



REPORT TO: Audit and Governance Committee

MEETING DATE: 15 February 2022

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 is 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 (Appendix 2) producing 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 1 Very High, 8 High risks, 7 Medium risks and 2 Low Risks. As per the Council's Risk Strategy only the Very High and High risks are being reported to the Committee.

4 POLICY IMPLICATIONS

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

5 INTEGRATED IMPACT ASSESSMENT

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

6 RESOURCE IMPLICATIONS

- 6.1 Financial - It is the consideration of the Education LRWG that the recurring costs associated with the measures in place for each risk are proportionate to the level of risk. The financial requirements to support the Risk Register should be met within the proposed budget allocations. Any unplanned and unbudgeted costs that arise in relation to any of the corporate risks identified will be subject to review by the Corporate Management Team.

6.2 Personnel - There are no immediate implications.

6.3 Other - Effective implementation of this register will require the support and commitment of the Risk Owners identified within the register.

7 BACKGROUND PAPERS

7.1 Appendix 1 – Education Risk Register 2022

7.2 Appendix 2 – Risk Matrix 2022

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DATE	03 February 2022	

Education Service Risk Register 2022

Date reviewed: 01 February 2022

Risk ID	Risk Description (Threat/Opportunity to achievement of business objective)	Risk Control Measures (currently in place)	Assessment of Current Risk			Planned Risk Control Measures	Assessment of Residual Risk [With proposed control measures]			Risk Owner	Timescale for Completion/ Review Frequency	Evidence held of Regular Review
			Likelihood	Impact	Risk Rating		Likelihood	Impact	Residual Risk Rating			
			L	I	L x I		L	I	L x I			
E1	Education Activity Pressures Service Activity pressures see demand for services outstrip available budgetary and staffing resources leading to unmet client need and risk to client safety and independence, potentially generating reputational risk for the Council as well as failing to meet statutory responsibilities. Increased pressure on specialist provision and staffing issues as a result of COVID leads to no capacity within current specialist resources. This could lead to an increase in references to the ASN tribunal and increased financial pressures through the need for enhanced packaged of support and the use of external provision. This is contributing to the need to place children out with East Lothian for care and education resulting in significant financial pressures in the External Residential Care and Education budget.	Early Intervention Support Team (EIST) in place. This team will offer enhanced support to mainstream placements and mitigate against children and young people requiring to be placed externally at a later date. Joint planning between Education, Children's Services and Communities to identify the gaps in provision and support services not covered by the EIST and other current referral routes Strengthened scrutiny of decision making and access to resources for individual children and young people through Senior Officer's Resource Group (SORG). Education and Children's services are working more collaboratively to support Early Intervention and prevention for our most vulnerable children and young people to mitigate against children and young people requiring to be placed externally at a later date.	5	4	20	Significant increase in capacity for severe and complex needs within the Secondary sector will be addressed through the new Wallyford Secondary school provision. Any future Primary School builds will take cognisance of the increasing demand in the primary sector. Additional capacity to be explored within existing provisions. ASN Service Level Agreements to be reviewed to mitigate risk of mainstream placement breakdown. As part of the Learning Estate Strategy ASN projections will inform future estate planning.	3	3	9	Executive Director for Education and Children's Services Head of Education Manager of Inclusion and Wellbeing	August 2023 August 2025 March 2022 March 2022 June 2022	Risk updated by Education Management Team January 2022 with current risk score remaining the same and residual score from 12 to 9.
E2	East Lothian Works (ELW) – Impact of Brexit, changes to ESF (European Social Fund) and potential reductions in Scottish Government Employability Funding ELW relies heavily on ESF funding to support delivery of employability programmes for adults. The Withdrawal Agreement between UK and EU states the UK continues to participate in the ESF programme until 2023, meaning we continue to receive the same level of funding as if the UK was a member of the EU until the end of the 2014-2020 programme period. Without a Transport budget for School to College Partnership this activity cannot be sustained, which would reduce the pathways for young people and could lead to reductions in Positive Destinations and the Participation Measure. Developing Scotland's Young Workforce is a statutory expectation. Scottish Government continue to devolve Employability Services and associated workload through No-one Left Behind (NOLB) and a diverse range of other grant funds. Funding was provided to	UK government has indicated that it is committed to ensuring there is no gap in funding following the no deal. In July 2018, the UK government extended a guarantee to cover all projects, including European Social Fund Projects funded by EU under the 2014-2020 programme period. The extension means that Scottish government continue to sign and fund new projects after EU Exit until programme closure providing additional certainty, guaranteeing investment in skills and employment to the end of the current European Social Fund programme period in 2023. Services are operating with COVID19 risk assessments and mitigations in place, in line with Scottish Government Guidance updates. The EL Works Service Review is now complete and the Service is aligned with regional and national priorities. Capacity to deliver is based on a cocktail of core and external funding. There is ongoing monitoring of the implications of BREXIT/ESF funding via the Connected Economy Group.	4	4	16	The UK Government intend to transition from the European Social Fund to the Shared Prosperity Fund. Local Authorities await the detail and implications of this. No One Left Behind phase two is being implemented by Scottish Government, with further devolution of responsibility through Phase 3 being planned. All grant and core funding is being utilised to meet compliance milestones. Communication with COSLA and SLAED in relation to funding and workload.	3	4	12	Executive Director of Education and Children's Services	June 2022 April 2022 February 2022	Risk reviewed by Education Service Manager January 2022 with current risk score increased from 12 to 16 Risk reviewed by Head of Education and Service Manager July 2021 with no change to assessment of risk scores.

