

REPORT TO:	Audit and Governance Committee
MEETING DATE:	15 September 2015
BY:	Chief Executive
SUBJECT:	Education Risk Register

1 PURPOSE

- 1.1 To present to the Audit and Governance Committee the Education Risk Register (Appendix 1) for discussion, comment and noting.
- 1.2 The Education Risk Register has been developed in keeping with the Council's Risk Management Strategy and is a live document which is reviewed and refreshed on a regular basis, led by the Education Local Risk Working Group (LRWG).

2 **RECOMMENDATIONS**

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

3 BACKGROUND

3.1 The Risk Register has been compiled by the Education LRWG. All risks have been evaluated using the standard (5x5) risk matrix which involves multiplying the likelihood of occurrence of a risk (scored 1-5) by its potential impact (scored 1-5). This produces an evaluation of risk as either 'low (1-4)', 'medium' (5-9), 'high' (10-19) or 'very high' (20-25).

- 3.2 The Council's response in relation to adverse risk or its risk appetite is such that:
 - Very High risk is unacceptable and measures should be taken to reduce, transfer or treat the risk to a more tolerable position;
 - High risk may be tolerable providing the Council is assured that adequate and effective control measures are in place;
 - Medium risk is tolerable with control measures that are cost effective;
 - Low risk is broadly acceptable without any further action to prevent or mitigate risk.
- 3.3 The current Education Risk Register includes 5 High risks, 6 Medium risks and 2 Low risks.
- 3.4 A copy of the risk matrix used to calculate the level of risk is attached as Appendix 2 for information.

4 POLICY IMPLICATIONS

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

5 EQUALITIES IMPACT ASSESSMENT

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

6 **RESOURCE IMPLICATIONS**

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

7 BACKGROUND PAPERS

- 7.1 Appendix 1 Education Risk Register
- 7.2 Appendix 2 Risk Matrix

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DATE	3 September 2015	

Education Risk Register v8

Date reviewed: 03 September 2015

Risk ID No.&	Risk Description		Assessme	ent of Current	Risk			ent of Residu sed control m			Timescale	Single	
Status S/C/N (same, changed, new)	(Threat/Opportunity to achievement of business objective)	Risk Control Measures (currently in place)	Likelihood (Probability)	Impact (Severity)	Risk Rating	Planned Risk Control Measures	Likelihood (Probability)	Impact (Severity)	Residual Risk Rating	Risk Owner	for Completion/ Review Frequency	Outcome Agreement Outcome Number Link	Evidence held of Regular Review
			L	I	LxI		L	I	LxI				
ED 1	A failure to meet our statutory requirements and other targets due to budget constraints or conversely overspending our budget in order to meet said statutory requirements and targets. There are increasing requirements from the Government e.g. teacher numbers guarantee and 600/1140 hours of childcare and early education and there is a need to think creatively around budget deployment to meet needs. If appropriate solutions are not implemented, this could lead to a reduction in opportunities for young people with the consequence of parental dissatisfaction and damage the reputation of the Council. The opportunity is to create new propositions and service offerings.	The annual budget allocation is prioritised and monitored while the Scheme of Devolved School Management determines the allocation at School level. Detailed budget planning measures are in place together with monthly monitoring and validation. Senior Management Education Board meets termly to review, direct and agree changes to strategy. Benchmarking against other authority initiatives e.g. North Lanarkshire and management of salary budget. Working with Finance colleagues at early stage to highlight and address possible budget pressures.	4	4	16	Discussions commenced March 2015 regarding current position re staffing numbers and options to reduce the risk. Decision re value of teacher number grant guarantee to be concluded. Significant savings are potentially realisable. Implement an Early Years Strategy to deliver not only the 1140 hours of childcare and early education but a different model to improve early intervention for the most vulnerable.	3	3	9	Head of Education Service Manager – Education (Strategy & Ops) Head of Council Resources Deputy Chief Executive – Resources and People Services	December 2015	2 3 4	Refreshed September 2015 – Current Risk Score increased from 8 to 16 and residual score from 4 to 9.
ED 2	Failure to raise the standards of educational attainment for all will lead to a reduction in opportunities for young people such as entrance to Further and Higher Education or employment, with the consequence of parental dissatisfaction and damage the reputation of individual schools and the education service as a whole.	Each school has a School Improvement Plan, guided by the Education Local Improvement Plan and Strategy (ELIPS), (developed and delivered by SMEB in consultation with Head Teachers) with target setting for attainment. QIOs monitor and evaluate schools while HMIE have a schools inspection programme. Regular liaison with Education Scotland Area Lead Officer (ALO). Curriculum for Excellence continues to evolve in schools while Education disseminates best practice, guidelines and policies. School strategies are in place for increasing expectations of pupils and families (including tackling the barriers to improving achievement and ensure pupil attendance i.e. reducing the attainment gap). Targeted support for schools and early year's providers is provided where a need is identified. A 5 year ICT strategy is in place, identifying the required level of support and intervention within the	4	4	16	Continue to develop a learning environment for S1/S2 pupils which builds on their educational experience from P6/P7 and improve the transition of young people from mainstream education to work, training, further and higher education through working with secondary schools. Develop an authority wide model for the Senior Phase that incorporates all elements of the curriculum. Continue to develop the award winning academies programme with QMU and Edinburgh College. Define a final proposition for the Future Technologies Centre (Construction Academy) in partnership with Edinburgh College and Infrastructure Dept. Early Years Strategy to develop a career path for potential future Early Years Practitioners. Work has started with partners to develop an on-line learning environment for all students to reflect the way young people can now learn.	3	3	9	Head of Education Quality Improvement Officers Head Teachers	Ongoing June 2016 Quarterly	2 3 4	Refreshed July 2015. Refreshed August 2014 with current risk score increased from 6 to 16 and residual risk score increased from 4 to 9.

