DATA LABEL: Public

West Lothian
Council

Governance and Risk Committee

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

2 November 2020

A meeting of the **Governance and Risk Committee** of West Lothian Council will be held within the **Webex Virtual Meeting Room** on **Monday 9 November 2020** at **2:00pm**.

For Chief Executive

BUSINESS

Public Session

1.   Apologies for Absence

2.   Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest

3.   Order of Business, including notice of urgent business and declarations of interest in any urgent business

4.   Confirm Draft Minutes of Meeting of Governance and Risk Committee held on Monday 22 June 2020 (herewith)

Public Items for Decision

5.   Concurrent Risks Resilience and Preparedness Planning - Report by Depute Chief Executive (herewith).

6.   COVID 19: Guide for Audit and Risk Committees - Report by Governance Manager (herewith)

Public Items for Information

7.   Management of Health & Safety - Report by Head of Corporate Services (herewith)

8.   High Risks - Report by Head of Finance and Property Services (herewith)

9.   Strategic Risks - Report by Head of Finance and Property Services (herewith).

10.   External Audit Report 2019/20 - Report by Governance Manager (herewith).

11.   Committee Self-Assessment Feedback - Report by Governance Manager (herewith)

12.   Governance and Risk Committee Workplan (herewith)

NOTE   **For further information please contact Eileen Rollo on 01506 281621 or email eileen.rollo@westlothian.gov.uk**

MINUTE of MEETING of the GOVERNANCE AND RISK COMMITTEE held within WEBEX VIRTUAL MEETING ROOM, on 22 JUNE 2020.

<u>Present</u> – Councillors Damian Timson (Chair), Lawrence Fitzpatrick, Harry Cartmill, Pauline Clark, Chris Horne, Robert Armstrong

The Chair welcomed Robert Armstrong, who had recently been appointed by the council as the lay member to the Governance and Risk Committee.

<u>In attendance</u> – Graham Hope (Chief Executive), Graeme Struthers (Depute Chief Executive), Julie Whitelaw (Head of Corporate Services), Anne Marie Carr (Head of Housing, Customer and Building Services), James Cameron (Head of Education (Learning, Policy and Resources), Donald Forrest (Head of Finance and Property Services), Craig McCorriston (Head of Planning Economic Development and Regeneration), Jo MacPherson (Head of Social Policy), Graeme Malcolm (Roads & Transportation Manager), Tim Ward (Social Policy), Pamela Main (Social Policy), Katy McBride (Housing Customer and Building Services), Sarah Kelly, (Housing, Customer and Building Services), Alison Raeburn (Education Service Officer), Donna Adam (Education Service Officer), Kenneth Ribbons (Audit, Risk and Counter Fraud Manager), James Millar (Governance Manager),Kim Hardie (HR Manager, Health and Safety) and Caroline Burton (Chief Executive's Office).

1.   <u>DECLARATIONS OF INTEREST</u>

<u>Agenda Item 6, Corporate Governance 2019/20 Annual Governance Statement, Agenda Item 7, High Risks and Agenda Item 11, Covid-19, Governance Issues</u> – Councillor Chris Horne declared an interest in these items of business in that he was a member of West Lothian Leisure Board of Directors. A specific exclusion applied, which allowed Councillor Horne to participate in these items of business.

2.   <u>MINUTE</u>

The Committee confirmed the Minute of its meeting held on 24 February 2020 as a correct record. The Minute was thereafter signed by the Chair.

3.   <u>INTERNAL AUDIT ANNUAL REPORT.</u>

The committee considered a report (copies of which had been circulated) by the Audit, Risk and Counter Fraud Manager providing details of the Audit Risk and Counter Fraud Manager's conclusion on the council's framework of governance, risk management and control.

The report recommended that the committee notes the Audit, Risk and Counter Fraud Manager's conclusion that the council's framework of governance, risk management and control was sound.

Following questions with regard to the performance indicators and the council's ranking it was noted that the Audit, Risk and Counter Fraud Manager confirmed that West Lothian Council was ranked as the 2nd

lowest in terms of the cost of internal audit per £1 million which represented value for money.

<u>Decision</u>

To note the terms of the report.

4.   <u>CORPORATE GOVERNANCE 2019/20 - ANNUAL GOVERNANCE STATEMENT</u>

The committee considered a report (copies of which had been circulated) by the Governance Manager seeking approval of the draft annual governance statement.