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	<p>extend the ELW Team to provide the required capacity to achieve the expected outcomes and compliance. Having devolved the responsibilities, National SLAED forecasts suggest that funding is now being reduced, without associated reductions in workload or accountability, which may affect our ability to meet our statutory duty to support economic recovery, following COVID19. This would also result in a reduced capacity to deliver employability support for youths (DYW) and adults.</p> <p>NOLB devolves ongoing responsibilities and duties to the Council. ELW have recruited a strong team to deliver on these duties. However, these staff are on temporary contracts, with little comfort in terms of job security, resulting in a high turnover of staffing, creating ongoing instability within the service, there is also the risk of permanency at the end of the two year period.</p>	<p>Scottish Government are providing funding through the Young Person's Guarantee, the Parental Employability Support Fund and No One Left Behind. East Lothian Works are utilising this funding to create additional capacity within the service and to launch the Council's Workforce for the Future Strategy. A reduction in funding will affect the ability to support current initiatives.</p> <p>UK Government provided 55 fully-funded Kickstart employability placements to ELC as an umbrella organisation. 43 positions were filled and the funding will come to a hard stop in March 2022. Continuation of this activity is based on sustained and continued levels of Young Person's Guarantee (YPG) and No-One Left Behind (NOLB) funding.</p>			L x I				L x I			
E3	<p>Statutory Requirements - Education</p> <p>Failure to deliver the duties of Education and Children's Social Work Legislation may put a child at significant risk or result in children and young people not receiving their entitlement to education.</p> <p>This failure could be due to a lack of resources (financial, services or staffing), poor practice, lack of training, a failure to prioritise, non-compliance with procedures/guidance or failing to intervene early enough. This could result in reputational damage and an impact on budgets and staff morale.</p> <p>There are increasing requirements from the Government e.g.</p> <ul style="list-style-type: none"> Pupil/Teacher ratio, 600/1140 hours of childcare and ASL Act <p>If appropriate solutions are not implemented, this could result in children and young people not receiving their entitlement to education and lead to a reduction in opportunities for young people with the consequence of parental dissatisfaction and damage the reputation of the Council.</p> <p>The opportunity is to create new propositions and service offerings.</p> <p>Scottish Government has announced a reduction in funding for the delivery of 1140 hours in session 2022-23.</p>	<p>Annual budget allocation is prioritised and monitored, while the Scheme of Devolved School Management determines allocation at School level.</p> <p>Detailed budget planning measures are in place together with monthly monitoring and validation in collaboration with finance colleagues and Head Teachers.</p> <p>Staffing is continually monitored to ensure the required Pupil to Teacher ratio at September Census point is met.</p> <p>Continue to ensure Head Teachers are mindful of the Pupil/Teacher ratios and monitor staffing levels more rigorously to mitigate against not meeting the required ratio.</p> <p>Continual updating of SEEMIS records to ensure accurate and up to date information is held.</p> <p>ELCC review has commenced as part of the delivery of 1140 hours to ensure SG requirements continues to be met.</p> <p>Early Years Strategy includes the required capital and revenue investment to deliver the Scottish Government's 1140hrs programme.</p> <p>A new Education management team structure is in place.</p>	3	4	12	<p>A review of all Education policies is planned to ensure compliance with all appropriate legislation. This will be a priority in the Education Service Plan and will be prioritised by level of risk, volume and subject of upheld complaints and compliance with new legislation.</p> <p>A review of the Scheme of Devolved School Management is taking place during 2021/22.</p> <p>The full cost of the ELC 1140 delivery model will now be reviewed and adapted to ensure it can be delivered within budget.</p>	3	3	9	<p>Executive Director for Education and Children's Services</p> <p>Executive Director for Council Resources</p> <p>Head of Finance</p> <p>Head of Children's services</p>	<p>June 2022</p> <p>April 2022</p> <p>March 2022</p>	<p>Risk reviewed by Education Management Team January 2022 with no change to assessment of risk scores.</p> <p>Risk further reviewed and updated November 2018 with current risk score reduced from 16 to 12.</p>

