

COMMITTEE: Cabinet

MEETING DATE: 11 November 2025

BY: Chief Executive

REPORT TITLE: Corporate Risk Register 2025-2026

REPORT STATUS: Public

1 PURPOSE OF REPORT

- 1.1 To present to Cabinet the Corporate Risk Register as at 21 October 2025 for discussion, comment and approval.
- 1.2 This Risk Registers are developed in keeping with the Council's Risk Management Strategy and is live documents, which is reviewed and refreshed on a regular basis.

2 RECOMMENDATIONS

- 2.1 It is recommended that Cabinet approves the Corporate Risk Register and, in doing so, Cabinet is asked to:
- Note that the Corporate Risk Register is maintained as a 'live' document which will be reviewed by the Council Management Team (CMT), the CMT sub-group on Risk Management, Service Management Teams (SMT), risk owners and the Corporate Risk Management Group on a regular basis and reported back to Council as and when required.
 - Agree that the relevant risks have been identified.
 - Agree that the significance of each risk is appropriate to the current nature of the risk.
 - Agree that the total profile of corporate risk can be borne by the Council at this time in relation to the Council's appetite for risk but in the context of the planned mitigations.

- 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 been updated following a review by the Corporate Risk Management Group on behalf of and in consultation with Council Management Team.
- 3.2 In presenting the updated Corporate Risk Register to Cabinet for approval, the Council Management Team would wish to draw to the Committee's attention that all risks have been evaluated using the standard (5x5) risk matrix which involves multiplying the likelihood of occurrence of a risk (scored 1-5) by its potential impact (scored 1-5). This produces an evaluation of risk as either 'low (1-4)', 'medium' (5-9), 'high' (10-19) or 'very high' (20-25).
- 3.3 The Council's response in relation to adverse risk or its 'risk appetite' is such that:
 - Very High risk is unacceptable, and measures should be taken to reduce, transfer or treat the risk to a more tolerable position
 - High risk may be tolerable providing the Council is assured that adequate and effective control measures are in place
 - Medium risk is tolerable with control measures that are cost effective
 - Low risk is broadly acceptable without any further action to prevent/mitigate risk.
- 3.4 The Corporate Risk Register as updated, currently includes 6 Very High Risks, 7 High Risks, 6 Medium Risks and 1 Low Risk.
- 3.5 Cabinet can be reassured that CMT, its Sub-Group, the Corporate Risk Management Group and its Linking Risks Sub-Group, continue to closely monitor all Corporate Risks. Management of our risk environment is informed by global and national risks, via the annual Global Risk Report produced by the World Economic Forum in January each year, by the Scottish Government's National Risk Assessment (NRA) and the UK National Risk Register which are produced annually. Every effort is made to ensure that the Corporate Risk Register reflects current and future risks with appropriate mitigations in place.

4 POLICY IMPLICATIONS

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

5 RESOURCE AND OTHER IMPLICATIONS

- 5.1 Financial – The financial impact of the corporate risks and mitigation measures remain under close monitoring and review, aligned with the Council's Financial Strategy. Any unplanned and unbudgeted costs that arise in relation to any of the corporate risks identified will be subject to review by the Council Management Team, and if required will be reported to Council.
- 5.2 Personnel – There are no immediate implications impacting on the administration and oversight of the Corporate Risk Strategy and Framework.
- 5.3 Other – Effective implementation of the Corporate Risk Register will require the support and commitment of the risk owners identified within the register.

6 INTEGRATED IMPACT ASSESSMENT

- 6.1 ***Select the statement that is appropriate to your report by placing an 'X' in the relevant box.***

An Integrated Impact Assessment screening process has been undertaken, and the subject of this report does not affect the wellbeing of the community or have a significant impact on: equality and human rights; tackling socio-economic disadvantages and poverty; climate change, the environment and sustainability; the Council's role as a corporate parent; or the storage/collection of personal data.

X

or

The subject of this report has been through the Integrated Impact Assessment process and impacts have been identified as follows:

Subject	Impacts identified (Yes, No or N/A)
Equality and human rights	N/A
Socio-economic disadvantage/poverty	N/A

Subject	Impacts identified (Yes, No or N/A)
Climate change, the environment and sustainability	N/A
Corporate parenting and care-experienced young people	N/A
Storage/collection of personal data	N/A
Other	N/A

7 APPENDICES

7.1 Appendix 1 – Corporate Risk Register

7.2 Appendix 2 – Risk Matrix

8 AUTHOR AND APPROVAL DETAILS

Report Author(s)

Name	Lee Wright
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Date	21/10/2025

Head of Service Approval

Name	Eamon John
Designation	Head of Communities & Partnerships
Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed	
Approval Date	21/10/2025