The report recommended the committee:

1. Consider and note the information and evidence in relation to corporate governance in appendices 2, 3 and 4;

2. Note the conclusion, based on the review of the system of internal control, the annual compliance statements, the Local Code of Corporate Governance and progress made on areas of governance concerns, that the council's corporate governance standards had been substantially met in 2019/20;

3. Approve the annual governance statement in Appendix 1 which would form part of the council's accounts to be submitted to the external auditor and published for inspection and objection before the end of June;

4. Authorise officers to update the statement where appropriate prior to its approval for signature to reflect changes in circumstances, in particular in relation to the Covid-19 pandemic; and

5. Note that the table in appendix 4 would be updated to reflect committee's comments and to incorporate the issues identified in the annual governance statement, with progress reported to committee in six-month' time at an appropriate meeting.

The Governance Manager advised committee of an amendment to the report at section 13.2, to reflect that there was nothing that the Audit Risk and Counter Fraud Manager had found to be unsound.

It was also advised that due to Covid-19 there would be a delay to the review of HR policies however, the expectation was that those reviews would be carried out before committee received an interim progress report at its meeting in 6 months' time.

<u>Decision</u>

To approve the terms of the report.

5.   HIGH RISKS

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing details of the council's high risks.

The report recommended that the committee:

1. Note the council's high risks, and the action being taken to mitigate them; and

2. Provide feedback to the officers on the risks and the mitigating actions.

A number of questions were asked in relation to pressures on Anti-Poverty Strategy and the financial effects Covid-19 was having on the council. It was explained that there were pressures with council tax collection and that all local authorities were affected at this time. It was also advised that there had been an increase in council tax reduction claims.

Following questions with regard to West Lothian Leisure the committee was advised that a support package had been agreed for the current financial year and that regular monitoring/reviews would be carried out with officers from the council and West Lothian Leisure.

In relation to questions on the impact and risks around schools returning under the current public health guidance, the Head of Education (Learning, Policy and Resources) explained that Education Executive would tomorrow be considering a report on these potential actions and risks, following which updated risks and actions would be reported to a future meeting of the Governance and Risk Committee in the normal way.

Decision

To note the terms of the report.

6.   RISK MANAGEMENT ANNUAL REPORT

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing the risk management annual report for 2019/20.

The report recommended that the committee note the progress made on risk management and business continuity planning during 2019/20.

Decision

To note the terms of the report.

7.   MANAGEMENT OF HEALTH & SAFETY

The committee considered a report (copies of which had been circulated) by the Head of Corporate Services providing information on Health and Safety incidents reported across all service areas. This report also contained annual incident statistics and a breakdown of violence and aggression incidents within Education.

The report recommended that the committee note the contents of the report.

The Head of Corporate Services advised that unions had agreed the revised Health & Safety Policy and that there were no major legislative changes. The committee was advised that a new lone worker device had been mobilised and implemented. It was also advised that there were no enforcement actions last year arising from Riddor incidents.

Decision

To note the terms of the report.

8.   COVID-19 UPDATE

The committee considered a report (copies of which had been circulated) by the Chief Executive providing an update on the ongoing risks and actions in relation to the Covid-19 pandemic.

The report recommended that the committee:

1. Note the update on the risks and actions in relation to Covid-19; and

2. Note that there would be ongoing monitoring of risks and the recovery arrangements.

The committee was interested in the volume of business support grants that had been applied for, paid out and the time taken to process these applications.

The Head of Finance and Property Services advised that 85% of grants had been paid out to business with the majority being paid within 10 days.

Following questions in relation to education resources it was advised that discussions were ongoing with the Scottish Government on additional resources. It was also advised that there was scope for the Scottish Government to provide additional funding for other areas affected by Covid-19.

The Head of Finance and Property Services advised that risks and actions going forward relating to Covid-19 were complex in a changing situation. The key risk to the council at this time was to the financial resilience against the economic downturn and Covid-19 related pressures.

In response to questions asked with regard to potential staffing risks due to self-isolation and track and trace it was advised that there were very few instances of self-isolation due to track and trace reported.

Decision

To note the terms of the report.

9.   COVID-19: GOVERNANCE ISSUES

The committee considered a report (copies of which had been circulated) by the Governance Manager providing an initial overview of the governance aspects and effects of Covid-19 pandemic.