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		Additional Support Needs, Inclusion Policy, External Placement and GIRFEC processes are all in place and regularly monitored and reviewed by Education and Children's Services.			H				L			
E4	<p>Educational Attainment</p> <p>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 a consequence of parental dissatisfaction and damage to reputation of individual schools and the Education service.</p> <p>A failure to report positive findings in relation to the four national priorities set out within the national improvement framework and in the use of Pupil Equity Funding to close the attainment gap will lead to further scrutiny by external organisations such as Audit Scotland, Education Scotland and Scottish Government.</p> <p>The impact of lockdown due to COVID19 and schools being closed for the period March to June 2020 has resulted in a detrimental impact on learning for a cohort of pupils. The significant impact of the Omicron variant on attendance by staff and learners in schools has resulted in further periods of remote learning and will further exacerbate lost learning and progress in raising attainment.</p> <p>There is due to be an announcement by SG early 2022 regarding SQA examinations in 2022.</p>	<p>Each school has a School Improvement Plan, guided by the revised annual Education Service Plan (developed and delivered by Education Steering group in consultation with key stakeholders) with target setting for attainment.</p> <p>More rigorous and robust approaches for quality assuring school performance have been implemented and take into account new national guidance e.g. Pupil Equity Fund and National Improvement Framework. This will be further strengthened in school session 2021/22, with a proportionate level of challenge in school service level agreements based on attainment/ achievement/ PEF impact/ attendance/ engagement</p> <p>Curriculum frameworks have been developed across all areas to improve continuity and progression in learning with the broad general education.</p> <p>Raising Attainment Strategy has been developed along with Education Scotland Attainment Advisor.</p> <p>New improvement targets have been set for schools to increase attainment and improve performance.</p> <p>Scottish Government funding allocated for additional teaching and support staff to help address the impact of COVID19 on pupil learning.</p> <p>Collaboration continues through the South East Improvement Collaborative.</p> <p>School strategies 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).</p> <p>A suite of data continues to be developed and refined to highlight KPIs, share with schools and agree performance improvement. Activities to improve attainment are reported at Education Committee as appropriate. Targets continue to be reviewed for</p>	3	4	12	<p>Continue to develop an authority wide model for the Senior Phase that incorporates all elements of the curriculum.</p> <p>Continue to develop partnership arrangements with QMU and Edinburgh College to broaden the curriculum as part of the Developing Young Workforce recommendations.</p> <p>East Lothian Works to work with Early Learning and Childcare Team to develop a career path for potential future Early Years Practitioners.</p> <p>Within the Raising Attainment Strategy a new Raising Attainment team has been appointed who will work with all Schools to support and deliver the priorities within the Strategy.</p>	3	3	9	Executive Director of Education and Children's Services	June 2024 February 2023 June 2022 August 2023	Risk reviewed by Education Management Team January 2022 with no change to assessment of risk scores. Risk further reviewed and updated November 2018 with current risk score reduced from 16 to 12.