East Lothian Council Corporate Risk Register

Risk ID	Category	Title	Description	Impact	Probability	Current Risk Score	Residual Risk Score	Corrective Actions	Review Date	Latest Update
R266	Financial Impact	Managing the Financial Environment	The financial environment continues to present substantial risks to the council's capacity to meet its objectives and sustain service provision over the medium term. The Council faces a significant residual budget gap over the next 5 years, despite efforts to close this through identification of savings and planned increases to council tax income. Pressures arise from: - The level and complexity of national funding, with resources not keeping pace with growing demands, and around 70% of national funding being directed to support specific policy obligations and settlement conditions. - Significant increased cost of service delivery arising from previous high inflation and pay settlements. - Growing pressure within demand led services arising from social, demographic and legislative change. - Significant and sustained population growth, giving rise to costs of new associated infrastructure such as new schools. - Significant capital expenditure pressures including higher levels of inflation and interest charges, gaps between s75 contributions and the cost of new infrastructure, significant investment needed to support an aged and wide-ranging asset base, as well as meeting the cost of enhanced infrastructure policy obligations including net zero. The level of unallocated reserves being held by the Council as a contingency to mitigate any unforeseen events remains very low relative to the concurrent risks the Council currently faces. Given the risk environment, it is possible that the current level of reserves may not be sufficient to meet future unplanned events leading to earmarked reserves needing to be redirected. The funding settlement for 2026/27 and beyond is not anticipated until mid-January meaning that there will be a very limited timeframe to set a balanced budget if the settlement does not provide adequate funding to meet the existing shortfall. The IJB has set a balanced budget for 2025/26 but has now fully depleted its general reserve meaning that any future budget overspends will need to be met by funding partners in the future. In 2024/25 this resulted in an additional contribution of £2.8m from the council to the IJB being required. This combination of financial challenges facing the council presents a risk to the delivery of current and future obligations within the resources which are now available, and it is important that focus is given to targeting resources at key priority areas, and redesigning services to ensure on-going financial sustainability.	5	5	25	20	Enhanced programme of monitoring of Council's budget aligned to risk currently being developed. On-going review of Capital Planning and capital infrastructure priorities. Continue to support national discussions through CIPFA Directors of Finance aligned to ensuring the on-going financial sustainability of local government. On-going engagement with Scottish Government and COSLA on local government funding and distribution to support a fair and adequate allocation of resources to deliver local services. Continue to engage with Scottish Government and COSLA to adequately resource the funding requirements associated with population growth arising from the Local Development Plan, taking into consideration both revenue and capital costs. Continue to support regional placed based funding discussions with City Region Deal Partners. The financial and capital strategies will be refreshed and presented to Council in December. Support national conversations aligned to SOLACE Improvement Service Transformation Programme. Updated scenario planning will be present to Council in August 2025. 2025/26 budget approved by Council. This incorporates significant new investment in demand led services which aims to deliver on the council's priority of targeting resources to areas of highest need, and reduce the risk of in year overspends. Council management team leading on work to model the impact of budget reductions across all service areas. Joint discussions with elected members are progressing through the cross party budget group. Continue to prioritise and support the statutory annual audit process which underpins strong financial governance. CIPFA's financial management code has been adopted and remains under regular review by CMT and Audit & Governance Committee with a view to promoting collective responsibility and a culture of strong financial management across the council. The implementation of the new finance system aims to further support effective financial management and opportunities for efficiency through improved reporting and greater visibility of financial information.	31/01/2026	10/06/2025

