanding is fostered and diversity positively valued. • Maintain a working environment where unlawful discrimination, harassment, victimisation or bullying is not tolerated. • Continue to develop our understanding of the needs of different individuals and communities in a time of rapid change. • Continue to embed the equality agenda in all our work and contribute to the early intervention and prevention approach adopted by the Council and its Partners. • Improve understanding of the impact of poverty and inequality on people's lives; and • Ensure that we plan and deliver services which meet modern standards of delivery and that are inclusive of a wide range of different needs from digital services to face to face interactions. The Poverty Plan has been reviewed and produced for the period 2023 – 2027. Delivery will be monitored by the Poverty Working Group and the new East Lothian Partnership Governance Group. 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.	2	3	6		2	3	6		Risk reviewed and updated November 2023 by Service Manager – Improvement, Policy & Communications with no change to assessment of current scores.

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				L	I	L x I		L	I	L x I		
			Continue to embed the use of the Scottish Government's Sustainable Procurement Tools into procurement procedures.

The Health & Social Care IJBs (East & Midlothian and City of Edinburgh) along with NHS Lothian use the 'checklist and IIA form' package. East and Midlothian Councils use the IIA form only package.

As per our statutory obligation, HR is annually capturing the Employment Monitoring information required under the Act. This is reported publically alongside the requirement to publish an annual Equal Pay Report.

ELC Equalities Mainstreaming Annual Report 2022-23 published.

ELearning equalities modules are available on Learn Pro and 'Get in on the Act' guides to the Council's legal responsibilities are available for all employees and Elected members. A new e learning package 'Understanding Poverty' has been added to support employees to understand about taking poverty into account when designing services and will be updated once details of the Socio-Economic duty are known. | | | | | | | | | |
| ELC CR 21 | Reputation

Legal & Regulatory | **Standards in Public Life**

Failure of corporate governance or to meet standards in public life.

Failure of the Council's corporate governance or of officials or members to meet standards in public life could result in reputational damage. | Standing Orders (the Schemes of Administration and Scheme of Delegation) are regularly reviewed and revised. The most recent review took place in April and June 2023, with two reports to Council.

The Council has an adopted Code of Conduct for its employees which gives all employees greater clarity around the standards of behaviour expected of them. Breach of the Code may amount to a disciplinary offence.

Training on the Councillors' Code of Conduct is offered to Members periodically with regular updates from the Standards Commission circulated to Members.

The Council's Monitoring Officer and Depute Monitoring Officers provide advice as required.

An induction programme for new Councillors was delivered to both new and returning Members. This included training on standards in public life and, specifically, on compliance with the requirements of the Councillors' Code of Conduct.

A 100-day review took place with our Elected Members in August 2022. This was carried out by way of face-to-face meetings with Elected Members and covered the Elected Member Induction Programme, the Councillors' Code of Conduct, PA support, office accommodation, Access to Council officers, committee papers, surgeries, and further training and development. | 2 | 2 | 4 | The Council's Standing Orders are reviewed regularly and a further review will be undertaken after a period of operation of the Hybrid Committee Meetings system to ensure they remain up to date and relevant. | 2 | 2 | 4 | April 2024 | Risk Reviewed by Head of Corporate Support June 2023 with no change in risk scores. |