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		authority and schools. Policies are in place covering Health & Wellbeing, Numeracy & Mathematics, Quality & Assurance and Learning & Teaching, all approved by Education Committee. All Schools now have at least two focussed attainment challenge meetings per annum. Primaries are held at cluster level led by the QIO and secondaries are chaired by the Head of Education with the QIO, Deputy Chief Executive and an independent Head Teacher. Activities to improve attainment to be reported upon at every future Education Committee. A suite of data has been developed to highlight KPIs, share with schools and agree performance improvement.	L		LxI	SMEB will review priorities detailed in the ELIPS and update as appropriate.	L	I	LxI				
ED 3	There is a nationwide shortage of supply teachers which is impacting on East Lothian. In practice this means that classes are being covered by Management. Changes have been made to the supply system to improve efficiency of processes however this is having little impact on the number of supply vacancies filled. This is impacting on the quality of learners experience also on the availability of management to undertake their leadership role.	Procedures for supply staff have been changed and it is hoped this will lead to a reduction in unfilled posts. LNCT Group set up in addition to national COSLA working group, identifying practical solutions to the challenge.	4	4	16	Continue to advertise and recruit to supply list. Review previous action to encourage returners to the profession through local advertising and consider 'fast- track' return to teaching course. Explore the creation of a permanent supply team, utilising ad-hoc supply budgets and suitable candidates. Consider alternative ways of coercing individuals to volunteer for supply.	3	3	9	Service Manager – Education (Strategy & Ops)	November 2015	2 3 4	New risk created August 2014. Residual risk score increased from 6 to 9 July 2015.

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ED 4	School Estate Management Failure to maintain up-to-date information on the Condition and Suitability of the schools' estate may result in having insufficient data to inform planned maintenance budgets and essential building works. Failure to provide adequate financial and staffing resources to maintain the school estate to the required standard.	Condition and Suitability surveys for the Primary schools are refreshed annually to report SPI data. Property Inspectors and the Asset Team 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).	3	4	12	Condition and Suitability surveys for the Primary schools will be updated on a rolling 5 year programme using in- house staff and external consultants as necessary. Option Appraisal for procuring and carrying out Condition Surveys to be prepared by December 2015. Reports to Corporate Asset Group will highlight risks which cannot be managed and may impact on the operation or safety of the school estate.	L 2	4	8	Depute Chief Executive – Resources and People Services Service Manager – Engineering Services & Building Standards	December 2015		Risk transferred from Corporate Risk Register May 2014 then refreshed July 2014 before being split from Risk ED5 September 2015
ED 5	Failure to make timeous responses to planning applications, identifying the impact of proposed development on the Education estate, resulting in delays to determining applications and potential claims from applicants. Risk of Project cost overruns. Risk to uncertainty with forward planning for the expansion of any schools where pupil roll numbers may increase faster than projected.	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. The S75 process is under review. An enhanced and robust school roll projection and class organisation system is in place in Education. This is key to determining the future capacity needs of schools. Regular Education Asset Management meetings are held to manage the impact of potential housing development on the schools' estate. Monthly monitoring is in place in Strategic Asset and Capital Plan Management to review programme for school requirements. Changes which may impact on capital investment are escalated to Education and Finance for consideration. The Schools Estate Asset Management Plan provides the update on the programme for works needed within the school estate, including expansion. This will be updated in 2015, taking account of the emerging LDP. Cost planning and financial monitoring processes are in place. Change control process manages the approvals process for additional budget arising from client changes.	3	4	12	Quarterly review meetings to be held with Education and Strategic Asset and Capital Plan Management to review school development programmes and projects. Minutes and Actions to be circulated to Corporate Asset Group. Project Planning process to be formalised and reported to Corporate Asset Group Consider alternative ways of learning that may reduce the need for physical learning space.	2	4	8	Depute Chief Executive – Resources and People Services Strategic Asset & Capital Plan Management	December 2015		Risk transferred from Corporate Risk Register May 2014 then refreshed July 2014 before being split from Risk ED4 September 2015