			Rapid rehousing policy requires the Council to transform homelessness services, place people quickly into permanent accommodation (negating use of temporary accommodation) and significantly reduce temporary accommodation stock. Resource allocation, further exacerbated by a series of legislative change, has been and will continue to be insufficient for service transformation. Legislative change regarding local connection came into force in 2022 and requires the Council to accept rehousing responsibility for additional homeless cases. This adds to pressures posed by discretion around intentionality. Changes continue to be enacted without clear guidance on practical implementation, placing the Council at risk regarding threats of judicial review and presentations from neighbouring authorities are exacerbating existing pressures. There is a higher financial cost burden for the general services budget due to as a result of the emergency accommodation being retendered. Ongoing breaches of the Unsuitable Accommodation Order due to a shortage of 'suitable' temporary accommodation, and subsequent daily breaches. Enforceable temporary accommodation standards framework implemented from 2021/22 which further reduces the existing portfolio of 'suitable' accommodation. Proposed changes re the new prevention duty poses further risk to existing practice. Implementation will likely result in increased referrals and homeless assessments. Reduced supply of private lets due to landlords' ongoing concerns re Private Residential Tenancy, legislative change, welfare reform impacts and cost of living increase,					The City Region is taking a holistic approach to reviewing and understanding the pressures across the region, particularly in relation to Homelessness and Ukraine to help find a more joined up solution Mid-market rent properties coming forward to be targeted at homeless / threatened with homelessness households. The leader will write to both UK and SG asking for an urgent response to the affordable housing emergency. Housing Options Training Toolkit is being rolled out to Community Housing and Homelessness staff Implementation of recent changes to Allocations Policy agreed at Cabinet September 2024 Plan to reduce service demand, temporary accommodation, and associated costs to continue being rolled out and monitored closely. Revised Homelessness Operations Policy is ongoing, alongside comprehensive review of existing policies and procedures, to ensure service is operating efficiently		
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R287	Legal	Homelessness and Housing Pressures	resulting in increased rents. A significant increase in LHA rates from April 2024 makes private lets even more unaffordable. The policy area of migrant homelessness and destitution is becoming increasingly complex within a context of limited guidance. SHR has highlighted ELC is at heightened risk from systemic failure, noting breaches and length of stay in temporary accommodation. There has been a slowdown in the Affordable Housing Supply Programme as a result of earlier reduction in investment. Although investment has been reversed, the mobilisation of sites has taken a bit longer. There is also uncertainty regarding future investment, meaning less affordable housing properties coming forward to meet the needs of homeless households. The Homelessness Service is at risk of being unable to operate within budget going forward, due to a combination of rising costs generally, procurement of emergency accommodation which directly resulted in increasing costs, increasing demand from outwith EL, and lengthy periods of time in temporary accommodation. ELC is in the process of developing a new housing management system, with the current system no longer fit for purpose. However a range of potential issues have been highlighted and implementation delayed, with ongoing concerns regarding the ability of the system to meet identified needs. AVD homelessness database poses significant risks in respect of ownership, data capacity and noting ongoing technical issues. ELC declared an affordable housing emergency in November 2024, with corresponding homelessness action plan, noting the issues associated with shortage of / reducing new build affordable housing and impact upon housing need and demand generally / homelessness pressures.	5	5	25	20	and effectively. Improved partnership working RSLs could potentially result in formal revisions to nominations for single person households. Continue to engage with the Scottish Government to review and monitor the impact that legislative changes and Resettlement Schemes Significant resource channelled to improve void turnaround times Further communication with the Housing Minister is likely, regarding requests for assistance to help alleviate housing pressures, with a focus on the issues presented by local connection Planned tenancy conversions and temporary increase in % allocations to increase flow through the system and enable reduction in temporary accommodation to be met. Ongoing consideration of AVD / alternative options with key partners and stakeholders Ongoing consideration of new housing management system in respect of identified issues, working closely with key partners Monitoring of the Council's position regarding the housing emergency, noting regular updates to Cabinet	31/01/2026	16/10/2025
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R267	Financial Impact	Maintenance of Assets	The Council has a significant asset base covering a wide range of services. Many of these physical assets require significant capital investment to ensure they meet both condition and suitability asset requirements and will also require significant on-going maintenance to ensure they can be maintained to an appropriate condition. There is a risk that the Council will not have the available financial resource and staffing requirement to carry out essential repairs and maintenance programmes to ensure buildings are maintained in a good condition, and on-going capital investment is required to ensure suitability and condition of buildings remain appropriate and aligned to national conditions. Failure to carry out repairs and maintenance programmes could result in unavailability of buildings e.g. school closure and reputational damage to the Council and could ultimately result in a failure of building elements and impacts on safe operation of an asset with the risk of closure or enforcement by Statutory or Regulatory authorities. Failure to carry out repairs and maintenance programmes could result in injury/loss of life of public building users and legal action against the Council. There is also a high risk to health and safety and of reputational damage. The risks posed through the identification of RAAC/Siporex and subsequent costs from the implications in respect of management, remediation and or total loss of assets. There remains significant cost pressures aligned to on-going cost of construction including challenges around availability and supply of goods/ services. There are a growing range of new policy requirements aligned to public infrastructure and funding including net zero and energy targets, which require additional monitoring, specification requirements and costs. These require significant additional finance commitment and staff resource is required to achieve this, assess the current status, and plan works to bring buildings up to the required standard.	5	5	25	20	On-going monitoring of condition and other data to inform the planned delivery of works required to ensure buildings comply with statutory and legal requirements and are maintained in a safe operating condition. The service continues to regularly evaluate the current situation as regards material availability and works to mitigate any adverse effects of cancelled or delayed orders for this year's major summer works programme. Review and identify staffing resource required within SACPM, Education and Engineering Services. Identification and management of assets affected by RAAC and Siporex with option appraisals to identify remediation and or demolition and future provision. The Asset and Engineering teams will use both the asset review, available budgets and asset management partnership working to identify temporary and permanent solutions. Contingency plans are being prepared to mitigate restricted use or unavailability of parts of buildings following assessments. Council Management and Executive Team to be made aware of emergency planning proposals. The security of secondary school grounds will be reviewed with Education and will be prioritised in terms of risk and available capital and revenue budget. Work is ongoing. The security of primary school grounds will be reviewed with Education and will be prioritised in terms of risk and available capital and revenue budget. Progress with work to support the asset review including Place Based Asset Review which will assist in prioritising future place-based assets and will inform future capital investment opportunities.	01/05/2026	02/09/2025
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R270	Impact on People	Refugee Asylum Schemes	Both the UK and Scottish Government have responded to recent immigration and humanitarian crisis by introducing refugee schemes that largely required to be administered by local authorities, with confirmation January 2024 that changes to visa requirements / schemes will enable Ukraine households to remain in the UK until 2026. These schemes are broader in scope and of a significantly greater scale than previous refugee schemes. Consequently, this means greater demands placed on Council services (including service areas not previously involved) in administering the schemes, supporting hosts and refugees as well as placing additional demand on schools and Health and Social Care services. The challenges posed are further compounded by the requirement for local authorities to commit to accommodating refugees via the cap on safer and legal routes and request to assist Mears regarding local procurement of properties and corresponding support requirements. Two Tenancy Support Officer (refugee and asylum seeker) posts ended Nov 2023 and Feb 2024 with no dedicated resource for this client group. Implementation of mandatory national transfer scheme means the Council must accept an allocation of unaccompanied asylum-seeking young people set by the Home Office. Notification will be short notice and frequency is dependent on rate of arrival in the UK. This presents a resource challenge re-provision of accommodation and social work support. The national local crisis in fostering resources is compounding the service risk. A change in Scottish Government policy focus from a 'warm Scots welcome' to delivery of a 'warm Scots future' within the context of wider homelessness and housing pressures. Mears procurement is being carried out with limited communication and arrivals flagged to local authorities with limited notice.	4	5	20	16	Quantification of future resource requirements to be identified and articulated as new and changing schemes are rolled out. Working closely with SG and COSLA to inform future iterations of Guidance for clarity and confirming with SG and COSLA colleagues that ELC cannot source social housing properties as housing pressure continues to be extreme. Children's services are considering a host families scheme to provide accommodation and support for UASC. Discussions are ongoing with Scottish Government and the Home Office about the increase in numbers of UASC children coming to East Lothian. Work with ALACHO, SOLACE, COSLA and others to ensure future funding arrangements are adequate, in accordance with the revised approach to a 'warm Scots future'. Completion and allocation of seven properties in Haddington (Brown Street) for a small number of Ukraine households to be accommodated in settled accommodation until 2026 as host accommodation comes to an end.	31/01/2026	16/10/2025