The report recommended that the committee:

1. Note the council's internal decision-making powers and their use during the emergency period to date;

2. Note the impact of legislation, guidance and changed procedures on a range of council functions relevant to governance standards; and

3. Identify particular areas of concern and whether recommendations or further reporting were required.

The committee requested information on the number of breaches and enforcement actions against premises in relation to Covid-19 legislation and guidance.

The Head of Planning, Economic Development and Regeneration advised that officers had worked with businesses to solve any issues which resulted in no enforcement action being taken. With regard to the number of premises the officer undertook to provide committee members with this information.

Decision

To note the terms of the report.

10.   GOVERNANCE AND RISK WORKPLAN

To note the workplan

GOVERNANCE AND RISK COMMITTEE

CONCURRENT RISKS RESILIENCE AND PREPAREDNESS PLANNING

REPORT BY DEPUTE CHIEF EXECUTIVE

A.   PURPOSE OF REPORT

The purpose of this report is to provide an update to the Governance and Risk Committee on the concurrent risks identified by the council in relation to the UK's withdrawal from the EU at the end of the transition period, Covid-19 and other associated risks.

B.   RECOMMENDATION

It is recommended that Governance and Risk Committee:

1. Notes the updates on the UK's trade negotiations following the UK's withdrawal from the EU;
2. Notes the latest position in relation to Covid-19 planning and guidance;
3. Notes the actions the council is taking to prepare, respond and adapt to the concurrent risks the council faces in relation to the EU Exit, Covid-19 and other associated risks over the next six-month period.
4. Agrees that a further update will be provided to a future meeting of the Governance and Risk Committee.

C.   SUMMARY OF IMPLICATIONS

I	**Council Values**	Focusing on customers' needs, being honest, open and accountable, providing equality of opportunities, making best use of resources, working in partnership.
II	**Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)**	Council officers continue to update a register of EU Exit and Covid-19 related risks identifying how these might impact on the council. Understanding local impacts will be an ongoing feature of the council's work.
III	**Implications for Scheme of Delegations to Officers**	No implications at this stage.
IV	**Impact on performance and performance indicators**	The concurrent risks the council faces due to EU Exit, Covid-19, winter and other risks may have a range of impacts on the council.
V	**Relevance to Single Outcome Agreement**	The concurrent risks identified in the report may have an impact on the Local Outcome Improvement Plan.
VI	**Resources – (Financial, Staffing and Property)**	None.
VII	**Consideration at PDSP**	None.

VIII   Other Consultations   All service areas are represented on the Brexit Working Group. Depute Chief Executives and Heads of Service, have been consulted on Covid-19 related risks.

D.   TERMS OF REPORT

D.1   BACKGROUND

In response to the current civil contingencies' risks, this report outlines the council's latest position with regard to its approach to resilience and preparedness planning, considering lessons learned from Covid-19 and a need to plan for a number of concurrent risks over the next six months.

As we head into winter there are a number of scenarios with a high risk of occurrence that could potentially impact on the council's ability to deliver services. These are:

- An increase in the rate of Covid-19 infections
- Leaving the EU without a deal
- Periods of severe weather
- An increase in seasonal illnesses
- The associated economic challenges resulting from Covid-19 and a potential no deal EU exit

There is a risk that these factors could have a compounding effect on a wide range of economic, social and health impacts which could affect both the council and our communities.

There is general recognition that the impact of the Covid-19 pandemic and the response to it has had a negative impact on our initial position to respond to leaving the EU without a deal.

- The impact of Covid-19 means that an economic downturn is more likely;
- The impact of Covid-19 means that many companies are in more fragile position than in the run up to previous deadlines for leaving the EU and this may impact on their ability to prepare;
- Low income groups have already been disproportionately affected by Covid-19 and are in a poorer position to absorb the disproportionate impact leaving the EU without a deal will have on them. Higher food and fuel prices could tip many more into food and fuel poverty;
- Food supplier stockpiles and processes put in place to mitigate risks to the supply chain in the run up to previous deadlines have been impacted by the spikes in demand which Covid-19 introduced. Higher demand for Christmas will also impact on ability of suppliers to stockpile.
- Medicine and medical supply stockpiles will have also been impacted by the Covid-19 response.

However, it should also be recognised that aspects of the response to Covid-19, such as arrangements to allow staff to work from home, and arrangements to allow services to be delivered using alternatives to face to face delivery models, have increased preparedness for continuing to deliver services during severe winter weather.

