

REPORT TO: East Lothian Council

MEETING DATE: 29 March 2022

BY: Chief Executive

SUBJECT: Corporate Risk Register 2022

1 PURPOSE

1.1 Following substantial update to a number of current corporate and COVID-19 related risk levels in some areas and in the context of the level of corporate risk reported to Council in December 2021, it was deemed appropriate to present to Council a live update on the Corporate Risk Register for awareness and approval. As previously reported to Council, this report would normally be presented to Cabinet annually in May.

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:
 - this is a live document which will be reviewed by the CMT, SMT, risk owners and the Corporate Risk Management Group on a regular basis and reported back to Council if 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 nature of risks managed by the Council, the Corporate Risk Register has again been refreshed, acknowledging the national and local impacts of the continuing business continuity arrangements deployed across Council services in response to the pandemic. The opportunity has also been taken to review and update all corporate risks as at 10 March 2022. The report can be augmented by live verbal update by officers as applicable.
- 3.2 The Scottish Government refreshed and published an updated COVID-19 Strategic Framework on 22 February 2022. This update brought to an end Scotland's legal COVID-19 restrictions on 21 of March. The vaccine passport scheme ended on 28 of February. The new strategic framework will see more of a reliance placed on vaccines, treatments and good public health behaviours, dealing with COVID-19 in an endemic state.
- 3.3 The public will still be expected to self-isolate if they test positive for the virus. Testing will remain a vital part of managing the virus but the government announced that there would be a phased move towards a more targeted system focusing on high-risk settings and supporting rapid detection of new variants. COVID-19 is, however, still a risk to health and good public health behaviours together with targeted testing and focussed treatment of outbreaks will be important as we manage the virus moving forward. Although a reduction in infection levels was experienced through late January and February, infection levels are currently very high and continue to have significant adverse impact on services.
- 3.4 An improving position can be reported in respect of *Corporate Risks ELC CR 5 COVID 19, ELC CR 6 Duty of Care to Public and Public Protection and ELC CR 7 Staffing Issues.* These risks have been updated to reflect the current risk assessment and mitigations in place including generally the levels of vaccination coverage and better treatments that have reduced the direct harms of the virus. The situation remains dynamic however in the context of infection levels. Risks remain "live" and, alongside mitigation action, under constant review.
- 3.5 The Council remains in emergency response with business continuity plans invoked. The Council is prepared for the move towards a formal declaration of the recovery phase in due course and is stood ready to contribute to collegiate conversations both regionally and nationally in the context of the timing of such a decision. Other risk components and new risks have emerged since December with war in Ukraine significantly impacting ELC CR 1 Supply / Cost of Materials and Labour, further impacting ELC CR 2 Energy Costs and ELC CR4 Information Security and Data Protection. A new risk ELC CR 3 National Care Service has been added to the Corporate Risk Register. This risk currently is reflective of the uncertainty of future governance arrangements. The Council Management Team will continue to monitor the development of the proposal and report to Council in due course.

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 associated risks and measures remain under close monitoring and review. Any unplanned and unbudgeted costs that arise in relation to any of the corporate risks identified will be subject to review by the Council Management Team, and if required will be reported to Council.
- 6.2 Personnel There are no immediate implications, however, given the current significant staffing challenges this area is under constant review.
- 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 2022

| AUTHOR'S NAME | Scott Kennedy |
|---------------|---|
| DESIGNATION | Emergency Planning, Risk and Resilience Officer |
| CONTACT INFO | skennedy@eastlothian.gov.uk 01620 827900 |
| DATE | 18 March 2022 |

East Lothian Council Corporate Risk Register 2022 (V51: 14 March 2022)

| Risk | Risk Description Existing Risk Control Measures | | Assessme | ent of Curr | ent Risk | Planned Risk Control Measures | [With pr | ent of Re Risk oposed co easures] | | Risk Owner | Timescale for Completion / Review Frequency | Evidence held of Regular Review |
|-------------|---|---|------------|-------------|----------|---|------------|--|-------|----------------------------|--|---|
| Ref. | Risk Description | Existing Risk Control Measures | Likelihood | Impact | Total | | Likelihood | Impact | Total | | | |
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| ELC CR 1 | Supply/Cost of Materials and Labour The construction materials market is currently volatile due to a number of factors including Brexit and the Pandemic impact upon the production and supply chain. Scotland Excel have confirmed a 23% increase in framework prices for timber and sheet materials. 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 These challenges have had significant impacts on construction, including: • Massive increase in demand is resulting in shortages on key products and placing strain on labour availability. • During the pandemic manufacturing facilities were closed and the world's distribution network was impacted and is still recovering. • 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 The main impacts are live project delays, delays to future projects, cost increases, contractors unable to submit fixed-price Tenders, higher risks for Contractors. The risks apply to capital and revenue-funded works for • Property • Roads • Housebuilding generally • Affordable housing programme • Voids and relets • Maintenance and lifecycle works in the operational / non-operational and learning estate and PPP Project. • Maintenance and iffecycle works in the operational / non-operational and learning estate and PPP Project. | Regular contact with our suppliers who have contact with their suppliers Also looking at alternative specifications with our suppliers for cladding etc. Updates from 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. | 5 | 4 | 20 | 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. Capital Plan review and prioritisation - using what we have differently to deliver essential projects at the expense of less essential. | 4 | 4 | 16 | Head of Infrastructure CMT | All planned measures are to be reviewed/progr essed over the coming weeks. | Risk Reviewed March 2022 with no changes to risk scores. New Corporate Risk created October 2021 and reviewed & refreshed during November and December 2021. |

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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. Note the BCIS All-in Tender Price Index for quarter 3 2021 has an increase of 1.9% from the previous quarter of 0.8% to 2.7% and a continual rise on this is predicted over the next five years. | Corporate Procurement have indicated that we cannot adjust Framework pricing mid-term. However agreement has been reached that larger projects can be issued for mini-competition amongst all ranked framework contractors. | | | | | | | | | | |
| | | Continue to follow advice and guidance from COSLA and UK and Scottish Governments and react accordingly. | | | | | | | | | | |
| | Set in the context of existing supply chain pressures prevalent within the delivery of Affordable Housing Supply, Additional Housing pressure through the UK Government resettlement scheme may present to accommodate increased numbers of refugees fleeing the war. This risk will be set out in more detail within the Housing Risk Register. | and accommodation is identified. Continue to follow advice and guidance from COSLA | | | | | | | | | | |
| ELC CR 2 | Volatility in energy markets will result in significantly higher energy costs for the foreseeable future. Increasing rates will impact on the cost to operate buildings, street lighting provision, third party users of services, electric vehicle charging rates etc. Rising energy costs will indirectly impact the cost of other goods and services e.g. materials, consumables, transportation. There is a risk that electricity, gas, oil and LPG rates | Electricity, gas and oil is procured through Scottish Procurement. The rates for 2022/2023 will rise significantly however Scottish Procurements purchasing strategy provided some protection throughout the volatility. The Council's Energy Transformation Board seeks to improve energy efficiency and energy supply from renewable sources reducing reliance on fossil fuels. | 5 | 4 | 20 | Review of current services and pursue mitigation measures though asset review project and similar initiatives. Investment in expanding renewable energy and transformational projects and expansion of energy saving initiatives. Difficult given the current capital plan commitments and need for central government funding. Building in additional budget and appropriate savings targets | 4 | 4 | 16 | Energy Officer Service Manager ES & BS Finance | April 2022 | New risk created December 2021 by Service Manager - ES & BS, Energy Officer and Finance Management Team and reviewed by Executive Director, Place |
| | could increase further in 2023/24. Heightened Risk Due to War in Ukraine Due to the current conflict in Ukraine there is a heightened risk of additional supply chain pressures. | | | | | | | | | | | and Head of Infrastructure. |
| ELC | National Care Service | The council provided a detailed and comprehensive | | | | Depending on the detail of the legislation | | | | | | Now Corporate |
| CR 3 | The Scottish Government proposal to establish a National Care Service, which would extend to all adults care services, children's services, criminal justice and social work will result in the largest reorganisation of local government since the creation of single tier local authorities in 1995/96. The council's concerns at the risk involved in this proposal were detailed in the Council's response to the Scottish Government's consultation on its proposals (report to Members Library, November 2021). These include the following: | The 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). The council is awaiting the publication of the Scottish Government's response to the consultation and publication of its proposal – probably in the form of a White Paper – and will provide a further detailed response highlighting any remaining concerns and risks. | 5 | 4 | 20 | Depending on the detail of the legislation is due to be taken forward into the Scottish Parliament by the Scottish Government and timescale for creation of the proposed National Care Service officers will prepare detailed response and plan to prepare for implementation and mitigate any negative impact, including lobbying for adequate resourcing from the Scottish Government | 5 | 3 | 15 | Chief Executive/ Chief Social Work Officer / Head of Operations (H&SCP) | | New Corporate Risk created March 2022 by Head of Children's Service, also to replace risk on Public Sector Reform. |
| | The creation of a new national QUANGO will require significant resourcing and will lead to years of uncertainty and anxiety within the workforce and possibly also amongst service users and carers. It | CMT will continue to monitor the development of the proposal and report as appropriate to the Council. | | | | | | | | | | |

| Risk | | Existing Risk Control Measures | Assessme | ent of Curre | ent Risk | Planned Risk Control Measures | | nent of Re Risk oposed c neasures] | | Risk Owner | Timescale for Completion / Review Frequency | Evidence held of Regular Review |
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| | will also risk loss of momentum and progress with existing multi-agency collaborative improvement programmes. The complexity of transferring responsibility for one of Local Government's largest, most complex and important services to a new national agency cannot be over-estimated. Previous structured reforms to deliver a single agency has not been able to be undertaken without significant cost, and significant staff resourcing, and there is no evidence that this singular source has delivered better outcomes for our users of the system. There are significant questions about how the National Care Service and other proposals in the consultation paper will be funded. The scope of the NCS is not yet clear but the reorganisation of such complex services as Adult Social Care and Children's Social Work Services and their integration into a new national service would come at a major cost in both finance and staff resources. There will be major implications for support services such as Finance, HR and IT. There are very significant risks in breaking up the existing 'whole system approach' that is provided through social work being part of local government. The centralisation of responsibility and services under a National Care Service also removes the local approach to service delivery which is critically required to deliver a holistic approach to care services and integrate this wider within a wholescale and local approach to deliver improved outcomes for those who need and use care such as Housing, Education, and community services. Centralisation also puts at risk the effective collaboration and shared leadership that has been developed through Community Planning, Community Justice, Children's Services and Public Protection Partnerships, and local community capacity building achieved through multi-agency locality planning with, and in, targeted community and therefore risk for large parts of the council's workforce, including the future employee status of staff working in social work and whether they would be TUPE | | | | | | | | | | | |
| | The Council is progressing a major Transforming Children's Service programme that will have fundamental implications for how we deliver services for vulnerable families and children. This will be impacted by the uncertainty created by the proposal to include Children's Services within the scope of the National Care Service. | | | | | | | | | | | |