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R268	Impact on People	Risk to Services Delivery due to Workforce Challenges Maintaining a stable and skilled workforce is essential to efficient, effective and safe delivery of services. The Council continues to face on-going workforce challenges to meet the diverse range of services including: Recruitment and retention of staff High level of sickness absence in some service areas, placing pressure on service delivery Impact of pay and grading structure and annual pay awards Attractive employment opportunities in other sectors risks staff migrating out of Council services Impact of Council financial mitigation measures including enhanced recruitment mitigations Aging workforce and impact on succession planning 35 hour working week makes Council salaries look lower than neighbouring authorities paying the same hourly rate. Failure to preserve business critical activities within these services could lead to increased risks in respect of 'life and limb' services, financial and severe reputational damage to the Council. Insufficient staff can also lead to an inability to open facilities, or to reducing opening hours/days, impacting on local access to services and reducing community programmes of activity, particularly those supporting early intervention and prevention activities. Staffing challenges may result in a lack of cross-service staff capacity to meet emergency response requirements and any other concurrent risks which may create risks to public safety, bringing reputational damage to the Council. The Council has a duty of care to the workforce, a breach of which may affect the health, safety and wellbeing of employees leading to increased sickness absence, pressures on service delivery and added potential for employee liability claims against the Council for incidents involving employees or non-employees or enforcement action by the Health & Safety Executive.	4	5	20	15	Update Management Arrangements on Fire Safety and First Aid Workforce planning to be added to service plan templates. A review of the Council's workforce plan action plan.	26/03/2026	13/10/2025
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R271	Impact on Reputation	Cyber Security Threats	External Cyber Security Threats There is a risk that the Council suffers a cyber-attack by a 3rd party (e.g. hacker, terrorism, nation state) causing the loss of access to or the destruction of all or part of its IT infrastructure and / or information systems. This could be caused by a direct attack on the Council or indirectly via an attack on a trusted supplier or element of national infrastructure. The attack vectors continue to evolve and in recent months the supply chain has become a favoured route. The current conflicts in Ukraine and the Middle East are resulting in a continuous risk of Nation State led cyberattacks on the UK which could potentially affect National Infrastructure in a way that has a direct impact on East Lothian Council. Internal IT Security Threats Council IT systems are compromised by the actions of an internal employee - causing the loss of a system, virus/trojan/ransomware infection or loss/disclosure of data. Unpatched/unsecured/hardened "shadow IT" has been identified in some areas this alongside IOT devices. These provide easy path into the ELC network. IT are essentially blind to these devices and systems until they are found and decoupled. Our traditional security architecture needs to align with modern approaches, this has been the key finding for many data breaches, ransomware attacks alongside supply chain attacks which are becoming increasingly intelligent in their attack vectors.	4	5	20	15	Contract a 24x7 Network Operations Centre to monitor our network log and perform MXDR SOC duties ELC to take tech lead for procurement of National SOC project by Digital Office. Initial meetings with 3rd parties around managed SOC SIEM solution initiated. Evaluate and initiate project to deploy a Zero trust Architecture effectively changing how we handle cyber security internally versus our traditional LAN WAN based network.	01/12/2025	01/10/2025
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R273	Legal	Limitation (Childhood Abuse) (Scotland) Act 2017 The Act covers the period prior to 2004 for civil actions arising from allegations of childhood abuse for children who have been in the care system. The Scottish Child Abuse Inquiry is currently in its 10th Phase, and currently we are not involved in this phase. Survivors may continue to come forward for the period from 1964 to 2004. Historic and current insurers are put on notice where claims are received. The level of deductible or excess is the financial pressures if historic claims of child abuse are made and upheld against East Lothian Council as the statutory successor. The Council's insurers have indicated that where the policy can respond, they will cover appropriate external legal costs and compensation payments subject to the deductible in force. However, the requirements to comply with SCAI S21 requests are placing significant strain on internal resources within the legal, social work and records management teams for which there is no additional budget. Redress Scotland established to provide survivors with an avenue to compensation where they do not wish to submit a claim directly to a successor organisation. Where the Redress Scheme is not used, any legitimate claimant may still raise action against ELC. Note that there remains a period from 2004 to present which is not covered by Scottish Government proposals/legislation for compensation schemes and as such any legitimate claim arising would need to be taken forward through ELCs Insurers.	4	4	16	12	Discussions planned to consider how to ensure sufficient staffing resource available to deal with claims, court actions, and submission of S21 requests and recovery of documentation and to preserve the Council's position. Fully engage with the SCAI to anticipate and forecast future claims and ensure ELC is represented well in the public hearings. Ensure current social work practice with children who are accommodated away from home meets high professional standards and complies with legislation and national standards to ensure they are safe and reduce the likelihood of any 'new' claims arising. Full review of the overall Council Records Management systems and behaviours required to be undertaken to streamline obtaining the relevant information requested. A draft agreement regarding historical liabilities for the successor authorities of LRC is out for consultation with each authority and it is hoped it will be agreed in 2024.	31/03/2026	15/10/2025
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			Climate change will increase the severity, duration, and frequency of extreme weather events that will disrupt service delivery and reshape the East Lothian area. The same human activity that causes climate change also causes devastation to the natural environment, which further endangers the quality of our area. The Scottish Government's Climate Change Act (2009) requires the Council to support the delivery of the national net zero targets and adaptation programmes. The risks associated with the responsibilities are: Failure to meet our statutory duty under Scotland's Climate Change Act (2009). Failure to meet our statutory duty under the Nature Conservation (Scotland) Act 2004. Lack of financial and staff resources to respond to the climate and nature emergency.					Identify budget and funding streams to continue delivering transformational change to Fleet and Asset Management (e.g. staff		
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R272	Impact on People	Climate and Nature Emergency	Deteriorating natural environment and extreme weather affect our ability to deliver services reliably and to acceptable standards. There are no clear funding paths to meet the budgeted costs to reduce greenhouse gas emissions and adapt to climate change. This includes moving all our energy in buildings and our fleet and supporting infrastructure to zero emission sources. To meet the challenge, investment for Buildings is estimated at £1bn. Fleet is more difficult to calculate at present due to the emerging technology and changes in market costs, but it is noted as a significant investment. Both cannot be met through existing core funding or grant availability. The latest IPCC sixth assessment reports show that we have reached a tipping point where we will face extreme weather and climate change impacts despite efforts to mitigate greenhouse gas emissions. These will be cascading risks that can lead to power outages, shortages of water and supplies, and disruptions to transportation. The Council must reduce its emissions to mitigate the severity of climate change and have robust climate adaptation measures to respond to this growing crisis. The State of Nature Scotland Report (2019) found that 49% of Scottish species have decreased in abundance and 11% are under threat from extinction. Failure to halt biodiversity loss and restore nature will have a detrimental impact on our environment, economy, jobs, health and wellbeing and impact our capacity to adapt to and mitigate the climate crisis. The Council is making progress in reducing the Climate and Nature Emergency risks. However, there is an urgent need to secure the funding, resources, tools and powers to enable us to deliver net zero and become nature positive. Until then, our capability for transformational change to reduce these risks is uncertain.	4	4	16	12	transformational change to meet and asset management (e.g. staff resources to chase funding opportunities and support services to access them). Secure the tools, powers and resources to enable the delivery of a 'Net Zero Council' and a Climate-ready Council. Identify interim emission reduction targets across Council Services. Identify effective and necessary climate adaptation measures for Council assets and services. Implement a monitoring and evaluation framework for both. Engage East Lothian Partnership to include carbon emissions reduction targets in review and update of the East Lothian Plan. Re-engage with the Resilient Communities initiative	01/01/2026	12/05/2025
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R274	Impact on People	Flooding and Coastal Erosion	As the incidence of flooding and coastal erosion increases as an impact of Climate Change, there is an increased risk of disruption and damage to road and path networks, impact on public and community safety, property, businesses, harbours and natural heritage sites and an associated increase in claims against the Council.	4	4	16	9	Musselburgh FPS is not yet approved under the Flood Risk Management (Scotland) Act 2009 full report on Coastal Change in Musselburgh was completed and published in March 2024. Flood studies for Dunbar, West Barns and North Berwick (Coastal), Cockenzie, Port Seton, Longniddry and Prestonpans, and Tranent and Macmerry have been included in the 2021-28 Flood Risk Management Plan and the 2022-28 Forth Estuary LFRMP. As part of the 2022-28 Local Flood Risk Management Plans Flood Protection Schemes for Musselburgh and Haddington are included in the list of actions for the Forth Estuary Local Plan District. ELC have undertaken Flood Studies for Musselburgh and Haddington within the 2016-2022 FRM cycle and are currently progressing the Musselburgh Flood Protection Scheme which is a fully established project.	20/03/2026	09/05/2025
R277	Impact on People	Public Protection – Risk of Harm	The Council has a legal responsibility to protect people from harm under a range of public protection functions. This includes the management of offenders and adhering to MAPPA arrangements. A failure to have in place efficient and effective Public Protection arrangements, covering Child Protection, Adult Support and Protection, local MAPPA arrangements, Violence against Women and Girls (VAWG) and Substance Misuse services, may result in the Council being unable to fulfil its statutory duties/duty of care which could contribute to a child or adult suffering harm and in some circumstances, death. The Council could face prosecution, compensation claims and serious reputational damage. Multi-agency public protection functions are governed by the Critical Services Oversight Group (CSOG). Any risks to public protection service delivery are formally raised to CSOG.	4	3	12	12		30/04/2026	14/10/2025