D.2   EU EXIT NEGOTATIONS – CURRENT POSITION

Following the UK leaving the European Union on 31 January 2020, a transition period was set in place until the end of 2020 to allow the UK and EU to negotiate additional arrangements. The current rules on trade, travel, and business for the UK and EU continue to apply during the transition period. New rules will take effect on 1 January 2021. If no agreement has been reached between the UK and EU for the start of that date, the UK will automatically fall back on the rules of the World Trade Organisation meaning that the EU will impose tariffs on imported UK goods, and the UK will impose its tariffs on imported EU goods.

Negotiations to try and secure a trade deal are ongoing, however issues around state aid, fisheries and governance remain unresolved and on 2 October 2020, the UK Prime Minister announced that it was time to 'get ready' for a No Deal Brexit. Whilst the UK Government and EU Leaders are still hoping to conclude a deal, there remains a strong possibility that no deal will

be in place by the end of the transition period, and as such preparedness work is required to be stepped up for this eventuality.

D.3   COVID-19: SCOTTISH GOVERNMENT STRATEGIC FRAMEWORK

The Scottish Government published its Strategic Framework for suppressing the Covid-19 virus to its lowest possible level on 26 October 2020. The Scottish Government's approach to outbreak management is based on five levels of protection which allows responses to be taken, nationally or locally, using a range of measures and options.

Level 0 (baseline) and Level 1
Low incidence of the virus with isolated clusters, and low community transmission. Broadly, these levels are the closest we can get to normality, without a vaccine or effective treatment in place, before conditions will allow us to move to Phase 4 of the Route Map. They would be similar to the measures in place during the summer, once we reached Phase 3 of the Route Map. The measures in place for both levels are broadly similar with some additional restrictions in level 1 for socialising, sports and attending events.

Level 2
Increased incidence of the virus, with multiple clusters and increased community transmission. Protective measures to tackle the virus, focusing on key areas of risk – broadly, indoor settings where household mixing takes place with less, or less well-observed, physical distancing and mitigations. The measures would be intended to be in place for relatively short periods (2-4 weeks), and only for as long as required to get the virus down to a low, sustainable level.

Level 3
Increased incidence of the virus, with multiple clusters and increased community transmission. There would be a more graduated series of protective measures than level 2 to tackle the virus, focusing on key areas of risk with more restrictions to hospitality, travel, entertainment and sports. The measures would be intended to be in place for relatively short periods (2-4 weeks), and only for as long as required to get the virus down to a low, sustainable level.

Level 4
Very high or rapidly increasing incidence, and widespread community transmission which may pose a threat to the NHS to cope. It is likely that this level would see the introduction of measures close to a return to full lockdown. Measures would be designed to be in place for a short period, to provide a short, sharp response to quickly suppress the virus.

As at 29 October 2020, West Lothian has been placed in level 3 of the framework with revised restrictions or guidance on indoor and outdoor socialising and leisure activities, hospitality, accommodation, and travel and transport taking effect from 2 November 2020.

Schools and early learning and childcare facilities will remain open in level 3 with enhanced protective measures in place. Offices and call centres should be for essential staff only with working from home remaining the default position.

D.4   SEVERE WEATHER

Advance warning of severe weather allows the council to plan for the necessary resources to be in place to respond effectively although it should be noted that severe weather incidents can occur with little warning.   The Met Office issues National Severe Weather Warnings to the public, the police and other agencies to provide early warning of likely severe weather with the potential to cause disruption to particular areas of the country. Warnings can be issued at any time of the day or night and be ranked Yellow, Amber or Red dependant on the severity of the disruption they may cause. Notification of warnings and alerts are received by the council and are then distributed to a distribution list across all service areas.

The Scottish Flood Forecasting Service also provides a Flood Guidance Statement which gives an assessment of the risk of flooding, from rivers, coastal and tidal areas and surface water, for the following five days

D.5 WINTER ILLNESS

The NHS's winter flu vaccination programme is vitally important this year due to Covid-19 with an increased risk to life if suffering from both viruses simultaneously. The flu vaccination programme began on 1 October 2020 using a phased approach which means different groups will be vaccinated at different times. The Scottish Government has expanded eligibility for the free flu vaccine to social care workers who provide direct personal care, household members of those shielding, and people aged 55-64. In total it is estimated that over 2.4 million people in Scotland will be eligible for the vaccine this winter.