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| ELC CR 4 | heightened risk of Nation State led cyber-attacks on the West. These could potentially affect National Infrastructure such as data and voice networks which could have an impact on East Lothian Council. Information Security Failure to have comprehensive council wide Information Security Management (ISM) measures in place will put at risk the availability, integrity and confidentiality of the councils information and may cause a Council wide failure of central I.T. 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 are on the increase amongst local authorities, 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 means our security risk from external influences has increased and our security posture needs to change to meet these new challenges The Cabinet Office has introduced zero tolerance 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. The PSN network is being redeveloped over the next 2 years 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 | Information Security The Council complies with the international standard ISO 27001:2017 as the framework for its ISM system. As part ISO27001:2017 a number of control areas are set out: IS policy; IS organisation; Human resources security; Asset management; Access controls and managing user access; Physical & Environmental security of all sites/equipment, Secure communications, Data handling and Data Protection (including paper documents); Secure acquisition, development, and support of information systems; Security for suppliers and third parties; Information Security Incident management; Business continuity/disaster recovery (to the extent that it affects information security); Annual IT health checks on the existing infrastructure. New systems introduced are risk assessed and security checked to ensure they meet the criteria. Council Information Governance and Security (IGS) Forum co-hosted by the IT Team Manager – Infrastructure and Security and the Team Manager – Information Governance / Data Protection Officer. The Team Manger – IT Infrastructure & Security sits on the Scottish Governments Digital Assurance group 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/DP Awareness Campaign was launched in Dec 21, which sends scheduled 'hot topic' awareness updates to employees. | 5 | 4 | 20 | Information Security Upgrade of external facing systems taking place to increase security of our internet facing gateways. Due to increased use of cloud systems at ELC, we need to review our security posture & systems to ensure we are covering this area. We are reviewing all security systems to ensure protection Acceptable use policy for all ELC employees is to be refreshed during 2021 with an online version introduced to enable easier review and signing by all employees. | 3 | 4 | 12 | Executive Director – for Council Resources Head of Corporate Support Data Protection Officer | Ongoing March 2022 | 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. Risk updated November 2021 by Team Managers – IT Security and Information Governance with on change to scores. |
| | 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; | 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. | | | | Data Protection Training & awareness: e-learning modules currently being refreshed with an estimated completion in May 2022. The DPO, Team Manager- IT Infrastructure & Security and Communications teams are progressing a Communications Plan including Inform briefings, e-mail updates (Info Security | | | | | May 2022 | |

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| | - fines of up to £17.5 million or 4% of turnover, whichever is higher; - requirement to pay compensation; - adverse publicity; - damage to reputation | IS, DP and Records Management Awareness training is a mandatory part of induction and must be refreshed every two years. The ELNet pages for Information Governance also include templates, guidance and information to support corporate compliance. | | | | Email Alerts scheduled weekly for March/April, to be followed by DP alerts.) and other training and briefings to reinforce awareness of data protection and information security across the Council. | | | | | April 2022 | |
| | The Council has a mandatory 72 hour window in which to report relevant breaches to the Information Commissioner's Office. Limited security, procedural and environmental controls at the Dunbar Road records store mean that records and personal data are at risk of security breach and/or accidental loss or destruction. The shift to home/digital working in response to COVID-19 has also placed additional pressures to digitise paper records management systems and ensure new ways | 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 resubmission of its RMP for the Keeper's approval (date tbc). The Council has a close working relationship with | | | | Information Transformation Strategy: the Team Manager–Information Governance and Team Manager-IT Infrastructure & Security are drafting an Information Transformation Strategy and associated Action Plan to underpin the Digital Strategy and Business Transformation agendas and 'to ensure the right information gets to the right person, at the right time, and in the right format'. | | | | | December 2022 | |
| | of working remain secure. 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). | 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: 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. | | | | | September 2022 | |
| | 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. | | | | | DSA/DPIA Process Reviews: The processes for approving Data Sharing Agreements and Data Protection Impact Assessments are being simplified and streamlined. A soft launch for DSA process was completed in Jan 2022 with a formal launch in May 2022 | | | | | May 2022 | |
| | | | | | | Dunbar Road Options Paper: An options paper is being prepared regarding next steps to upgrade and secure our paper records storage and retrieval arrangements. | | | | | December 2022 | |
| ELC CR 5 | COVID 19 | | | | | | | | | | | |
| CK 5 | East Lothian Council continue to have the appropriate plans/contingency in place to ensure continued delivery of business critical services during the COVID 19 outbreak. Without these there is a risk to our ability to provide an effective critical and emergency service to East Lothian's residents, communities and businesses. | compliance with all government and public health authorities' advice and reducing the impact/spreadof misinformation by relying on information from trusted sources. Scottish Government Coronavirus Strategy, | | | | Continued planning and implementation action across Services re-ongoing COVID19 response to national circumstances and Scottish Government guidance. Ongoing deployment of JCVI vaccine and | | | | Council Management Team (Crisis Response Team) Council COVID | All measures are live and monitored on a weekly basis. | Risk fully reviewed and refreshed by Executive Director of Place, CMT and Risk Owners March 2022 with |
| | Whilst the COVID-19 outbreak has and continues to present a significant challenge. The UK government and the devolved administrations have all responded, While East Lothian Council has and continues to respond in a way that offers substantial protection to the public. | Scottish Government refreshed and published the COVID19 Strategic Framework for Scotland on 22 | 4 | 4 | 16 | booster programme and monitoring of COVID case prevalence across East Lothian to inform service interventions and timely community information and updates re service delivery and ongoing safety measures. Work is underway to identify and introduce a new mass vaccination centre to supplement East Lothian | 4 | 3 | 12 | 19 Oversight Group | | current risk score reduced from 20 to 16 and residual score from 20 to 12. Risk fully reviewed and |
| | Whilst pressures continue to be faced, there is an improving overall picture thanks to vaccines and the relaxation of guidance in the updated SG Strategic Framework. | Response Team) meets weekly to oversee and direct | | | | Community Hospital. The Council will follow the updated SG Framework to ensure that sick pay and staffing practices are aligned with public | | | | | | refreshed by Executive Director of Place, CMT and Risk Owners December 2021. |
| | The Council will continue to carry out close ongoing monitoring of COVID and continues to be prepared for any future waves of the virus. | A fortnightly COVID and Concurrent Risks Oversight Group oversees the cross service COVID19 response | | | | health aims, adapting premises to make them safer for customers and staff, and enabling hybrid working where that makes | | | | | | Corporate Risk created 18 th |

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| | | planning and operational service delivery ,considering implications of the relaxation of measures on ongoing service response, responding to Scotland's Strategic Framework and overseeing a number of sub-groups. | | | | sense and supports businesses and individuals. | | | | | | March 2020 in response to COVID 19 by Risk Officer in collaboration with |
| | recovery. | COVID19 Recovery and Renewal Coordination Group is deployed overseeing planning for recovery and renewal across East Lothian. | | | | | | | | | | Head of Communities & Partnerships. |
| | | Resilience Direct is being used to share information on a multi-agency basis. | | | | | | | | | | Refreshed on a regular basis and reviewed at CMT |
| | | Business Continuity Plans deployed in all services leading to staff continuing to work from home unless it is essential for them to be in their place of work. | | | | | | | | | | meetings. |
| | | Protective Services are working in partnership with NHS Lothian in relation to investigation of local Covid cases/clusters and will, if required, attend PAG/IMT's, in support of Track and Trace national procedures to constrain the spread of the virus across communities | | | | | | | | | | |
| | | Ongoing joint multi-agency collaboration and reporting to ensure that we are all informed and ready to respond to any further waves of the virus and to support local residents, business and visitors' community safety, | | | | | | | | | | |
| | | Extensive Elected Member Briefings, Staff Briefings and Manager Guidance issued. | | | | | | | | | | |
| | | 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 responding to COVID-19 consequences across communities. | | | | | | | | | | |
| | | The Council provides a prime source of local EL public information, constantly updated, in the Council Website as well as regular updates on Social Media platforms. | | | | | | | | | | |
| | | East Lothian Community Testing Working Group continues to meet every two weeks while ELC in partnership with NHS Lothian is assisting the Scottish Government in delivering community testing. | | | | | | | | | | |
| | | The updated Strategic Framework suggests that there will be a move from mass testing to targeted testing / outbreak management. Funding for the provision of community testing in East Lothian has been agreed until the end of June and there are ongoing discussions as to how testing will be delivered after this time. | | | | | | | | | | |
| | | Stoneyhill Test Centre is currently operating as a dual testing site, offering both PCR testing and LFD Testing. People with symptoms can have a PCR Test carried out here. | | | | | | | | | | |
| | | Mobile Testing Units operated by the Scottish Ambulance Service are also visiting specific areas in East Lothian 7 days a week from 10am to 4pm. | | | | | | | | | | |
| | | Wellbeing implications for our workforce have been addressed re-mental health risks, H&S risks, home | | | | Services review Service Delivery and prioritise essential critical and emergency | | | | Heads of Service and | Ongoing | |