R276	Impact on Reputation	Data Protection Threats	Under the Data Protection Act 2018 and the UK GDPR, the Council is required to ensure that personal data is processed lawfully, fairly and securely. Breaches of the Data Protection Act / GDPR could result in: - harm to individuals; - legal action; - fines of up to £17.5 million or 4% of turnover, whichever is higher; - requirement to pay compensation; - adverse publicity; - damage to reputation The Council has a mandatory 72-hour window in which to report relevant breaches to the Information Commissioner's Office. Limited security, procedural and environmental controls at the Dunbar Road records store mean that records and personal data are at risk of security breach and/or accidental loss or destruction. The shift to home/digital working has also placed additional pressures to digitise paper records management systems and ensure new ways of working remain secure. Requests for personal data (SARs) and other information (FOIs) continue to increase persistently in both number and complexity (average increase of 28% every year since 2021). Staffing challenges and disproportionate impact of frequent requesters mean the Council is at higher risk of missing statutory timescales for responses. DP compliance is dependent on good records management. The Council's Records Management Plan 2014-2019 needs to be formally updated to account for GDPR/DPA18 as well as changes to recordkeeping practice across the Council. This is also a requirement of the Public Records (Scotland) Act 2011 (PRSA). Current pressures on Registration service and increased demand from Services for review of Data Sharing Agreements / Data Protection Impact Assessments are impacting capacity to address Records Management.	4	3	12	8	The Team Manager Information Governance and Team Manager IT Infrastructure and Security drafting an Information Transformation Strategy and associated Action Plan	30/04/2026	15/10/2025
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			The Council has a responsibility to provide care and support for the people of East Lothian and East Lothian's environment. Any breach of this duty of care may compromise legislative duties, health, safety and wellbeing, impacting on, for example, the protection of children and adults. Failure to fulfil the duty of care could also result in serious harm/death to an individual/s, prosecution, having to pay compensation and have a negative impact on the reputation of the Council. Additional pressure within this area caused by external providers struggling to deliver through staffing issues. The Council took out QBE policy in 2021 with Medmal, which now includes cover for some intrusive medical intervention (e.g. tube feeding or assistance with diabetic pumps). However, prior to this there is a 5 year period where the Council was without any cover, the claims for which may not be submitted for many years (particularly if it relating to children) meaning this risk will remain for some time.							
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R278	Impact on Service Objectives	Duty of Care to Public	Members of the public access services in many public buildings which require to operate within statutory health and safety requirements relating to the building itself, and spaces within it. Some services are provided in the outdoor public realm. Failure to operate services safely both within ELC buildings and in outdoor spaces could risk harm to members of the public and staff, resulting in injury, financial liability and reputational damage. Serious and Organised Crime (SOC) poses a physical and virtual threat, be that human trafficking, drug supply, sexual exploitation, fly-tipping, fraud, unsafe consumer sales et al. These risks can include cyber-attacks, corruption, bribery, IT system infiltration, human 'plants' into organisations. SOC poses risks to our communities through targeting of vulnerable people and their properties e.g. to act as conduits for drug supply, door-step fraud, on-line crime et al. Concerns raised from staff that budgetary/financial constraints are impacting on service delivery and compromising social workers working to their code of practice. While there have been improvements on assurance processes there still remains challenges with financial resource to meet the needs of people at risk. For example those on unmet need list rated as red, waiting on care and those waiting on local authority care home placements.	4	3	12	8	Refresh of Serious and Organised Crime Multi-Agency Plan, aligned to review of Anti-social Behaviour Strategy Development of clear outcome focused assessments and reviews	10/02/2026	09/10/2025
R279	Impact on People	National Power Outage	The National Electricity Transmission System (NETS) transports electricity across Great Britain. Total failure of this system would cause a nationwide loss of electricity supplies instantaneously and without warning. This would cause cascading failures across multiple sectors including telecoms, water, gas, sewage, food, health and fuel, and cause significant disruption to public service provision and most businesses and households. These disruptions could lead to physical and psychological casualties or fatalities due to the loss of the services relied upon by many, especially those with health and wellbeing vulnerabilities. ELC must be prepared, as best we can, to respond and recover should widespread electricity failure ever occur. Communications will be seriously interrupted, the care of vulnerable people will become hugely challenging and the continued provision of our critical activities, highlighted within our Business Continuity plans, will be seriously tested.	5	2	10	6	Complete ELC NPO framework Plan All services to carry out an annual BC test based on NPO.	30/04/2026	14/10/2025