D.6 MULTI-AGENCY MONITORING AND RESPONSE FOR CONCURRENT RISKS

The council and its partners have established and well used mechanisms and frameworks for responding to public health incidents and severe weather incidents. The same multi agency framework was used to prepare for leaving the EU throughout 2019, and this will be stood up again in early December to assist all partners in monitoring and responding to the concurrent risks which face us over the winter period.

There was always an understanding that there may be difficulty in attributing impacts directly to leaving the EU without a deal, and that correlation rather than causation may be more easily observed. The Covid-19 pandemic means that attributing an impact to a standalone cause may become even more difficult. The multi-agency monitoring for impacts will assist with early identification of where impacts are arising, irrespective of their cause.

The Scottish Government's Multi Agency Co-ordination Centre (MACC) will continue to facilitate information gathering and sharing of impacts and potential impacts and allow for a shared situational awareness amongst all partners. In the event of the UK leaving the EU without a deal, the focus will be on identifying emerging impacts such as:

- Impact on availability or cost of essential goods and services
- Any Contractors unable to provide services
- Availability of key staff
- Level of Emergency Welfare/Discretionary Fund payments
- Level of foodbank referrals
- Level of assistance being sought by businesses

Surveillance will continue to be a key tool in managing Covid-19 and tackling clusters or spikes. The Surveillance and Response approach, along with Test and Protect, is core business for public health teams in all NHS Health Boards, supported by teams in local authorities and many other agencies. This approach enables a rapid and collaborative response to any incident or outbreak at a local, regional and a national level.

The Covid-19 surveillance system has a number of strands to provide information on the full range of illness severity, and provides tracking over time and for key groups of the population. The Scottish Government publishes daily data on cases, testing and hospital and ICU admissions

The MACC will collate information on testing, cases, hospital and ICU capacity and identify where pressures are arising.

Public Health incidents are classified as level 0-5, with increasing severity and magnitude ranging from initial identification of a potential incident requiring a minimal response required due to limited local level impact through to a national level incident requiring local and central government co-ordination with population-wide national scale interventions. The Covid-19 pandemic response is currently being managed in Scotland as a Level 5 incident, with a Scotland-wide, nationally coordinated response, led by the Scottish Government.

Agencies like SEPA and the Met Office are likely to have a greater degree of involvement in the MACC than in the run up to previous deadlines. The MACC will provide an additional channel for monitoring for, and warning of, impending severe weather and be in place to assist with facilitating a multi-agency response if required.

D.7 COUNCIL RESILIENCE AND PREPAREDNESS

The council has a number of established plans and protocols in place that allows it to monitor, plan and react to potential disruptions to it workforce, buildings, systems and supplies, and services that are proved to our communities. Incorporated within our planning are:

- No Deal EU Exit Contingency Plan
- Covid-19 Recovery and Renewal
- Education Recovery
- Building Remobilisation
- Workforce Resilience and Preparedness
- Winter Service Plan 2020/21
- Business Continuity Plans
- Risk Assessments
- Risk Registers
- Horizon Scanning
- Economic Recovery

As previously reported to the Governance and Risk Committee, the council has developed a No Deal EU Exit Contingency Plan, which presents the arrangements in place across the council to identify, monitor and respond to potential issues arising following a No Deal EU Exit. The plan is structured by theme and focuses on risks around inflation, supply chain for goods and services, migration, legislation, data and the economy.

The council is continuing to monitor and review information being issued by the UK Government and Scottish Government, and is in regular contact with COSLA as the end of the transition period approaches. The contingency plan and associated Brexit risk register is monitored regularly via the council's Brexit Working Group, who will continue to meet on a regular and ongoing basis.

There are currently 55 risks associated with a No Deal EU Exit. Of these, three are considered in the high category. These are:

- Economic Downturn
- Impact on Public Health Functions
- Food Safety

The council has also identified a range of risks associated with Covid-19, many of which cut across similar themes to our Brexit risks. There are 102 risks associated with Covid-19. Of these 21 are considered in the high category. By category these are:

- Workforce Planning and Protection
- Financial Resilience
- Digital Resilience
- Business Resilience
- Supply Chain
- People

It is therefore important that the council is developing an effective and co-ordinated incident management framework for monitoring and managing risks, in order to respond to impacts irrespective of cause. It is doing this by undertaking the following:

- Using scenario planning to manage health and care and sustain services during the winter.
- Making use of shared data and information to make sure we have early warning of potential issues arising and to mobilise responses quickly.
- Continuing collaboration with partners through our Local Resilience Partnership and Multi Agency Co-ordination Centre arrangements.
- Monitoring staff absence and ensuring key staffing trigger levels are built into our scenario plans.
- Reviewing lessons learned from Covid-19 and good practice from other local authorities.