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			L	I	LxI		L	I	LxI				
ED 6	The failure of a PPP contractor may result in short or long term unavailability of the buildings and services leading to ELC possibly stepping in to take back the financial risks. The PPP team have been relocated to sit within Property. It is possible that this will lead to a reduction in communication and Education influence on decisions made.	The risk is addressed by the current contract in place, which states that: • If FES cease to trade Innovate must find a replacement • If Innovate cease to trade then Barclays Special Projects must find a replacement or sell the project to ELC at previously agreed price Regular meetings take place with the PPP contractor, any potential issues will be picked up early, while in the short term the failure of the contractor will not render any schools unavailable for use. Monthly reviews take place between PPP team and FES. Maintain a continuous awareness of the economic climate, and the contractor viability - if there is any reason for concern then take the appropriate action. Monitored by the PPP Strategic Management Group and the Corporate Asset Management Group.	2	4	8	Strategic PPP Management Group meets regularly, chaired by Chief Exec, attended by Finance, Legal etc. Regular meetings between Education and Property take place.	2	4	8	Head of Education PPP Manager Service Manager - Strategic Asset & Capital Plan Mgmt	December 2015	2 3 4	Risk refreshed September 2015
ED 7	If our School Premises are not properly safeguarded then unauthorised persons could gain entry and cause damage (fire, vandalism etc.) to property or to persons which could lead to buildings or parts of buildings being unavailable for use and/or in need of repair. These incidents may also lead to adverse publicity particularly if staff or pupils are injured as a result.	Security and safety risk assessments are carried out regularly at all Education premises. Each school has its own individual security arrangements such as fencing, building access etc. Business Continuity Plans and a School Estate Asset Management Plan in place. Insurance Renewal Programme in place.	2	4	8	Security policy for school estate to be drafted and agreed, this requires input from both Education and Property and will be led by Education.	1	4	4	Head of Education Service Manager - Education (Strategy & Ops) Service Manager - Strategic Asset & Capital Plan Mgmt Dept. H&S Implementation Officer Head Teachers	Policy to be agreed December 15	2 3 4	Reviewed and refreshed September 2015.

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ED 8	Failure to effectively manage Health & Safety and adhere to Health & Safety duties both at our schools and during off-site activities may lead to injury to persons or damage to property and resulting enforcement action taken by Health & Safety Executive. This could also lead to possible insurance claims and associated costs/financial implications as well as damage to the Councils reputation.	Departmental Policy On H&S, including Committee Structure. Support for Head Teachers to manage H&S. H&S Arrangements for Educational Excursions, Work Experience and Road Safety including incident reporting, recording, investigation and a Risk Assessment Programme. Internal H&S inspections by schools and inspection and auditing by	2	4	8	Head Teacher training being developed on managing Health & Safety.	1	4	4	Head of Education Dept. H&S Implementation Officer Head Teachers	December 2015	2 3 4	Reviewed and refreshed July 2015.
		Dept. H&S Implementation Officer Robust system in place for managing and authorising Off-site Excursions. Head of Establishment Guidance issued to all Heads of Establishment detailing responsibilities.											
	Failure to respond to the changing demographics of the East Lothian population such as unexpected or unpredicted fluctuations in the make-up of the population e.g. the number of pupils with Additional Support Needs. This may lead to not having suitable school provision available and a consequent impact on children's education.	Strategic Asset and Capital Plan Management is responsible for the preparation of the School Estate Management Plan. Education feed into this plan. Provision of the pupil roll related information is provided to Strategic Asset and Capital Plan Management.				Processes for input into School Estate Management plan should be formalised. The scope of the Principal Officer – Strategic Planning will be reviewed subsequent to the completion of the review of the S75 process.				Service Manager – Education (Strategy & Ops) Principal Officer – Strategic Planning Service	December 2015	2 3 4	Refreshed September 2015.
ED 9	Failure to recruit to the post of Principal Officer – Strategic Planning. This role now sits within property. There is a risk that education fail to have sufficient input into and information from the processes.	Strong communication links with parent and governing bodies. Education is involved in key related Council decisions such as planning applications. Regular Education Asset Management meetings are held to manage the impact of potential housing development on the schools' estate.	2	4	8		1	4	4	Manager - Strategic Asset & Capital Plan Mgmt			
ED 10	The Service handles a large amount of sensitive data relating to both individuals and groups. There is a risk of this information being provided to individuals not entitled to have it and also of 'loss' of information e.g. memory sticks.	All employees have received training in Data Protection. Procedures are in place for all operations involving Data Handling. Secure e-mail addresses have been set up for communicating with schools. Data Protection is discussed at team meetings and staff are reminded of the importance and the procedures.	2	3	6	Education department to review level of completion of Data Protection training with particular emphasis on new starts and probationers.	2	2	4	Service Manager – Education (Strategy & Ops)			Refreshed July 2015 – residual score reduced to 4 from 6.