R275	Impact on Service Objectives	The Impact of the National Care Service on East Lothian Council	Following feedback and discussion with people who access or deliver social care, social work and community health, as well as other stakeholders, the Scottish Government will not be creating a National Care Service. There will be changes to the Bill and a different approach to improving the social care system. Scottish Government will introduce a non-statutory advisory board, comprising of people with lived experience of accessing care, social care workers, care providers, trade unions, the NHS and local government. The board will be established to provide guidance and drive improvement within the sector. It is expected to meet for the first time in spring 2025. While the change in approach reduces the level of uncertainty for the workforce and protects current structures of service delivery, there will still be significant work to lead to improved outcomes for vulnerable people. There remains a degree of uncertainty about the impact of the work of the board and it will be crucial for East Lothian Council to be well engaged with the proposals through suitable national groups.	3	3	9	9	The Chief Social Work Officer and Chief Officer for the IJB will remain linked in with national forums to monitor the progression and expectations of the new board and ensure East Lothian is in a position to respond.	30/04/2026	14/10/2025
R280	Impact on People	Severe Weather	There is a risk that severe winter weather will lead to an increase in demand for gritting and snow clearing of roads/footpaths which exceeds normal capacity and supplies of salt. This could result in travel disruption, difficulties for people in accessing services, failure to maintain refuse collection timetable and school closures at short notice as well as a possible increase in insurance claims related to pothole damage. Communities may become isolated, particularly in rural areas, due to heavy and prolonged snow. In such cases communication with residents within these areas may become difficult as they become cut off, possibly aligned to power failure caused by strong winds and/or the weight of snow on the lines. There are limitations to the service the council can offer. The Council Roads team focus on treatment and snow clearing of the main priority road network, made up of the major routes where the majority of	3	3	9	9	Upskill CMT and Service Manager cohort to increase response capacity in the event of any incident enduring more than 1 day. Facilitate Resilient Communities workshop to include Severe Weather element and resilient community plans.	20/03/2026	09/05/2025