- Providing up to date advice and guidance to staff and customers using Frequently Asked Questions.
- Developing protocols based on impact rather than cause (e.g. Building remobilisation protocols)
- Continuing to liaise with Scottish Government, COSLA and professional associations.
- Continuing to liaise with Scotland Excel and key suppliers.
- Providing updates to Elected Members

E.   CONCLUSION

It is necessary that the council continues to reflect on a fast-changing position where it understands the potential risks it faces from Covid-19 infections increasing, the deadline for the EU withdrawal transition period approaching, and the usual weather emergencies and winter illnesses issues, and where necessary and possible has robust contingency plans in place.

By focusing on concurrent risks over the next six months, making best use of data and information and monitoring arrangements, the council will ensure it has arrangements in place to help mitigate against any disruptions which occur in the period ahead.

F.   BACKGROUND REFERENCES

No Deal EU Exit Contingency Plan

No Deal EU Exit Contingency Plan

Winter Service Plan 2020/21

Winter Service Plan 2020/21

Contact Person: David Maule, Corporate Transformation Manager 01506 281302; Caroline Burton, Emergency Planning Officer 01506 281651

Graeme Struthers
Depute Chief Executive
9 November 2020

DATA LABEL: PUBLIC

![West Lothian Council logo]

GOVERNANCE & RISK COMMITTEE

COVID 19: GUIDE FOR AUDIT AND RISK COMMITTEES

REPORT BY GOVERNANCE MANAGER

A   PURPOSE OF REPORT

To consider Audit Scotland's report "Covid-19: Guide for Audit & Risk Committees".

B   RECOMMENDATIONS

1. To consider the messages in Audit Scotland's report in relation to governance and risk management

2. To note that Audit Committee on 26 October 2020 considered the themes of internal controls and assurance, and financial management and reporting

3. To determine if further reports or information are appropriate concerning issues within this committee's remit

C   SUMMARY OF IMPLICATIONS

I	**Council Values**	Being honest, open and accountable, making best use of our resources.
II	**Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)**	Risk Management Strategy and Policy and reporting arrangements; Local Code of Corporate Governance and governance reporting arrangements; Standing Orders
III	**Implications for Scheme of Delegations to Officers**	None.
IV	**Impact on performance and performance Indicators**	Good governance contributes to and enables good decision-making
V	**Relevance to Single Outcome Agreement**	Our public services are high quality, continually improving, efficient and responsive to local people's needs
VI	**Resources - (Financial, Staffing and Property)**	None
VII	**Consideration at PDSP**	None

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VIII	**Other consultations**	Audit Risk & Counter Fraud Manager

D   TERMS OF REPORT

1   Background

1.1   In August 2020 Audit Scotland produced a report entitled "Covid-19: Guide for Audit & Risk Committees". It acknowledges that the response of public-sector bodies has been strong (e.g., agility and partnership working) but that many pre-existing risks have been exacerbated (e.g., financial sustainability and service demand pressures). It states that audit and risk committees have a crucial role to play in providing effective scrutiny and challenge and to help focus on important aspects of the business and maintain effective oversight of spending, performance and governance arrangements.

1.2   The guide focuses on the short-term challenges in relation to internal controls and assurance, financial management and reporting, governance, and risk management. It provides suggested questions to help audit and risk committee members effectively scrutinise and challenge in these areas. Audit Scotland considers that answering those questions will help audit and risk committees better understand how their organisation is responding to the pandemic and managing the challenges it creates. They make the point that these committees must assure themselves that they are engaged and well-informed about the changes that are occurring and affecting their organisation due to Covid-19.

1.3   Of the four themes in the guide, this report invites consideration of governance and risk management. The other two, internal controls and assurance, and financial management and reporting, were considered by Audit Committee on 26 October 2020.

2   Governance (Paragraphs 15 – 17)

2.1   Audit Scotland consider that changes in governance arrangements are likely to have taken place, potentially resulting in less opportunity for scrutiny and due diligence as public bodies respond to the challenges of the pandemic. They highlight urgent procurement decisions being required, changes in delegated powers and their use, urgent introduction of collaborative and partnership working, and changes in procedures from documenting authorisation processes through to oversight of the overall running of the public body.