| Diak | | | Assessme | nt of Curre | ent Risk | Planned Risk Control Measures | [With pr | ent of Re Risk oposed co easures] | | Risk Owner | Timescale for Completion / Review Frequency | Evidence held of Regular Review |
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| Risk Ref. | Risk Description | Existing Risk Control Measures | Likelihood | Impact | Total | | Likelihood | Impact | Total | | | |
| | Increased Financial Hardship | working risks via employee and line manager briefings and guidance on wellbeing, health & safety, homeworking checklists. Guidance for managers and the employee wellbeing programme are available online. NHS Lothian Gold meetings are taking place weekly. Re-Commencement of Statutory Debt Recovery Work | | | | service provision, and sustain essential corporate service provision e.g. IT systems, Payroll, Contact Centre et al. Management of planned return to workspaces in accord with national guidance and local review of Assets and New Ways of Working. Review of Suspension of Statutory Debt Recovery Work | | | | Service Managers Exec Director of Council | Monthly reviews in | Service performance |
| | may face greater demands for financial support from local residents and business. Council income streams could also be more severely impacted. Higher levels of unemployment or debt could result in more personal insolvency which would have a detrimental effect on the Council's ability to collect money owed. The cost of living has been rising since early 2021, with inflation now reaching its highest recorded level in decades, affecting the ability of households to afford goods and services. | Statutory debt recovery work is back on track across Revenues Service which is tackling debt recovery for Business Rates with sensitivity and in conjunction with the Economic Development team, recognising the fragility of the business sector at this time. Support for Local Business The new Retail, Hospitality & Leisure relief has been extended into 2021/22, all eligible business owners must re-apply while the Service contacted all potentially eligible businesses yet to apply. Properties in the retail, hospitality and leisure sectors are eligible for 50% rates relief for the first quarter of 2022/23, capped at £27,500 per ratepayer. It has been confirmed that businesses will have to apply again. COVID19 grant support for businesses. Business Ventilation Grant Support Scheme - business ventilation support grants by SG administered by local government. Up to £2,500 available to improve ventilation in eligible business premises. Scheme closes end March 2022. December/January Top-up and January Top-up - funding provided for disruption to business activity during December 2021 and January 2022. Payments by ELC on behalf of the Scottish Government during January and early February 2022, included hospitality, leisure, public houses, breweries, and taxi drivers / operators. | | | | Debt Recovery Work Future debt recovery activity is being reviewed on a regular basis and in line with future national restrictions. Financial Insecurity Funding During 2021/22 the Service is planning to spend its allocation of carried forward Scottish Government Financial Insecurity Funding: • £100k for SWF/Fuel Poverty • £150k for Discretionary Housing Payments Winter Fund The Scottish Government has set aside £25 million flexible funding to support households experiencing financial insecurity over the Winter of 2021/22. The allocation received by ELC is being disbursed as follows: • £350k via SWF/Fuel Poverty • £65k to Food Insecurity to support food initiatives Tenant Grant Fund The Revenues Service have a key role in identifying those who are potentially eligible for a payment towards their rent arrears via the Scottish Government's Tenant Grant Fund – this project is being led by the Housing Service. Scottish Government Funding to help tackle cost of living crisis The Revenues Service is awaiting SG guidance following the announcement it will provide £150 to every household in receipt of council tax reduction in any council tax band and provide £150 to all other occupied households in bands A to D. Scottish Government has announced that it will continue the Fuel Insecurity Fund to help households from rationing their energy use. It is anticipated that the Revenues Service will administer fuel payments via Scottish Welfare Fund. Business Recovery Fund Scottish Government has announced additional funding of £1.517m to support business recovery and low income households. This funding was identified | | | | Council Resources Head of Finance Service Manager - Revenues | reviews in place. | performance monitoring. |

| Diale | | | Assessme | nt of Curre | ent Risk | Planned Risk Control Measures | Assessm [With pro | Risk | | Risk Owner | Timescale for Completion / Review Frequency | Evidence held of Regular Review |
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| Risk Ref. | Risk Description | Existing Risk Control Measures | Likelihood | Impact | Total | | Likelihood | Impact | Total | | | |
| | | | L | I | LxI | | L | I | LxI | | | |
| | | Recruitment to fill one additional, temporary (12 month) Council Tax Officer was approved with successful applicant taking up post from early January 2021. Financial Inclusion Service Recruitment to fill a vacant Financial Inclusion Adviser position has been carried out with new team member taking up post from late January 2022. | | | | will be split equally between the two objectives. Proposed interventions to support business recovery will be reported to March Council for approval. | | | | | | |
| | Education Staffing shortages in school staff and in facilities management continues to present a challenge to the sustained safe operation of schools. While SQA have confirmed the plans for SQA Awards in 2022, there is a risk that these plans may change again as a result of increased COVID cases. | Education follows Scottish Government and Public Health Guidance in developing service delivery plans. All Schools have Business Continuity contingency plans in place in the event that schools have to close. Ongoing communication to pupils, parents and staff of safe operating arrangements. Mass asymptomatic testing continues for all school staff and for secondary school pupils with LFT test kits Cleaning and risk assessments are an ongoing priority. Additional fogging is taking place as required where there is an increase in the number of positive cases. Implementation of remote learning when infection levels present a health and safety risk in particular schools. Daily consideration and risk assessment of available resource (including FM) and ability to maintain face to face learning across all schools. Education Recovery Group continues to meet regularly. Work streams continue to review and update guidance for schools and they continue to reflect any revised guidance from Scottish Government Face coverings are now mandatory on transport contract or public transport as per Scottish Government guidance while secondary students are required to wear them in public areas around the school and staff are also encouraged to wear them. | | | | Ongoing review and evaluation of implementation of guidance and impact on school operation. Ongoing focus on asymptomatic testing and supporting the NHS in communicating about vaccinations. Continued recruitment of supply staff and FM staff. Ongoing communication to parents, carers, pupils and staff. | | | | Executive Director for Education and Children's Services Head of Education Education Management Team | | |
| | IT and Digital Resilience | They are no longer required in classrooms. | | | li . | | | | | | | |
| | We face an increased Information Security risk as spam and hacking attempts continue to rise. Some ELC staff working from home may find their IT use slower due to the speed of their own broadband connection which can be variable and is dependent on factors such as other devices are being used in the home and the number of other connections at the telephone exchange. Network usage has increased significantly due to the reliance on digital technologies. The rapid increase of remote working increases the likelihood and impact of cyber-attack against organisations as attackers exploit the situation. Also cyber security good practice for the office does not | allowing controlled access to others used by other organisations via browsers. Ensure security systems are improved as and when required in line with advice from NCSC & other UK government security agencies. IT have increased the capacity of key parts of the infrastructure including Wide Area network and Internet capacity and continue to monitor performance to identify potential bottlenecks. Email alerts have been used to remind staff of our security policies and good security practice whilst | | | | Information Security Officer working with Data Protection Officer and Corporate Comms to campaign for all staff with updated advice on safe working practice during current crisis. This will continue to be issued in various formats every 2 months. Have secured funding to replace the existing Wi-Fi networks in the main Council premises with a higher capacity system in preparation for staff returning to the workplace. Continue to implement parts of the M365 suite. Replacement of Squirrel, the Councils main adhoc file store is underway. | | | | Head of Corporate Support Service Manager – I.T. | | |

| Risk | | | Assessmer | nt of Curre | ent Risk | Planned Risk Control Measures | [With pro | ent of Re Risk oposed co easures] | | Risk Owner | Timescale for Completion / Review Frequency | Evidence held of Regular Review |
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| Ref. | Risk Description | Existing Risk Control Measures | Likelihood | Impact | Total | | Likelihood | Impact | Total | | | |
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| | screens/during voice and video calls may be compromised. IT Supply Chain Issues have come to the fore in March 2021. The lead time for laptops, Chromebooks and iPads have now stretched to 6 months. This is causing problems for services, especially those with new starts requiring equipment. Scottish Procurement have indicated that this is a World Wide problem due to the shortage of semiconductors and is unlikely to change until 2023. The number of Service Desk calls have risen sharply during the COVID response. This is resulting in longer times to resolve staff problems which can result in staff being unproductive until their issue is fixed. | when they arise while increased security monitoring is now in place on the infrastructure. | | | | | | | | | | |
| | Recovery and Renewal The Council has had to adapt is delivery of services through the course of the pandemic and has continued to prepare for recovery in the context of the Civil Contingencies Act 2004. ELC will continue to lead recovery supported by our partner agencies. Many Council services are now operating in a near normal way, however, mindful of the COVID threats. | Group was stood up in June 2020 and has met monthly | | | | | | | | Executive Director - Place | | |
| ELC CR 6 | Duty of Care to Public and Public Protection 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. A failure to secure efficient and effective Public Protection arrangements, covering Child Protection, Adult Support and Protection, Offender Management, MAPPA arrangements, Violence against Women and Girls (VAWG) and Substance Misuse services, may see the Council being unable to fulfil its statutory duties/duty of care which could contribute to a service user suffering harm/death or detriment. This would in turn result in reputational damage to and increased scrutiny of the Social Work services. The duty of care is at the heart of the Council's approach to risk management. The likelihood of this | Strategic Structure The East and Midlothian Public Protection Committee (EMPPC) The East Lothian and Midlothian Public Protection Committee (EMPPC) is the local strategic partnership responsible for the overview of policy and practice in relation to Adult Protection, Child Protection, Offender Management and Violence Against Women and Girls. The primary aim of the Committee is to provide leadership and strategic oversight of Public Protection activity and performance across East Lothian and Midlothian. It discharges its functions through four sub-groups which meet quarterly: Performance and Quality Improvement sub-group maintains overview of work through the door and performance in relation to CP and ASP work Learning and Practice Development sub-group takes forward our 2021-23 strategy for Multi- agency training, and oversees our training programme. Training needs on aspects of Public Protection are considered by this group and are informed by Training Needs Analyses undertaken by the East Lothian Workforce Development Officers in Children's Services and the HSCP | 4 | 4 | 16 | Work is underway to prepare for Adult Protection inspection (no date identified/inspections resumed in June 2021) – programme of audit and self-evaluation is underway. A multi-agency strategic planning group has been established with key personnel from East Lothian HSCP, NHS Lothian, Police and Public Protection Office. This group will plan and oversee preparation activity. Public Protection Manager will review the 0.5 Learning and Development Coordinator post with senior managers across the EMPPC partnership, and will consider the most appropriate way of using this resource. A Joint Strategic Needs Assessment for Public Protection is being taken forward by CSOG. Child Protection Lead Officer will use the evaluation of the pilot of the Safe and Together training to inform discussions with the East Lothian S&T | 3 | 4 | 12 | Chief Executive Critical Service Oversight Group Executive Directors Director of East Lothian Health and Social Care Partnership Chief Social Work Officer Public Protection Team Manager Health and Safety Team | June 2022 March 2022 June 2022 June 2022 | 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. Risk has been reviewed in December 2021 by CMT and the decision was taken to increase the current risk score from 12 to 20 and the residual risk score from 8 to 20 due to the current nature of the risk and the fact that, even with all measures in place |