			vehicle movements take place and also includes accesses to hospitals, ambulance stations, fire stations, other emergency service establishments, railway stations and schools. Primary Routes are treated and cleared of ice and snow first and then the Roads team move onto Secondary Routes and finally tertiary and minor routes which include residential areas, cul-de-sacs. During periods of extreme weather and heavy snowfall when roads and footways are affected by significant levels of lying snow, priority will be given to primary carriageway routes and primary footpath routes with resources deployed on these specified routes continuously until satisfactory snow clearance has been achieved before resources are deployed to any secondary routes and tertiary routes, so it maybe some time before we can attend to these areas.							
			Failure to meet duties and legislative requirements of the Single Equality Act 2010. The Single Equality Act 2010 and related guidance places a general duty on public authorities to be active in promoting equality, eliminating unlawful conduct and fostering good relations. It also places specific duties on public authorities to - report on mainstreaming the equality duty; - publish equality outcomes and report progress; - assess and review policies and practices; - gather and use employee information; - publish gender pay gap information; - publish statements on equal pay; - consider award criteria and conditions in relation to public procurement;							

R282	Legal	publish in a manner that is accessible. The Scottish Government has introduced the Fairer Scotland (socio-economic) duty. This will require the Council to consider the impact of our work on those living in poverty. The Council will need to respond to the full requirements of this new duty and raise awareness of the requirements on the Council. There is a risk that the Council may not be able to meet its general or specific duties and in particular at a time when difficult budget decisions are having to be made that there will be cuts in services or increases in charges that have a disproportionate impact on people who may need those services most because of their equality background. The Council would be open to legal challenge of not meeting its duties and in particular of not carrying out adequate assessment of impact of policies and budget decisions. The Scottish Government continues to extend their commitment to Equality, Inclusion and Rights, this includes the recent incorporation of the United Nations Convention on the Rights of the Child (Incorporation)(Scotland) Act, the British Sign Language (Scotland) Act 2015 and additional Public Sector Equality duties. At the time of writing this may bring in a duty on accessible and inclusive communication. To meet new legal duty to ensure compliance with the 26 October 2024 Prevention of Sexual Harassment duty which places an anticipatory and preventative duty on employers to take reasonable steps to prevent harassment. This duty is specific only to sexual harassment and briefings to SMT and CMT have been provided. As an employer, to actively prevent sexual harassment at work in relation to all employees, ensuring prevention of sexual harassment by colleagues and workers – with a new duty to protect employees and workers from third parties such as service users and members of the public et. Financial consideration should complaints go to Tribunal given any compensation payment would be uncapped and could be further uplifted by 25% by the Equality & Human Right Commission of any financial compensation. Equality & Human Rights Commission has new additional powers to enforce non-compliant employers to complete prevention of sexual harassment action plans.	3	3	9	6	A Childrens Rights and Wellbeing Impact Assessment (CRIWA) template and guidance are now in place Development of a Sexual Harassment Policy, processes, and procedures. Updated and ongoing training for all employees and managers. Toolbox Talks and Equalities and or Banter training. Ongoing communications and engagement with employees. Ensure that Prevention of Sexual Harassment Risk Assessments are undertaken by management. Third party posters zero tolerance and bee nice. Review of work settings where risk may be higher e.g., community settings, schools etc.	31/03/2026	15/10/2025
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R281	Impact on People	Threat of Terrorism	Delivering the UK Government's Counter Terrorism (CT) strategy, known as CONTEST (comprised of four components - Prevent, Protect, Prepare and Pursue). All Local Authorities in Scotland are required to comply with the statutory legislation issued under section 24 of the Counter Terrorism and Security Act 2015 that relates to Prevent. Failure to discharge this duty could mean sufficient steps are not taken to prevent an incident taking place, under Prevent, and could result in the Secretary of State issuing a direction to the Council via the powers within the act and would also result in a loss of reputation and negative publicity.	3	3	9	6	Awareness-raising sessions are being arranged with Police colleagues with independent service providers operating in East Lothian. CT police are offering bespoke Prevent training across other council services and supporting managers to update paper-based training materials for manual staff. Further service specific Prevent training is being arranged for children's and justice social work services. ELC have carried out Penetration Tests at JMH, Penston House and Wallyford Campus with Red Group in early 2025. A report with recommended actions was submitted to CMT in April 2025 with actions to be implemented by December 2025.	28/11/2025	14/08/2025
R283	Impact on Service Objectives	Failure to ensure currency of ELC Business Continuity	Failure to ensure currency of Business Continuity Plans could lead to services not having a robust response to an incident affecting their service area or critical services may not be maintained, while critical services for the public could be affected and statutory requirements not completed. Non availability of: premises, through fire, flood or other unexpected incident; key staff or significant numbers of front-line staff for any reason e.g. a Pandemic; systems (IT, telephony, power failure etc.); any form of transportation due to a fuel shortage. The occurrence of any of these may have an adverse effect on the Council to function fully and to complete critical services and statutory requirements.	4	2	8	6	Progress Business Continuity Plans with Education and HandSCP in order that each School and Care Home has a plan. Progress updates to Council wide BC plans to ensure each Service has a live BC plan which is exercised fully on an annual basis and provides support to the Team if BC is invoked, including loss of premises and or staff etc.	31/03/2026	13/08/2025