2.2   The guide proposes potential governance questions for members to consider. Those are reproduced in the appendix.

3   Risk Management (Paragraphs 18 – 20)

3.1   Audit Scotland confirm the likelihood and impact of existing risks and the emergence of new risks will need to be monitored carefully, and that there may also be a change in the risk appetite during the pandemic to allow services to operate effectively and respond to issues in a timely manner. Committee members should consider how sustainable these changes will be in the longer term. They go on to say that existing risks and challenges will have become greater due to Covid-19, uncertainty around the UK's exit from the European Union, and increasing budget pressures.

3.2   The guide proposes potential risk management questions for members to consider. Those are reproduced in the appendix.

4   Answering the questions

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4.1   When considering their responses to the questions posed, members may wish to return to reports and other documents presented to council, committees and PDSPs since meetings resumed in May 2020, including today's agenda items. Those reports include, but are not limited to, the following:-

- COVID-19: Use of Emergency Powers (Council Executive, 26 May) and use of Standing Order 31 (Council Executive, 26 May, 23 June and 6 October; Education Executive, 23 June)

- COVID-19: Update on Financial Impact for the Council and then budget monitoring reports (Council Executive, 26 May, 23 June, 18 August and 6 October)

- COVID-19 Update and COVID-19: Governance Issues (Governance & Risk Committee, 22 June)

- Corporate Governance – Annual Governance Statement (Governance & Risk Committee, 22 June) and Annual Report (Council Executive, 18 August)

- COVID-19: Recovery and Renewal Plan (Council Executive, 18 August)

- COVID-19 Impacts – Local Bus Contracts and Total Transport Review (Council Executive, 23 June)

- Re-opening of Schools and Early Learning and Child Care (Education Executive, 23 June, 4 August and 8 September; Council Executive, 23 June)

- Coronavirus (No. 2) (Sc) Act 2020 – Powers to Intervene in Care Provision (Council Executive, 23 June and 6 October)

- Annual Accounts and External Audit Report (West Lothian Council, 29 September)

- Annual Procurement Report (Council Executive, 18 August)

- COVID-19 Business Grant Fraud (Audit Committee, 26 October)

- COVID-19: Implications for Public Finances in Scotland (Audit Committee, 26 October)

- Resumption of service performance and financial performance reporting to PDSPs from 15 September

4.2   Further guidance will be issued as public bodies move beyond the response phase of the pandemic into recovery and renewal.

E   **CONCLUSION**

The report emphasises the importance of maintaining an effective framework of governance, risk management and internal control whilst dealing with the challenges presented by Covid 19. Consideration, scrutiny and challenge by members, and identification of any gaps or areas where information may be thought incomplete, will contribute to that task.

3

F   BACKGROUND REFERENCES

Audit Scotland report: Covid 19 Guide for Audit and Risk Committees (August 2020)
https://www.audit-
scotland.gov.uk/uploads/docs/report/2020/as_200825_covid19_guide_audit_risk_comm.pdf

Appendices/Attachments: 1. Questions from Exhibits C and D of Audit Scotland's report

Contact Person: James Millar, Governance manager, West Lothian Civic Centre, 01506
281613, james.millar@westlothian.gov.uk

James Millar, Governance Manager

Date of meeting: 9 November 2020

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APPENDIX

Governance questions

1. What impact has Covid-19 had on governance arrangements?

   a) How is your organisation ensuring that effective oversight and scrutiny of key decisions is maintained as it responds rapidly to the challenges it faces during the pandemic?

   b) Have any significant changes been made to governance arrangements due to the pandemic, for example, suspension of committees or increased use of delegated decision-making powers?

   c) Where decisions are being made using delegated or emergency powers, how are these being recorded, made public and subjected to scrutiny by the relevant committee(s)?

   d) Have changes to processes and procedures made in response to Covid-19 been reviewed and documented appropriately to comply with overall governance arrangements?

2. Are governance arrangements being reviewed regularly to ensure they remain fit for purpose?

3. (Question relating to non-executive members deleted)

4. What barriers, if any, have affected your organisation's ability to continue to provide services for individuals and communities during the pandemic?

   a) How have these barriers been overcome?

   b) What was the impact on service users?