| Risk | | | Assessment of Current Risk | | | | | ent of Re Risk oposed co easures] | | Risk Owner | Timescale for Completion / Review Frequency | Evidence held of Regular Review |
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| Ref. | Risk Description | Existing Risk Control Measures | Likelihood | Impact | Total | | Likelihood | Impact | Total | | | |
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| | risk occurring is influenced by a range of factors including: | Offender Management Group oversees MAPPA arrangements. | | | | implementation group about how best to support staff to complete the training and embed S&T in practice in East Lothian. | | | | | | a period of review will be required to measure whether |
| | 1) The medium to longer term impact of the Covid-19 pandemic, on the mental and emotional wellbeing, and coping mechanisms of children, young people and adults, and their access to supports, where their needs | governance and leadership of EMPPC on a quarterly basis | | | | Resource requirements to support this work will be further explored. This will also be monitored via EMPPC Learning and Development Sub-group. | | | | | | or not the situation has improved and the risk has reduced. |
| | | 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 | | | | | | | | | | |
| | (2) Complexity of service delivery, infrastructure, environment and partnership arrangements across the Council services; | domestic abuse are planned for on a multi-agency | | | | | | | | | | |
| | (3) Increasing population and the number of vulnerable people in East Lothian; | A Joint Strategic Needs Assessment for Public Protection has being developed and is being reviewed by CSOG. This projects increased demand for services and makes a number of recommendations for | | | | | | | | | | |
| | (4) Increased population and more complex service demands presented by an increasing number of service users whilst resources have reduced | the future delivery of Public Protection services. ASP preparation for inspection work: | | | | | | | | | | |
| | (5) Levels of deprivation in East Lothian;(6) There are risks around worker shortage for care at home providers in East Lothian, with risks to sustainability of the service provision. | A self-evaluation of Adult Protection in East Lothian has commenced | | | | | | | | | | |
| | | Other quality assurance activities and audits are undertaken by the lead officers for Adult Protection and Child Protection, in partnership with HSCP and children's services managers. There is an ASP inspection preparation group in place which meets regularly to plan self-evaluation and preparation for inspection activities. | | | | | | | | | | |
| | | 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 | | | | | | | | | | |
| | March 2022 Update – Evidence gathered since Jan 22 shows only one remaining provider of concern. The provider has given a timeline for 1 month for service improvements. | ELC H&SCP have monthly 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 (next review March 2022) and Critical Services Oversight Group (next review April 2022) | | | | | | | | | | |
| | The EMPPC website is not fit for purpose and does not meet the accessibility requirements. | A risk management tool has been developed to provide consistency in how the providers are assessing their capacity to respond and deliver their required level of service. | | | | | | | | | | |
| | There is a risk that staff who require refresher training in Child Protection and Adult Protection do not receive this within a two year timescale – the current focus is on delivering training for staff who have not done any of the core courses. There is a risk that children and families staff do not manage to complete the core Safe | Policies, Protocols, Procedures and Guidance are in place, subject to ongoing review and update and available on Public Protection website: www.emppc.org.uk. | | | | | | | | | | |
| | and Together training (4 days) which is designed to be completed on a self-learning basis. | 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 | | | | | | | | | | |

| Diek | | Existing Risk Control Measures | | nt of Curr | ent Risk | Planned Risk Control Measures | [With pro | Risk | | Risk Owner | Timescale for Completion / Review Frequency | Evidence held of Regular Review |
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| Risk Ref. | Risk Description | Existing Risk Control Measures | Likelihood | Impact | Total | | Likelihood | Impact | Total | | | |
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| | | oversight of Public Protection performance including assessment of risks and pressures. | | | | | | | | | | |
| | | The Council continues to work towards delivering the UK Government's Counter Terrorism strategy, known as CONTEST, of which Prevent is a key element. EMPPC has a Prevent referral pathway which has been reviewed. | | | | | | | | | | |
| | | Re-alignment of service areas and responsibilities across the HSCP has resulted in the creation of a dedicated team manager post in statutory services. This post holder has responsibility for supporting the link between strategic and operational activities. The Lead Officer for Adult Protection now leads the Council Officer forum, to support learning and practice and process consistency in Adult Protection. | | | | | | | | | | |
| | | All Regulated Services e.g. Care homes for older people, residential units for young people, Schools are inspected by Care Inspectorate and Education Scotland. Improvement plans are implemented following all Regulated Services inspections. A weekly Care at Home Oversight Group has been established to oversee and manage risks in relation to staffing | | | | | | | | | | |
| | | Both the Lead Officer for Child Protection and Adult Protection participate in the Inter-agency Referral Discussion Overview Group, which reviews and provides quality assurance of the decisions taken to manage vulnerable children and adults risks. | | | | | | | | | | |
| ELC CR 7 | Staffing Issues | | | | | | | | | | | |
| CR 7 | There continues to be a risk in relation to Council employees having to self-isolate as close contacts of a positive COVID case combined with sick leave, both for COVID and for other reasons, all exacerbated by Brexit related staff recruitment impacts on key sectors. Staff have also been dealing with the pandemic for almost 2 years which is generating fatigue and mental health issues, which are also impacting on staff | Daily assessment of staffing capacity within services leading to resource challenges and essential redeployment of available resources to maintain frontline service delivery, reducing service provision when essential in non-statutory services. National easing of self-isolation requirements may mitigate some of the pressure on teams. | | | | 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. The Council has agreed to utilise the COVID Recovery Fund to recruit to | | | | Head of Corporate Support CMT | All measures are live and monitored on a weekly basis. | Risk score reviewed by Executive Director of Place Head of Communities March 2022 with current risk score reduced from 20 to 16 and residual |
| | absences. At the same time the Council are competing with other employers when trying to recruit staff and face challenges in this as the private sector has more flexibility regarding terms, conditions and salaries. This has made it particularly difficult to respond to | We continue to undertake high levels of recruitment. Over recent weeks ELC have had amongst the largest volume of adverts on MJS out of the 32 LA's (which in itself creates resource issues for our HR team in dealing with these volumes) which is significant for an authority of our size. | 4 | 4 | 16 | temporary posts to alleviate pressures. These posts are still to be recruited to. H&SCP are in discussion with partner organisations to investigate whether locum staff can be recruited although this | 4 | 3 | 12 | | | score from 20 to 12. Staffing Risk reviewed and refreshed by Head of Corporate |
| | Scottish Governments short term COVID response funding/staffing initiatives. | Services Council wide are regularly required to ask staff to work additional hours and overtime to deal with the staffing issues. | | | | hasn't had any significant impact as staff are still required for key tasks in other Councils service areas | | | | | | Support, March 2022. |
| | A lack of staff for the above reasons has resulted in a reduced ability to provide a full range of services to the public and to provide internal support services, with only critical activities being provided in many areas. In some services this could result in risk to life and severe reputational damage to the Council. Insufficient staff can also lead to an inability to open | Making full use of our Agency frameworks. Though agencies are facing similar issue in sourcing key staff, many are now unable to supply. Managers continue to apply the Managing Attendance Policy. | | | | The First Minister has agreed that Local Authorities can recruit permanently to temporary posts, where this is possible. This is something ELC will look at for high risk areas. | | | | | | The Staffing Risk has been reviewed in December 2021 by CMT and the decision was taken to increase |
| | establishments and maintain the services provided. The impacts are widespread across Council services, these challenges continue to have a cumulative and significant impacts on the following services in particular: | The Council has updated its COVID and Self Isolation Guidance allowing those self-isolating to return to work sooner. | | | | The HR service in conjunction with Corporate Communications are reviewing community based advertising methodologies e.g. poster campaigns, | | | | | | the residual risk score from 16 to 20 as even with all measures in place a period of review |

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| Risk Ref. | Risk Description | Existing Risk Control Measures | Likelihood | Impact | Total | | Likelihood | Impact | Total | | | |
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| | Facilities Management Health & Social Care Partnership - HR & Payroll Registration Burials Team Waste Services Transport Services Housing Connected Communities Community Centres & Libraries Contact Centre & Community Response Team Customer Services Skilled Trades within Property Maintenance Key Finance and Banking Staff Legal Roads – At this moment in time have sufficient resources to deliver winter maintenance operations, although monitoring due to national shortage of LGV drivers. Roads require 54 staff to deliver the winter maintenance service (45 LGV drivers, 3 loaders, 2 duty clerks and 4 duty officers). Substantial resilience issues are presenting in the management of concurrent risks e.g. Weather emergency in the format of storms. | Some Council services are reducing the delivery of the service they provide to combat the issue e.g. facilities and community centres & libraries. Scottish Government is providing assistance and funding, particularly to the H&SCP although this can have a consequential impact on support services e.g. HR, Payroll. The Council is now fast-tracking Disclosure checks for H&SCP employees and meeting the costs of these checks for all employees on a temporary basis to remove a possible barrier to recruitment. Support is provided by Amenity services to supplement the winter emergency response team. Training up of some staff to gain LGV licence in order to be able to drive gritters is being progressed. A debrief was carried out on Storm Arwen noting lessons learned and promptly implementing subsequent actions. CMT Emergency Planning Training | | | | pro-active social media campaigns and recruitment fairs. The Council could investigate the 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 does come with a number of other risks to the Council so should only be used in very exceptional circumstances as an allowance and as an absolute last resort. Develop graduate intern opportunities to meet service professional requirements. Consideration of expanding the apprenticeship programme. Service Reviews involving inputs from HR and Finance to ensure appropriate role and grading definitions within the service and broader corporate context. Review and broaden-out leadership resilience and service capacity within all ELC Contingency Plans. | | | | | | will be required to measure whether or not the situation has improved and the risk has reduced. New Corporate Risk created October 2021. |
| ELC CR 8 | Climate Emergency East Lothian Council has had statutory climate change duties since 2011. The Scottish Government's Climate Change Act (2009) section 44 requires us to mitigate emissions and adapt to climate change to support the delivery of Scotland's national net zero target and adaptation programme. The risks associated with the responsibilities are: • Failure to meet our statutory duty in Scotland's Climate Change Act (2009) • Lack of financial and staff resources to mitigate emissions and deliver the net zero target by 2045 • Unknown costs of the transformational change needed to adapt and build resilience to climate change impacts • Risk aversion, particularly in relation to new technologies that could support mitigation and adaptation • Reputational damage and failure in corporate social responsibility if climate action is not mainstreamed and embedded across the Council • Lack of/unclear funding and unbudgeted costs to reduce carbon emissions, e.g. for the transformational changes needed in Fleet¹ and Asset² Management The Council are making progress on the Climate Emergency risks. However, there is an urgent need to | | 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). Identify the implications of the Scottish Government's Climate Change Plan Update (Dec 2020) on the Council's Climate Change Strategy and Action Plan, 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. Work has started on producing a Climate Change Communications & Engagement Plan to continue mainstreaming climate action across Council Services. Articles are being written to pilot a 'Green Corner' in Inform, a proposal to raise climate literacy within the Council has been presented to CCPMG and a delivery plan is currently being created, discussions with other local authorities to feed these | 3 | 4 | 12 | Chief Executive Head of Development Sustainability and Climate Change Officer | Ongoing with annual review 2025 / reviewed annually Ongoing with annual review Ongoing with annual review Ongoing with annual review | Risk refreshed by Sustainable Energy and Climate Change Officer March 2022 with no change to risk scores. |