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			L	I	LxI		L	I	LxI				
ED 11	Failure to address social exclusion and inequality in the EL education system could lead to non-provision of the additional support required for some young people, either on an individual or group basis, to access education. This could in turn result in poor achievement of those affected and our failure to meet legislative requirements.	All schools operating in accordance with the Equality Act 2010. Additional Support for Learning Procedures are provided along with provisions for alternatives to school based education. We target support and resources on the areas of greatest need through the predictable and exceptional needs budgets and specialist and outwith placements moderation panels. A one-door inter-agency policy for assessment, planning and intervention for vulnerable and looked-after children is in place. Strategies (e.g. Equality & Fairness, Accessibility strategies, Buddying / Mentoring) are in place to address the performance of pupils with the lowest attainment levels and the outcomes of these are monitored. Our resource allocation is targeted at deprived areas and young people with the greatest need. The Psychological Services Policy addresses this area. Accessibility Strategy 2014-2016 is in place. Autism Strategy is in place. Currently the Inclusion and Equality service is under-resourced following the departure of one of the two Inclusion and Equality Officers and an Educational Psychologist. Although these posts will be filled there will be a period when service levels cannot be maintained.	2	3	6	Establish benchmark across East Lothian with which to measure added value by utilising the Early Development Instrument. There is a need to develop a policy to support transition for people with complex needs across early years, primary, secondary and transition into adult services including management, staffing, curriculum, life skills, accommodation, lead officer responsibilities etc Review of our 3-18 support systems is nearing completion (for children and young people with social, emotional and behavioural needs and identify locally based solutions to maximise their educational outcomes and positive destinations). Communication provision is scheduled for opening Easter 2016.	2	2	4	Service Manager - Education (ASN & Early Years) Principal Inclusion & Equality Officer Professional Working Group	May 2016 October 2015	234	Refreshed July 2015
ED 12	It has been identified that there are a number of safes within schools which are not part of the Loomis Safe Contract and therefore not fit for purpose. Cash is being stored in a non Loomis safe or alternatively in a cash box within a locked filing cabinet. Cash not stored correctly within Loomis safe also not covered.	Temporary insurance cover has been put in place until the end of May 2015 to cover all money held securely on school premises. Schools reminded of the importance of correct cash handling procedures including use of Loomis safe where available. On line payment system in Primary	2	2	4	An audit of all school safes will be under-taken by Loomis by September 2015 with a view to identifying which safes need to be replaced. Loomis have confirmed that alternative safes will be installed, where appropriate, by the end of September 2015.	1	1	1	Head Teachers	October 2015	2 3 4	Risk created July 2015

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			L	I	LxI		L	I	LxI				
	There is an increased risk of theft or accusations of theft due to insecure storage of cash. Cash not stored in a Loomis safe is not generally covered by the Council's insurance policy. Any loss from the alternative storage would need to be covered by the school.	Schools is reducing the amount of cash required to be held by schools.				Appropriate permanent insurance cover to be put in place. Online payment in secondary schools is being introduced.							
ED 13	A failure to communicate and respond to local people and other stakeholders and to take account of their views may lead to public dissatisfaction, an increase in parental complaints and reputational damage.	A meeting timetable is in place with all key internal and external bodies. ELC has a Corporate Communications Strategy as well as a Feedback and Complaints process. Communication arrangements in place between LEA and schools, other bodies and relevant parties (e.g. parents). A formal structure is in place for consultation with parents, while all parents/carers form part of each school Parent Forum which then elects the Parent Council to represent it. The Head of Education and Principal Officer meet with members of The East Lothian Association of Parent Council Members on a regular basis [normally two meetings per term]. Encouraging schools to adopt a more outward facing perspective in order to meet the needs of the community. Supporting, encouraging and establishing more formal negotiated partnerships with Stakeholder groups, especially Parent Councils, Community Councils, Student Councils and Cluster school groups. This clarifies the role and respective responsibilities of various partner groups. Promoting the student voice in schools by encouraging and supporting the UN Convention's Rights of the Child.	1	2	2		1	2	2	Education Management Team		234	Refreshed July 2015