R284	Legal	Failure to maintain, review and exercise Emergency Contingency Plans and to comply with current guidance and legislation or to contravene current legislation, which may result in severe penalties as well as an ineffective response to an emergency. Any ineffective preparation and planning for potential crises and disruptive events such as those reflected within the Community/UK Risk Register, that directly relate to the council as a 'Category 1 Responder' may result in the council's inability to effectively respond and manage the event in a way that minimises harm to the community, our employees and the reputation of the council. For example, connectivity between partner agencies during a response to spontaneous events/incidents is challenging due to several agencies using different software and platforms.	4	2	8	4	Ongoing communication with ELC 'Resilient Communities' and or Community Councils to create Resilient Communities plans. Future Emergency and or Resilience training will be progressed with ELC staff, strategic, tactical and operational. An ELC response plan for incidents of significant electricity failure	30/04/2026	14/10/2025
R286	Legal	Failure to meet Standards in Public Life Failure of corporate governance or to meet standards in public life. Failure of the Council's corporate governance or of officials or members to meet standards in public life could result in reputational damage.	2	2	4	4	The Council's Standing Orders are reviewed regularly, and a further review will be undertaken in late 2024 after a period of operation of the Hybrid Committee Meetings system to ensure they remain up to date and relevant.	31/03/2026	28/04/2025

East Lothian Council Risk Matrix

Likelihood Description

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

Impact Description

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

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

Key

Risk	Low	Medium	High	Very High
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