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| Risk Ref. | Risk Description | Existing Risk Control Measures | Likelihood | Impact | Total | | Likelihood | Impact | Total | | | |
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| | secure the funding, resources, tools and powers to enable us to deliver net zero. Until then, our capability of transformational change to reduce these risks is uncertain. ¹Fleet Management: We need to replace public sector fleet vehicles with ULEV by 2025. However, funding from the Scottish Government is limited and focused on smaller vehicles. Shifting ELC's heavy commercial fleet to a UNLEV platform will require additional unbudgeted funding. Currently, the cost of an EV refuse collection vehicle is 2.5 times more expensive than a fossilfuelled equivalent. Another cost implication is the charging infrastructure needed to support these vehicles. ²Asset management: We anticipate the costs of transformational change for our built assets to reach net zero to be substantial. To achieve net zero, we need to ensure that capital is available (e.g. capital for asset reconfiguration, energy efficiency measures, energy generation, etc.). It is key to manage Council assets in line with the climate change agenda. | authorities to implement the National Climate Change Plan Update (Dec 2020). Adaptation Scotland and SSN, ensuring consistency and collaboration between public bodies in the response to the climate emergency. Transport Scotland, funding ELC's ULEV public sector fleet objective (2025). NB, funding options are limited to be either lease of part funded purchases. Thus, the opportunities to fully utilise ULEVs are limited. The Sustainable Transport Officers Group, which coordinates a multi-departmental response to increase active and sustainable travel. | | | | actions into a wider ELC Communication & Engagement Plan are ongoing. Engage with local partners to set carbon emissions reduction targets and take climate action Engage East Lothian Partnerships to include carbon emissions reduction targets in review and update of the East Lothian Plan. Set up a Citizens Assembly /Climate Change Forum. Climate Change Officer is having discussions with other Local Authorities – such as Dumfries & Galloway – to identify resources and ways of delivery | | | | | December 2022 December 2022 December 2022 | |
| ELC CR 9 | Brexit The Trade Co-operation Agreement (TCA) was | The wider ramifications of the decision to leave the | | | | We continue to seek clarity over how the | | | | Council | All actions | The risk continues |
| | agreed on Christmas Eve 2020 and ratified by UK Parliament on 30 th December 2020 via the European Union (future relationship) Act 2020. The TCA is wider in scope than most free trade agreements and also covers the most urgent matters, however, remaining provisions such as rules on state aid are in preparation. The agreement has reduced a number of trade barriers in relation to cross-border services. The UK Subsidy Control Bill 2021 is currently at Committee Stage in the House of Commons, this will establish an ongoing framework for the giving of subsidies out of public resources. This agreement will have an impact on the local | European Union are yet to be fully realised and felt in national and local economy. Whilst there will be some opportunities there is also uncertainty that may affect areas of the economy, financial markets, interest and exchange rates, construction, grants from the EU, Investment and other non-financial aspects. The CMT appointed a strategic and tactical level Lead Officer to keep an oversight on ongoing EU Exit developments and "EU-exit" has been acknowledged and remains a Corporate Risk. ELC remains aware of the subsidy control situation and continues to monitor the progress of the Bill and | | | | Government plans to address the potential EU funding gap, retain highly skilled migrants and support trade. | | | | Management Team | ongoing and dependant on decisions taken by UK Government | to be reviewed on a regular basis by Services Managers for Protective Services and Economic Development and was last reviewed March 2022. Following the TCA being in place the current risk was |
| | economy, local funding and the delivery and funding of council services. With a fast-changing political environment, the wider ramifications of the decision to leave the European Union are yet to be fully identified. Whilst there may be some opportunities, there is also considerable uncertainty that affects areas of the economy, financial markets, interest and exchange rates, construction, grants from the EU, Investment and other non-financial aspects. | and continues to monitor the progress of the Bill and any potential impacts on LA Grants. Measures are currently in place to ensure Special Drawing Rights / De minimis levels are not exceed by east Lothian Council. "EU-exit" contingency planning is a standing item on the CMT agendas. COSLA published a paper in January 2021 on "UK | 4 | 4 | 16 | | 3 | 4 | 12 | | | reduced from 25 to 16 and the residual risk from 25 to 12 in February 2021. The risk score was increased from 16 to 25 |
| | While we remain in a period of uncertainty we continue to see and anticipate a gradual slow down and potential council impact (+/-) on: Inward investment and positive awareness of the UK; EU funding for council-led business and training projects is known with the timescale permitted for delivery, however the university, farm businesses and other players will be accessing funding from EU sources which will be stopped at some point. There has been an | EU Post Transition" providing Council leaders with an update on the TCA and potential issues for local government. COSLA then published an "EU Exit Local Impacts Review" in August 2021 which was circulated to Council leaders. CMT established an appropriately represented corporate level "D20 EU-Exit Working Group" chaired by the appointed Strategic Lead Officer. This group has been stood down as there are no immediate issues for it to deal with. Any service level risks are being monitored at that level. | | | | | | | | | | during December 2020. New risk created and evolved by CMT and Brexit Working Group during 2019/20. |

| Risk | | | Assessme | ent of Curr | ent Risk | Planned Risk Control Measures | [With pr | nent of Re Risk oposed co leasures] | | Risk Owner | Timescale for Completion / Review Frequency | Evidence held of Regular Review |
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| Ref. | Risk Description | Existing Risk Control Measures | Likelihood | Impact | Total | | Likelihood | Impact | Total | | | |
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| | announcement on a replacement funding model on which the detail of this is being assessed. It has been announced that UK Government will be leading on the UK Prosperity Fund and have confirmed that this will not be within the jurisdiction of the UK Devolved Administrations. Management of State Aid – COVID Business Support Grants currently administered by ELC constitute State Aid (now known as Subsidy Control under UK legislation). The UK Government held a consultation on Subsidy Control, the results of which were published in June 2021 at the same time as the Subsidy Control Bill 2021 was introduced. There remains an uncertainty regarding risk ownership between Local Authorities and Scottish Government until this bill is passed. Increased import and export costs for local businesses due to increased administration overhead and introduction of tariffs in accordance with the UK Governments border operating model. Trade and Co-operation Agreement makes most trade tariff free, however, there are still administration costs. From 1st July 2022, POAO (Products of Animal Origin) made in the EU must enter Great Britain through a BCP (Border Control Post). At the moment, there has been no indication from the UK and/or SG Government on what this will mean for businesses and/or other partnership agencies. However, it should be noted that this is a fluid situation and these dates may be amended nearer the 1st July 2022. Council and local business workforce pressures. Procurement Supply Issues remain for IT Hardware and are unlikely to change until 2023. Inflationary pressures which could reduce and in turn impact on the council, the university, housing market, capital costs resulting from increased cost of labour which could slow business rates growth (Inflation risk based on latest OBR predictions), workforce pressures e.g. regulatory services, social care providers, procurement costs, inflationary pressures caused by fluctuations in sterling value and potentially a loss of EU grants funding. Price increases relate | The Council has also established a Connected Economies Group (CEG) which has a multi-agency membership, providing the Council with a forum to communicate and link with Elected Members, Local Trade Agencies and Organisations, Tourism representatives, the DWP and Scottish Enterprise. Council Officer representatives have attended EU-Exit related meetings, national Brexit preparedness sessions and training run by COSLA, RRP, LARGS and Scottish Government and have contributed to Resilience Partnership Planning for Reasonable Worst-Case outcomes and the layering of multiple scenarios and outcomes. Specific HR Actions for EU National Employees: Project plan created to capture major milestones and actions from November 2018 to June 2021 Reviewed and amended job adverts to signpost EU nationals to sponsorship arrangements and thresholds. Communications issued to managers to advise of new requirements necessary to employ an EU national. The Council has renewed and increased its Certificate of Sponsorship allocation. Created additional capacity within HR Payroll System to easily capture and report on nationality and right to work. The settlement scheme application date has now passed. There are some very few exceptions to this and the details are available here: Apply to the EU Settlement Scheme (settled and pre-settled status) - GOV.UK (www.gov.uk). A Lothian & Borders Local Resilience Forum is in place, including the ELC EP, Risk & Resilience Manager, engaging and liaising with partner agencies through the East Regional Resilience Partnership (RRP) and Lothian & Borders Local Resilience Partnership (LRP). This ensures partnership working processes are in place and understood, should such processes be invoked. Economic Development are continually reviewing and updating website business pages and its' Business Gateway (webinar offerings). | L | | LxI | | L | | LxI | | | |
| | Key potential causes are: Gradual slow down during period of uncertainty. Border disruption Workforce pressures e.g. regulatory (food imports/export), social care providers. Inflationary pressures caused by fluctuations in sterling value. Loss of EU grant funding | The Council has engaged in business continuity collaboration arrangements with local partners and neighbouring Local Authorities: via LRP/RRP. The Council has assessed internal essential services business continuity arrangements. The Council has employed horizon-scanning activities to identify and communicate emerging risks. | | | | | | | | | | |
| | From 1st January 2021 UK introduced a points-based immigration system treating EU and Non-EU citizens equally. Priority is given to skilled workers with a job offer from an approved sponsor. Applicants also need | Seeking guidance at early stage from COSLA, SG and other sources around emerging thinking on Shared Prosperity Fund and Rural Development Fund | | | | | | | | | | |