Risk ID No.&	Risk Description	Risk Control Measures (currently in place)	Assess	ment of Current	Risk			ent of Residu sed control r			Timescale	Single	
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			L	I	LxI		L	I	LxI				
	Original date produced (Version 1)	1st March 2012											
	File Name	Education Risk Register										Risk Score	Overall Rating
	Original Author(s)	S Kennedy										20-25	Very High
	Current Revision Author(s)	S Kennedy										10-19	High
	Version	Date		Author(s)		Notes on Revisions						5-9	Medium
	Original	1 st March 2012		S Kennedy								1-4	Low
	2	19/11/12		S Kennedy		Updated following update to Risk S	Strategy						
	3	08/01/13		S Kennedy		Updated with Education Risk Grou	ıp's updates.						
	4	11/04/13		S Kennedy		Updated with Education Risk Grou	ip and Manage	ement Team	's updates.				
	5	May 2014		S Kennedy		Risks refreshed by Education and	Corporate Ris	k on School	Estate Mana	agement Added			
	6	August 2014		S Kennedy		Risks refreshed (including former r Richard Parker and Liz McLean for Nightingale.	risk on post re r Property invo	placements I plvement the	being remov n checked a	ed and new risks nd further updated	added) by d by Darrin		
	7	July 2015		S Kennedy		Risks refreshed (including former r of director being removed and new Property involvement.	risks on standa v risk on safes	ard of compe added) by D	etence, servi Darrin Nightir	ce performance angale and Liz McL	nd replacement ean for		
	8	September 2015		S Kennedy		Risk relating to Property updated b by Darrin Nightingale.	oy Liz McLean	and one of t	hose risks s	plit into two risks.	Further refresh		

Appendix 2 <u>East Lothian Council</u> <u>Risk Matrix</u>

Likelihood Description

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

Impact Description

Impact of Occurrence	Score				Description			
		Impact on Service Objectives	Financial Impact	Impact on People	Impact on Time	Impact on Reputation	Impact on Property	Business Continuity
				Single or Multiple fatality within		Highly damaging, severe loss of public confidence. Scottish	Loss of building, rebuilding	Complete inability to provide
		Unable to function, inability to fulfil	Severe financial loss			Government or Audit Scotland	required, temporary	service/system, prolonged
Catastrophic	5	obligations.	(>5% budget)		recover pre-event position.	involved.		downtime with no back-up in place.
				Number of extensive injuries (major permanent harm) to		Major adverse publicity	Significant part of building unusable for prolonged period of	
		Significant impact on service	Major financial loss	employees, service users or	Major - between 1 & 2 years to	(regional/national), major loss of	time, alternative accommodation	Significant impact on service
Major	4	provision.	(3-5% budget)		recover pre-event position.	confidence.	required.	provision or loss of service.
				Serious injury requiring medical		Some adverse local publicity,		
					Considerable - between 6 months			
			Significant financial loss		and 1 year to recover pre-event	implications, elected members		Security support and performance
Moderate	3	achievable.	(2-3% budget)			become involved.	period, no alternative in place.	of service/system borderline.
				Lost time due to employee injury or small compensation claim from		Some public embarrassment, no		Reasonable back-up
			Moderate financial loss	service user or public (First aid	Some - between 2 and 6 months	damage to reputation or service	Marginal damage covered by	arrangements, minor downtime of
Minor	2	Minor impact on service objectives.	(0.5-2% budget)	treatment required).	to recover.	users.	insurance.	service/system.
						Minor impact to council reputation		No operational difficulties, back-up
		Minimal impact, no service		Minor injury to employee, service	Minimal - Up to 2 months to	of no interest to the press	Minor disruption to building,	support in place and security level
None	1	disruption.	Minimal loss (0.5% budget)	user or public.	recover.	(Internal).	alternative arrangements in place.	acceptable.

Risk	Impact					
Likelihood	None (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)	
Almost Certain (5)	5	10	15	20	25	
Likely (4)	4	8	12	16	20	
Possible (3)	3	6	9	12	15	
Unlikely (2)	2	4	6	8	10	
Remote (1)	1	2	3	4	5	

<u>Кеу</u>							
Risk	Low	Medium	High	Very High			