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		<p>schools and the authority to ensure that they are realistic in the current climate.</p> <p>Continue to improve the transition of young people from mainstream education to work, training, further and higher education through working with secondary schools and East Lothian Works who are now part of the Education service.</p>										
E5	Impact of Changing Demographic on School Estate	<p>Strategic Asset and Capital Plan Management (SACPM) is responsible for the managing and planning for the School Estate Management. Education feed into this activity by preparing pupil roll projections and class organisation profiles.</p> <p>SACPM and Education have entered into partnership with Hub South East to support with the development of the Learning Estate Strategy and Plan.</p> <p>Regular monitoring in place in SACPM to review programme for school requirements. Changes which may impact on capital investment escalated to Education & Finance to consider.</p> <p>Strong communication links with parent councils and wider parent forums. Regular Education Asset Management meetings are held to manage the impact of potential housing development on the schools' estate.</p>	3	4	12	<p>The Council is making provision for significant capital expenditure to provide sufficient capacity for the expansion of the schools estate. A capital programme of circa. £150 Million is identified for the period to 2024, substantially funded by S75 contributions from new housing development.</p> <p>A Learning Estate Investment Management plan will be created to reflect the programme being taken forward identified as a result of the LDP and set out a plan for the future sustainability and management of the whole School Estate.</p> <p>Finance approval received to make temporary staff permanent and to enhance the PPP team.</p> <p>Additional specialist provision capacity is a key part of the learning estate review. Significant increase in capacity for severe and complex needs is included in the Wallyford Secondary school provision.</p>	3	3	9	Executive Director for Education and Children's Services Head of Education Executive Director for Place Head of Finance Service Manager - Strategic Asset & Capital Plan Management	April 2024 September 2022 June 2022 July 2022	Risk refreshed by Service Manager – Strategic Asset & Capital Plan Management September 2021 with risk scores remaining the same. Risk refreshed by Service Manager – Strategic Asset & Capital Plan Management Jan'20 with current risk reduced from 16 to 12. Risk further reviewed and updated January 2019 with Residual Risk Score reduced from 12 to 9.
E6	School Premises Security	<p>Security and safety risk assessments are carried out regularly at all Education premises while each school has its own individual security arrangements such as fencing, building access, CCTV etc.</p> <p>Business Continuity Plans in place.</p> <p>Insurance Renewal Programme.</p> <p>Head Teachers briefed on importance of their role as Head of Establishment to ensure security of buildings and that business continuity plans are up-to-date.</p>	3	4	12	<p>Finance approval received to make temporary staff permanent and to enhance the PPP team.</p> <p>The security of school grounds will be reviewed and will be prioritised in terms of risk and available capital and revenue budget.</p> <p>School building security plans are under review.</p>	2	4	8	Head of Education Service Manager - Strategic Asset & Capital Plan Management	April 2022 July 2022 April 2022	Risk reviewed by Service Manager – Strategic Asset & Capital Plan Management September 2021 with scores remaining the same.