| Risk | | | Assessme | nt of Curre | ent Risk | Planned Risk Control Measures | Assessm [With pro | Risk | | Risk Owner | Timescale for Completion / Review Frequency | Evidence held of Regular Review |
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| Ref. | Risk Description | Existing Risk Control Measures | Likelihood | Impact | Total | | Likelihood | Impact | Total | | | |
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| | to be able to speak, read and write English and meet a salary threshold of £25,600 or have an offer for a job in shortage occupation. In the medium to long term, a national skill/ recruitment gap is evident, particularly for occupations that are not highly skilled e.g. care work, agricultural labouring, food manufacturing etc. National and local economic impact in relation to: RPI, cost of goods, services, supplies Overall employment Cost of borrowing Availability of goods on import and cost if available Data Protection –It is possible that future changes to UK Data Protection laws could diverge from the EU regulatory regime, affecting the EU's 'adequacy agreement' for the UK and risking impediments to data sharing with EU countries. We are currently awaiting the outcome of a UK Government public consultation via DCMS on a new Date Protection | as replacement support for ESF/ERDF and LEADER/Fisheries. There are 3 new funding schemes taking us beyond EU funding including one which serves as the Shared Prosperity Fund (SPF) pilot: • Shared Prosperity Fund • Levelling Up Fund – 21/22 – 24/25 • Community Ownership Fund The council is considering project(s) for submission to the Levelling Up Fund and will provide advice and support for community organisations considering submitting applications to the Community Ownership Fund. | | | | | | | | | | |
| ELC CR 10 | regime, with no immediate action indicated. Managing the Financial Environment | Five year financial strategy; Three year General Services revenue budgets; Five year General Services capital plan budgets; Five year Housing Revenue Account revenue and capital budgets. The Council approves a Financial Strategy, Capital Strategy and Treasury Management Strategy which governs the financial planning for the organisation. The Financial Strategy contains an enhanced reserves strategy which sets out the current level of reserves and associated commitments, including a requirement to maintain a minimum level of uncommitted reserves to support any unforeseen event. | 4 | 4 | 16 | Enhanced in year monitoring and review of expenditure commitments against approved budgets. Continued development of longer term scenario based financial planning to inform future decisions and longer term financial strategies and financial plans. Continued scrutiny and challenge of planned efficiency measures to ensure they can be delivered and achieved within agreed timescales. Development of a refreshed Transformational Programme to support the transformation of services and deliver enhanced efficiencies. Undertake a review of budget development framework. Development of a refreshed Capital and Treasury Strategy supporting the future capital programme and treasury management and investment requirements. Ensure the financial strategy sets a clear financial framework for the Council to operate within and that it is appropriately implemented and monitored. Enhanced financial update and reviews provided as part of quarterly financial reports. | 3 | 4 | 12 | Chief Executive Executive Director of Council Resources Council Management Team Head of Finance | Actions ongoing and under continuous review while monitoring arrangements will continue to be applied. | Risk reviewed by Head of Finance, March 2022 with no change to assessment of scores. Risk reviewed by Executive Director of Council Resources December 2021 with no change to assessment of scores. |

| Risk | | | Assessmer | nt of Curre | ent Risk | Planned Risk Control Measures | [With pr | nent of Re Risk oposed co easures] | | Risk Owner | Timescale for Completion / Review Frequency | Evidence held of Regular Review |
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| | agenda resulting from the Local Development Plan; (2) Associated demographic change and social- | such as CIPFA Directors of Finance and also credible professional commentators. | | | | Undertake a review of the Council's policy on charging. | | | | | | |
| | increases to the cost of goods and services, | Quarterly financial reviews are reported formally to Council for wider scrutiny setting out the in-year financial performance against approved budgets. | | | | | | | | | | |
| | contractual commitments (for index linked contracts in particular), and commissioned contract services, pay and pensions. | Payment processes have been amended to accommodate remote working, ensuring creditors obligations can continue to be paid and allow use of direct banking faster payments. | | | | | | | | | | |
| | (4) Potential financial costs associated with a wide range of new obligations or legislative changes.(5) Managing the financial implications from COVID interventions and recovery. | in place to track all funding announcements and allocations made by UK and Scottish Government and | | | | | | | | | | |
| | (6) Enhanced risks relating to receipt of S75 contributions which will impact on capital and revenue financial planning. | Ongoing engagement with COSLA, to monitor national financial implications and support political lobbying. | | | | | | | | | | |
| | External market pressures are also impacting on investments managed on behalf of the Common | Detailed monitoring of S75 obligations to support financial planning and cash flow monitoring. Regular engagement with the external investment firm | | | | | | | | | | |
| | Good and Trust Funds. These investments are currently managed by an external investment firm. Given that the scale of the additional financial | in relation to the financial stewardship of the Common Good and Trust Funds, to identify any significant decrease in the value of investments. | | | | | | | | | | |
| | pressures and challenges, there remains a risk that current resources are not sufficient to meet on-going statutory requirements and services due to additional unbudgeted spend and increased costs with reduced income. | Annual treasury indicators approved as part of Treasury Strategy and mid-year review against indicators reported through political governance structures of A&G Committee. | | | | | | | | | | |
| | | Supporting the delivery of a Council budget, and medium term spending plans aligned to Council priorities and medium term financial planning assumptions. | | | | | | | | | | |
| | | Enhanced financial scrutiny and monitoring in place, which assess financial impacts of COVID against all approved council budgets and the Financial Strategy. | | | | | | | | | | |
| ELC CR 11 | Limitation (Childhood Abuse) (Scotland) Act 2017 | | | | | | | | | | | |
| OK II | 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 | occurred at a time when the individual was a child | | | | Monitor to ensure that there is sufficient staffing resource available to deal with claims, court actions and recovery of documentation and to preserve the | | | | Head of Corporate Support | Continue to progress all and report quarterly to | Risk reviewed February 2022 with no change to assessment of |
| | have been in the care system. The Act covers the period prior to 2004. | Child Abuse Claims Group and SCAI Overview Group – East Lothian co-ordination of responses, reported strategically, managed flow and collaboration. | | | | Council's position. Regular discussions with Council's | | | | Service Manager – Governance | ĊMT. | current scores. |
| | 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. | and review of any published materials. Scotland-wide networking and information sharing on SCAI between authorities. | 4 | 4 | 16 | 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. | 3 | 3 | 9 | Insurance Team | | |
| | There is no way of knowing how many claims may be made (i.e. all 'living' potential claimants). It therefore is now not anticipated that this number will rise significantly, although claims may still be received. The Council's insurers have indicated that they will | provide evidence. Cross Lothian collaboration on Lothian Region period | | | | Continue current working practices with care experienced young people in accord with national legislation and care standards, reducing likelihood of any 'new' claims arising. | | | | | | |

| Risk | | | Assessmer | nt of Curre | ent Risk | Planned Risk Control Measures | [With pro | ent of Re Risk oposed co easures] | | Risk Owner | Timescale for Completion / Review Frequency | Evidence held of Regular Review |
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| Ref. | Risk Description | Existing Risk Control Measures | Likelihood | Impact | Total | | Likelihood | Impact | Total | | | |
| | cover appropriate external legal costs and compensation payments but the cases may place [considerable] 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 most recent of which is in relation to Foster Carers. Whilst at present no claims have come forward in relation to Foster Carers, it is possible that the Council will receive some in the future. 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. | to East Lothian Council clients. Council Financial Reserve – may reduce the impact to service provision if claims extend beyond budget. Scottish Government redress schemes 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 | | | LxI | | | | LxI | | | |
| | 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. | | | | | | | | | | | |
| ELC CR 12 | 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 to road and path networks, impact on public safety, damage to roads, property, harbours and natural heritage sites and an associated increase in claims against the Council. | and good housekeeping measures in place. | 4 | 4 | 16 | ELC have commissioned Flood Studies for Haddington and Musselburgh and are progressing a Flood Protection Scheme on the River Esk through Musselburgh. Further studies are proposed (subject to funding allocation) for Dunbar & West Barns to include North Berwick Coastal; and Cockenzie & Port Seton, Longniddry and Prestonpans. Flood Protection Schemes for Musselburgh and Haddington have been included in the List of Prioritised Actions in the Local Flood Risk Management Plan for the Forth Estuary Local Plan District. Implementation of Flood Protection Works is reliant on available funding. These two schemes are being funded 80% by Scottish Government and 20% by East Lothian Council. The Musselburgh Flood Protection Scheme is a fully established project. It has completed three of its nine stages, and is currently processing Stage 4 (Outline Design) of the Scheme Design in accordance with the project's PRINCE2 Project Management System. It is currently proposed that the scheme will start construction and have scheme in place by October 2024 (Subject to change as we move to next stage). The Council's Severe Weather Response will be tested in an Emergency Planning exercise during 2022 which will incorporate Flooding. | 3 | 3 | 9 | Executive Director for Place | 2024 2016-2022 2016-2022 August 2022 | Risk further reviewed and March 2022 with no change to assessment of current scores. |

| Risk | | | Assessme | nt of Curr | ent Risk | Planned Risk Control Measures | Assessme [With pro | Risk | | Risk Owner | Timescale for Completion / Review Frequency | Evidence held of Regular Review |
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| ELC CR 13 | Failure to maintain a Highly Skilled Workforce The Council's salary and grading structure may not be competitive compared to other employers making it more difficult to recruit qualified staff to certain posts. The high number of specialist roles/skills within the Council means that service reviews, budget restrictions, long-term absence, cessation of contract etc. could compromise service delivery. 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. 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. | 2022 which addresses the issues relating to this risk. The Plan contains 38 actions which were brought together into a detailed Implementation Plan with seven workstreams which were taken forward by lead officers. The most recent update on the Action Plan (February 2022) shows that almost all actions were either completed or ongoing. A small number will be carried forward into the next Workforce Plan. The Workforce Plan 2018-2022 is being reviewed and updated to take account of the impact of COVID 19 on the council and its workforce, including the development of new Homeworking and Worksmart policies and actions being taken to support staff who have been working differently as a result of the pandemic. Healthy Working Lives and OD have been issuing regular briefings to staff on techniques etc. to support staff to maintain mental health and wellbeing. Managers have been issued with advice on inducting | 3 | 3 | 9 | The Workforce Plan is to be reviewed and a new Workforce Plan will be adopted in Autumn 2022. | 3 | 3 | 9 | Service Manager Police, Improvement & Partnerships Service Manager — People and Council Support | Autumn 2022 | Risk refreshed March 2022 with no change to risk scores. Risk reviewed November 2021 and updated to reflect review of Workforce Plan and implications of COVID. No change to assessment of current scores. |
| ELC CR 14 | 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 | 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 coordinated 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' incident in 2018 when many parts of East Lothian become isolated because of the heavy and prolonged snow falls. The Council's Salt Barn has a capacity of 8,000 tonnes to meet demand arising from severe cold weather. | 3 | 3 | 9 | | 3 | 3 | 9 | Executive Director of Place | | Risk refreshed March 2022 with no change to assessment of current scores. |

| Risk | | | Assessmer | nt of Curr | ent Risk | Planned Risk Control Measures | | ent of Re Risk oposed co easures] | | Risk Owner | Timescale for Completion / Review Frequency | Evidence held of Regular Review |
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| | 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. | considered as per their need. A number of grit bins | | | | | | | | | | |
| | | 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 throughout the year 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. | | | | | | | | | | |
| ELC | Contest | | | | | | | | | | | |
| CR 15 | Deliver the UK Governments Counter Terrorism (CT) strategy, known as CONTEST (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. | 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. | | | | Within the new statutory guidance for Prevent and PMAP (Feb 2021), the Scottish Government has requested will request an annual assurance statement of compliance with Prevent duties be submitted by 18.04.22. Awareness-raising sessions are being | | | | Chief Executive Executive Directors Council Management Team | April 2022 April 2022 | Risk refreshed and reviewed by Prevent SPoC March 2022. Risk refreshed and reviewed November 2021 |
| | 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 | A SPoC for Prepare and Protect although not a | 3 | 3 | 9 | arranged with Police colleagues with independent service providers operating in East Lothian. Further service-specific Prevent training is being arranged for children's and justice | 2 | 3 | 6 | EL Contest Chair (Head of Communities) Contest SPoC | April 2022 | by Contest SPoC with no change to assessment of scores. |
| | reputation and negative publicity. Our capacity to monitor and respond if we are concerned about children with these lines of thinking is severely compromised as schools are closed and older teenagers are less likely to engage. | 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. | | | | social work services. | | | | (Emergency Planning, Risk & Resilience Manager) Prevent SPoC | | August 2018 by Board of Directors with Current Score reduced from 12 to 9. |

| Risk | | Existing Risk Control Measures | Assessme | ent of Curre | ent Risk | Planned Risk Control Measures | [With pr | nent of Re Risk oposed co easures] | | Risk Owner | Timescale for Completion / Review Frequency | Evidence held of Regular Review |
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| | | ELC follows and contributes towards the 'J' Division Contest group implementation plan. | | | | | | | | (Head of Children's Services) | | |
| | | The SPOC Prevent Group in the East of Scotland is attended by the ELC SPoC. | | | | | | | | | | |
| | | Prevent Multi–Agency Panels Chair (SPoC) and Depute (lain Gorman) identified to chair multi-agency meetings established to discuss any referrals. | | | | | | | | | | |
| | | Regular internal and external communication of any national counter-terrorism updates. Information regarding Protect and Prepare is received from the National Counter Terrorism Security Office. This information is then circulated to appropriate key ELC staff and local businesses. | | | | | | | | | | |
| | | | | | | | | | | | | |
| | | Elected Members were w briefed in January 2022. | | | | | | | | | | |
| | | Joint training (with Midlothian) for PMAP members was undertaken. | | | | | | | | | | |
| | | Education personnel are fully engaged with Prevent and appropriate filters have been installed on the Education infrastructure. | | | | | | | | | | |
| | | Updated Prevent referral pathway has been agreed with EMPPC and communicated on the intranet, including the new national Prevent referral form. | | | | | | | | | | |
| | | Whilst ELC Managers have received Prevent training through LearnPro previously, since November 2020 interim arrangements have been in place for all staff via Home Office resources pending the roll-out of new Scottish Government training materials. Ongoing exploration of other arrangements including toolbox sessions. | | | | | | | | | | |
| | | 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. | | | | | | | | | | |

| Risk | | | Assessme | nt of Curr | ent Risk | Planned Risk Control Measures | Assessm [With pro | Risk | | Risk Owner | Timescale for Completion / Review Frequency | Evidence held of Regular Review |
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| Ref. | Risk Description | Existing Risk Control Measures | Likelihood | Impact | Total | | Likelihood | Impact | Total | | | |
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| ELC CR 16 | Duty of Care to Council Staff and Public (Health & Safety) East Lothian Council has a duty of care and has existing Health and Safety Polices to look after the care of staff to all its employees across the full range of services and those who can be affected by the Council's activities. Any breach of this duty of care may affect the health, safety and wellbeing of the Council's employees leading to increased sickness absence, pressures on service delivery with the added potential for claims against the Council for incidents involving employees or non-employees or enforcement action by the Health & Safety Executive. The Council also has a duty of care to our staff delivering services in an environment where the COVID pandemic is a huge risk. Areas which have been identified as posing a particularly high level of risk are • COVID19 • Manual Handling • Stress • Lone Working • Unacceptable Behaviour • Risks from Public Monuments • Safe Driving at work • School Trips | All employees receive an induction including Health & Safety information, have job outlines and follow the PRD process ensuring all are capable and trained to perform safely in their roles. Consultation with employees and Unions in place with Joint Health & Safety Committee and Joint Consultative Committee Management Arrangements in place for a range of topics outlining the responsibilities of each level of management and employees. A rolling programme of review of topic specific management arrangements is | 2 | 4 | 8 | Service review underway to address the short staffing. This will allow the full programme of inspections and audits to be undertaken. The Council's overarching Health & Safety Policy and Arrangements are under review. As part of this the role of the Head of Establishment is being reviewed Priority topics for updated Management Arrangements are Legionella Management Fire Safety First Aid Procedure for ensuring safe management of monuments on ELC land is being developed | 2 | 4 | 8 | Executive Director for Place SDAW Group Health and Safety Team | June 2022 June 2022 June 2022 | Risk reviewed and updated March 2022 with no changes to risk scores. Risk reviewed and updated March 2020 with Current score reduced from 12 to 8. |

| Risk | | | Assessme | nt of Curre | ent Risk | Planned Risk Control Measures | Assessm [With pro | Risk | | Risk Owner | Timescale for Completion / Review Frequency | Evidence held of Regular Review |
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| Ref. | Risk Description | Existing Risk Control Measures | Likelihood | Impact | Total | | Likelihood | Impact | Total | | | |
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| | | Initiatives are in place to help employees manage their own stress, including Employee Assistance Programme, Listening Ears, Healthy Working Lives | | | | | | | | | | |
| | | Lone Working Specific procedures are in place in services with a high level of lone working where required lone workers have access to lone worker devices | | | | | | | | | | |
| | | A 'Potentially Violent Client' Register is in place to ensure information is shared between services | | | | | | | | | | |
| | | Safe Driving at Work Council vehicles used in the course of Council activities are properly maintained and fit-for-purpose. All Council vehicles over 3.5t are maintained in accordance with VOSA publication "Guide to Maintaining Roadworthiness". | | | | | | | | | | |
| | | The E Davis system used by East Lothian Council records and monitors grey fleet users driver details including insurance, RFL and driving licence. This ensures that the registered drivers have the correct credentials to drive on behalf on the Council. | | | | | | | | | | |
| | | Fire Safety Fire Safety Risk Assessments are carried out on our operational buildings where employees work with a process in place to ensure prioritisation of any remedial actions. | | | | | | | | | | |
| | | School Trips All trips must be approved by HT or Delegate and Residential Trips and Adventurous Activities must also be approved by LA. | | | | | | | | | | |
| | | Residential School Trips are on hold until at least 2022. | | | | | | | | | | |

| Risk | | | Assessme | nt of Curre | ent Risk | Planned Risk Control Measures | [With pr | ent of Re Risk oposed co easures] | | Risk Owner | Timescale for Completion / Review Frequency | Evidence held of Regular Review |
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| Ref. | Risk Description | Existing Risk Control Measures | Likelihood | Impact | Total | | Likelihood | Impact | Total | | | |
| | | | L | I | LxI | | L | I | LxI | | | |
| ELC | Business Continuity | | | | | | | | | | | |
| CR 17 | Failure to ensure currency of Business Continuity Plans could lead to services not having a robust response to an incident affecting their service area or critical services may not be maintained, while critical services for the public could be affected and statutory requirements not completed. Non availability of: • premises, through fire, flood or other unexpected incident; • key staff or significant numbers of front-line staff for any reason e.g. a Pandemic; • systems (IT, telephony, power failure etc.); • any form of transportation due to a fuel shortage. The occurrence of any of these may have an adverse effect on the Council to function fully and to complete critical services and statutory requirements. | Business Continuity Framework Plan in place and regularly reviewed. Business Continuity Plans are maintained for all service areas, giving details of minimum levels of staff, alternate locations, exercise and review dates and version control. The Chief Executive has a statutory responsibility for the ELC BC process. The Heads of Service remain responsible for ensuring the BC process is completed within their area of work. Each service area now has a Single Point of Contact (SPoC) and deputy who are responsible for, their services BC Plan, exercising this plan and ensuring it is maintained. All BC Plans are managed through Continuity² Software. The Council carried out a Council Wide Business Continuity Exercise in November 2019 which successfully tested the BC capabilities of the Council. ELC staff have access to an e-learning package on Business Continuity which was reviewed and refreshed during March 2021. 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. | 2 | 4 | 8 | Progress Business Continuity Plans with Education and H&SCP in order that each School and Care Home has a plan. Whilst we would need to react to the specific circumstances of any particular attack or series of cyber-attacks, Business Continuity Plans should be reviewed to consider outages for a longer period up to 2 weeks. Noting that we are unlikely to lose everything by way of access to systems concurrently. | 2 | 3 | 6 | Emergency Planning, Risk and Resilience Manager Emergency Planning, Risk and Resilience Officer | March 2022 | Risk refreshed November 2021 with no change to assessment of current scores. |

| Risk | | | | 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 | |
|--------------|---|--|------------|--|-------|--|------------|--------|------------|--|---------------------------------------|--|
| Ref. | Risk Description | Existing Risk Control Measures | Likelihood | Impact | Total | | Likelihood | Impact | Total | | | |
| | | | L | I | LxI | | L | I | LxI | | | |
| ELC CR 18 | number of services, for all events held in East Lothian, is essential and failure to achieve this could result in a risk of adverse reputational impact for the Council on a national/international level as well as possible legal procedures at fatal accident enquiries accounting for our action or non-action. COSLA, Police Scotland and the Health & Safety Executive (HSE) recommend that Local Authorities form a core group, led by a senior (strategic) officer, who will meet to discuss all events taking place within their area over a pre-determined period of time. This group includes category 1 responders and other appropriate organisations and decide if each individual event should be organised through a separate, specific Safety Advisory Group (SAG) or if the event can carry on without interference, other than appropriate safety advice. The following criteria would be considered by the SAG: Status of the principal e.g. HM Queen Status of the event organiser e.g. Scottish Defence League | East Lothian Council has a SAG policy in place which is currently under review as of March 2022. The East Lothian Safety Advisory Group (ELSAG) strategy comprises two main elements: Strategic Event Safety Committee (SESC) Safety Advisory Group (SAG) The SESC will hold SAG process overview meetings (at least annually) to prescribe criteria for which event organisers are invited to participate in the Safety Advisory Group process and to confirm which events require to attend SAG, based on the risk profile. The SESC will be Chaired by an East Lothian Council Head of Service. The Service Manager, Protective Services or, whilst the current ELC SAG process is under review the Emergency Planning, Risk and Resilience Manager, will Chair the ELC multi-agency SAG, except for any specific events where the SESC determines otherwise. Events that require to be put through the SAG are managed through a risk profile process which grades each event as having a Red, Amber or Yellow (RAG) risk. Events graded as Yellow are not required to attend a SAG meeting. Those graded Red and Amber are required to attend a SAG meeting. The SAG process co-ordinates preparation for various events as per the risk profile, with representation from relevant Services areas and Multi-Agency Partners. Event guidance for organisers of events is published on the Council website. Where the SAG group is set up, for a specific event, it has no statutory power to stop it taking place. However, the SAG group can withdraw its support and co-operation, for any event, which means that the event cannot proceed. In these circumstances the event organiser will be required to notify their insurance provider. Police Scotland will always provide the final advice on public safety. Events information and documentation accessed through the ELC website will be reviewed by the ELC Event Safety & Resilience Officer. This staff member will also review processes linked with the SAG, through his/her line manager, to continually improve the overall system. | 2 | 3 | 6 | | 2 | 3 | 6 | Executive Director for Place Head of Development Service Manager — Protective Services Team Manager, Economic Development | | Risk reviewed March 2022 with no changes to assessment of risk scores. |