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	work to address security issues have been unsuccessful.											
E7	Expansion of Early Learning and Childcare (ELCC) to 1140 hours. There is a risk that there is an impact on the quality in existing early years' provision because the focus has been on expansion. There is a risk that Capital costs exceed budget availability. The ongoing impact of COVID could result in increased expenditure on capital projects being completed to the standard expected. Scottish Government has announced a reduction in funding for the delivery of 1140 hours in session 2022-23.	Ongoing work to monitor and enhance quality of Early Learning and Childcare delivery in schools settings and with partner providers. Continue to work with UNISON to achieve agreement on the revised Early Years Practitioner (Nursery nurse) remit. Baseline established and updated on quality across all provisions and ELCC across all settings will be supported and monitored by the Early Years' Team. Scottish Government National Standard and associated guidance in place and ongoing discussion/collaboration with partners. Ongoing work to determine the full costs of the current model for Early Learning and Childcare.	3	4	12	More robust processes will be put in place to monitor and review the quality of the service being provided. Using the Care Standards and HGIOELC once Education Scotland resume their inspections this will include early learning and childcare settings and partner providers. The findings will be used to improve the quality of provision in line with the National Care Standards The full cost of the ELC 1140 delivery model will now be reviewed and adapted to ensure it can be delivered within budget.	2	4	8	Executive Director for Education and Children's Services Executive Director for Council Resources Head of Finance	June 2022 June 2022 June 2022	Risk reviewed by Education Management Team January 2022 with no change to assessment of risk scores. Risk reviewed and refreshed at a Risk Session with managers 11 December 2020 (further refreshed Feb'21) with Current Score reduced from 16 to 12 and residual score from 12 to 8.
E8	Additional Support Needs There continues to be an increase in the number of children with Additional Support Needs across the County due to population growth and increased awareness and assessment of Children and Young people's Additional Support Needs resulting in increased demand on the ASN Service Area and specialist provision. Increased pressure on specialist provision and staffing issues as a result of COVID leads to no capacity within current specialist resources. This could lead to an increase in references to the ASN tribunal and increased financial pressures through the need for enhanced packaged of support and the use of external provision. Applications for Exceptional Needs has increased significantly over the past five years in line with national trends whilst the budget available to the service has not increased at the same rate. This has an impact on the learning and progression of young people with ASN. This is contributing to the need to place children out with East Lothian for care and education resulting in significant	The Council continues to monitor and track the nature and level of need across all establishments in order to target resources effectively. Regular budget monitoring meetings with Education and Finance managers as well as school reviews to monitor and review compliance with policies and guidance. Key policies in place to reflect national guidance & statutory duties in line with ASL Act 2009 and Equality Act 2010 and training in place to support the implementation of all new policies and guidance. The Educational Psychology Service resource allocation model operates across all educational establishments and is targeted at the children and young people with the greatest need. Monthly monitoring of attendance, exclusion and physical restraint data at school level. Senior officer resource group (SORG) has been established. Early Intervention Support Team (EIST) in place. This team will offer enhanced	3	4	12	Significant increase in capacity for severe and complex needs within the Secondary sector will be addressed through the new Wallyford Secondary school provision. Produce ASN projections data to help inform future estate planning. As part of the review of Devolved School Management the methodology for the allocation of Predictable Needs funding will be reviewed and consideration given to amending the process in order to achieve equity and fairness of distribution of resources.	2	4	8	Executive Director for Education and Children's Services Head of Children's Services Service Manager, Inclusion and Wellbeing	August 2023 June 2022 April 2023	Risk reviewed by Education Management Team January 2022 with no change to assessment of risk scores. Risk reviewed December 2020 with current score reduced from 16 to 12 and residual score from 12 to 8.

East Lothian Council Risk Matrix

Likelihood Description

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

Impact Description

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

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

Key

Risk	Low	Medium	High	Very High
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