| Risk | | | Assessment of Current Risk Planned Risk Control Measures | | Planned Risk Control Measures | Assessment of Residual Risk [With proposed control measures] | | | Risk Owner | Timescale for Completion / Review Frequency | Evidence held of Regular Review | |
|--------------|--|--|--|--------|-------------------------------|--|------------|--------|------------|--|---------------------------------------|--|
| Ref. | Risk Description | Existing Risk Control Measures | Likelihood | Impact | Total | | Likelihood | Impact | Total | | | |
| | | | L | I | LxI | | L | I | LxI | | | |
| ELC CR 19 | 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. | by East Lothian Council as a Licensing Board and as an Education Authority. The plan outlines our commitments: Continue to lead a culture where respect, choice and understanding is fostered and diversity positively valued; Maintain a working environment where unlawful discrimination, harassment, victimisation or bullying is not tolerated; Continue to develop our understanding of the needs of different individuals and communities in a time of rapid change; Continue to embed the equality agenda in all our work, and contribute to the early intervention and prevention approach adopted by the Council and its Partners; Improve understanding of the impact of poverty and inequality on people's lives; and Ensure that we plan and deliver services which meet modern standards of delivery and that are inclusive of a wide range of different needs from digital services to face to face interactions The Integrated Impact Assessment Process is embedded and is now widely used. This includes consideration of poverty which should allow us to meet the requirements of the new socio economic duty. A programme of support, including training on the new IIA process is ongoing. The Health & Social Care IJBs (East & Midlothian and City of Edinburgh) along with NHS Lothian will use the 'checklist and IIA form' package, with East and | 2 | 3 | 6 | The Poverty Plan 2021-2023 (49 actions) will be implemented. Delivery will be monitored by the Poverty Working Group and a new East Lothian Poverty Partnership. The new Equality Plan 2021-2025 (28 actions) will be implemented | 2 | 3 | 6 | Executive Director for Place | November 2022 | Risk reviewed and updated March 2022 with no change to assessment of current scores. Risk reviewed and refreshed May 2016 with both current and predictive scores reduced from 8 to 6 due to implementation of additional measures. |
| ELC CR 20 | Development Plan Failure to maintain an up-to-date Development Plan could result in an out of date planning strategy and policy context for planning decisions in East Lothian; it could: | Framework has been ratified by the SE Scotland | 3 | 2 | 6 | There is currently consultation on NPF4, which when approved will be a Statutory Development Plan. The Council has until 31st March to respond to the published draft. | 1 | 2 | 2 | Head of Development | March 2022 | Risk Refreshed by Planning Service Manager March 2022 with no change to risk scores. |

| | Risk Description | Existing Risk Control Measures | Assessment of Current Risk Planned Risk Control Measure | | Planned Risk Control Measures | Assessment of Residual Risk [With proposed control measures] | | | Risk Owner | Timescale for Completion / Review Frequency | Evidence held of Regular Review | |
|--------------|---|--|---|--------|-------------------------------|--|------------|--------|------------|---|---------------------------------------|---|
| Risk Ref. | | | Likelihood | Impact | Total | | Likelihood | Impact | Total | | | |
| | | | L | I | LxI | | L | I | LxI | | | |
| | and related Single Outcome Agreement objectives; lead to failure to accord with more recent higher level plans and legislation; undermine our ability to defend local planning decisions leading to 'planning by appeal'. This could result in unplanned development at odds with the planning strategy for East Lothian, and consequent reputational damage; undermine our ability to secure S75 contributions towards essential infrastructure with consequent impact on corporate capital and revenue planning. | mitigated by having an approved housing land audit, | | | | Work on LDP2 will increase as NPF4 is finalised by the Scottish Government. | | | | | October 2022 | Risk Refreshed by Service Manager March 2021 with Current Score reduced from 8 to 6. Risk Refreshed by Service Manager August 2019 with Current and risk score increased from 2 to 8. |
| ELC CB 21 | Standards in Public Life | | | | | | | | | | | |
| CR 21 | 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. | Scheme of Delegation) were extensively revised, approved by Council in October 2019 and published on the ELC website and are revised on a regular basis, with the Scheme of Delegation being updated in August 2021. Councillors, officials and employees conduct is governed by Codes of Conduct. The Standards Commission is responsible for encouraging high standards of behavior by Councillors and will adjudicate where there are allegations that Councillors have breached the Code of Conduct. The Council adopted a Code of Conduct for its employees in February 2020 giving all employees greater clarity around the standards of behaviour expected of them. The Code incorporated some other existing policies such as the one governing Gifts and Hospitality. Breach of the Code may amount to a disciplinary offence. | | | | The Council's Standing Orders will be reviewed in advance of the implementation of Hybrid Committee meetings to ensure they are suitable for this format. The Scheme of Administration is likely to be reviewed following the Local Government Elections in May 2022 to reflect any changes required by the incoming Administration. An induction programme for new Councillors has been prepared and will be taken to Council for approval prior to the Local Government Elections in May 2022. This includes training on standards in public life and, specifically, on compliance with the requirements of the Councillors' Code of Conduct. | | | | Service Manager – Governance Service Manager Police, Improvement & Partnerships | June 2022 | Risk Reviewed by Monitoring Officer February 2022 with no change in risk scores. Risk reviewed April 2020 by Service Manager – People and Governance with both scores reduced from 6 to 4 due to Cllrs familiarity with the Code and the new Code of Conduct from Employees. |
| | | Training on the Code of Conduct will be 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. | 2 | 2 | 4 | | 2 | 2 | 4 | | | |
| | | Training of Councillors continues to take place as required to ensure understanding of the importance of standards in public life. Councillors have been provided with a copy of the Code and the accompanying guidance and are provided with copies of any updates, guidance and advice notes as those are issued. A new revised Councillors' Code of Conduct was introduced in December 2021 and a training workshop has been held with Members. | | | | | | | | | | |
| | | A survey of all Councillors was carried out in May 2019 establishing their views as to the training and development provided and to identify future needs. | | | | | | | | | | |
| | | Councillors have an ongoing opportunity to participate in a CPD programme, which has been developed in conjunction with the Council's Organisational Development Team. This is based on the offering available from the Improvement Service and the IS have offered to input into the final product. Councillors | | | | | | | | | | |

| Risk Risk Description | | | | Assessme | nt of Curr | ent Risk | Planned Risk Control Measures | | | |
|-----------------------|------------------------------|-------------------|---|------------|---------------------------------------|--|--|--|--|--|
| Ref. | Risk Description | | Existing Risk Control Measures | Likelihood | Impact | Total | | | | |
| | | | | | L | ı | LxI | | | |
| | | | have an ongoing opportunity to attend Master classe run by the Improvement Service. A 100-day review took place with our Elected Member between August and November 2017. This wa carried out by way of face-to-face meetings wit 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. | | | | | A 100 day review will be held with new Elected Members following the Local Government Election in May 2022 to ensure the principles set out in the Code of Conduct are fully understood. | | |
| | date produced (Version 1) | 13 April 2011 | | | | | | | | |
| File Name | | | ncil Corporate Risk Register | | | | | | | |
| _ | Author(s) Revision Author(s) | Scott Kennedy, Ri | | | | | | | | |
| Version | Tevision Admor(s) | Date | SK Officer | Author(s) | Note | es on Re | visions | | | |
| 32 | | April 2020 | | S Kennedy | Reg | ister upda | ated to in | clude risk on COVID 19 and Climate imed, Updated and Scored | | |
| 33 | | May 2020 | | S Kennedy | | All other risks refreshed. | | | | |
| 34 | | June 2020 | | S Kennedy | Floo | ding and | Coastal I | Erosion Risk updated | | |
| 35 | | July 2020 | | S Kennedy | | ID19 Ris | | ance incorporated into Financial | | |
| 36 | | August 2020 | | S Kennedy | COV | /ID 19 Ri | nt into this document. | | | |
| 37 | | December 2020 | | S Kennedy | | COVID and Brexit Risks Updated alongside Failure to maintain a Highly Skilled Workforce | | | | |
| 38 | | January 2021 | | S Kennedy | and | Business | Continui | et, Public Protection, Severe Weather, ity Risks updated. | | |
| 39 | | February 2021 | | S Kennedy | Man 1140 | COVID, Brexit, Highly Skilled Workforce, Corporate Events Management, Duty of Care to Council Staff (H&S) and 1140hrs risks updated | | | | |
| 40 | | March 2021 | | S Kennedy | Equa | IT & DP, Climate Emergency, Public Sector Reform, Equality Development Plan, Flooding & Coastal Erosion and Finance risks updated. | | | | |
| 41 | | April 2021 | | S Kennedy | Welf | are Refo | rm risk re | emoved. | | |
| 42 | | May 2021 | | S Kennedy | with | COVID F | Risk reduc | viewed and updated by Risk Owners uced to a summary and separate r created. | | |
| 43 | | July 2021 | | S Kennedy | New | risk on A | Ash Dieba | ack added to the Register | | |
| 44 | | October 2021 | | S Kennedy | | it Risk U | | | | |
| 45 | | October 2021 | | S Kennedy | | New risks on Staffing AND Supply/Cost of Materials at Labour added to Register. | | | | |
| 46 | | November 2021 | | S Kennedy | | | | t by all risk owners and CMT. | | |
| 47 | | December 2021 | | S Kennedy | | | dated carried out by CMT to capture the Council is facing. | | | |
| 48 | | December 2021 | | S Kennedy | ed to Infrastructure Risk Register at | | | | | |
| 49 | | January 2022 | | S Kennedy | _ | | | all Risk Owners. | | |
| 50 | | February 2022 | | S Kennedy | | | | Abuse) and Standards in Public Life | | |
| 51 | | March 2022 | | S Kennedy | All R Ene by N | risks updated. All Risks reviewed and refreshed. New risk on Rising Energy Costs added. Public Sector Reform risk replaced by National Care Service Risk. 1140 Hours risk moved to Education Service Risk Register. | | | | |

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

Risk Owner

Timescale for

Completion /

Review Frequency

May 2022

Evidence held

of Regular Review

Assessment of Residual Risk [With proposed control measures]

Impact

Likelihood

L

Total

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