5. What impact has Covid-19 had on your organisation achieving its stated objectives?

   Does performance reporting highlight any changes on your organisation's ability to meet its objectives as a consequence of Covid-19?

   Has the pandemic caused new risks to achieving your organisation's objectives? If so, how are these being addressed?

6. What impact has Covid-19 had on collaborative working?

Risk management questions

1. Are there new expenditure or procurement streams, or delivery methods arising from Covid-19 that introduce new risk?

   a) What indicators does management have to support informed decisions on risk and is this data available in real time?

   b) Is your organisation's risk management strategy up-to-date to include risks associated with Covid-19?

   c) What risks have emerged that need to be addressed and what protocols are in place to report and analyse emerging risks as the situation evolves?

   d) Are risks being reported to the relevant committee?

5

2. Has your organisation's risk register been updated to reflect new risks arising from Covid-19?

3. Is there a need for management's risk appetite framework to be reviewed to ensure it is appropriate in this rapidly evolving environment?

   a) If so, when will the committee be informed of the outcome and any next steps?

4. How does Covid-19 impact on any financial risks already facing your organisation and how does this affect short, medium and long-term financial plans?

   a) What impact does Covid-19 have on any scenario planning that your organisation has in place for events such as EU withdrawal and increasing budget uncertainty?

6

DATA LABEL: PUBLIC

GOVERNANCE AND RISK COMMITTEE

MANAGEMENT OF HEALTH & SAFETY

REPORT BY HEAD OF CORPORATE SERVICES

A   PURPOSE OF REPORT

This report is presented at the request of the Governance and Risk Committee and is a standing report providing information on Health and Safety incidents reported across all service areas. This report also contains annual incident statistics and a breakdown of violence and aggression incidents within Education.

B   RECOMMENDATIONS

It is recommended that the Committee note the content of the report.

C.   SUMMARY OF IMPLICATIONS

I	**Council Values**	Being honest, open and accountable, making best use of our resources.
II	**Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)**	The Risk Management Policy requires the council to effectively manage risks. Legal requirements for Health and Safety made under statutory obligations in the Health and Safety at Work Act 1974 and Fire Scotland Act 2005 and associated regulations
III	**Implications for Scheme of Delegations to Officers**	None.
IV	**Impact on performance and performance Indicators**	Ineffective risk management arrangements may adversely affect performance.
V	**Relevance to Single Outcome Agreement**	Our public services are high quality, continually improving, efficient and responsive to local people's needs.
VI	**Resources - (Financial, Staffing and Property)**	None.
VII	**Consideration at PDSP / Executive Committee**	None.
VIII	**Other consultations**	None.

1

D.   TERMS OF REPORT

D.1   Background

In accordance with corporate requirements, health and safety risks are maintained in the risk register in Pentana Performance, the council's corporate risk management tool. The risks contained within Pentana represent key risks to service objectives. They are kept under continuous review, and are developed in accordance with changes in the service structure, and in response to changes to the political, regulatory, economic and demographic environment. Services should also ensure that relevant action plans are implemented for key risks, to mitigate these risks to tolerable levels so far as is practicable.

Health and safety is monitored by services using reactive and proactive measures to provide indicators of health and safety performance to support the continued implementation of the health and safety management system.

D.2   Health & Safety Management

The Health and Safety at Work Act, 1974, the Fire Scotland Act 2005 and legislation made under the Acts outline statutory obligations in relation to health and safety. The appropriate and measured control of risk also supports the strategic and operational aims of the council-wide health and safety policy and service health and safety plans.

Measuring health and safety performance is a key step in the safety management process. Internal leading and reactive control measures are used to identify required control measures that mitigate identified risks. The control measures provide objective information that is measurable, easily collected, monitored and considered by Services and Corporate Health and Safety. They provide a reliable indicator of performance and information related to the monitoring of the deployment of policies and procedures and the safety management system.

Health and safety is a standing item at service management team meetings. It is also a standing item for meetings of the Corporate Management Team. A comprehensive report in relation to health and safety legislation and guidance and incidents across all council services is considered with a view to learning lessons and improving and identifying emerging risks. This report includes the provision of key statistical information as set out in Appendix 1 and 2.

Risks are reported to service management teams on a monthly basis. The risks are discussed, changes are made to the risks or their scores, and new risks are added, as considered necessary. There is a complete audit trail of this review process via the meeting papers and the action note produced, which are held in the council's records management system. Agreed changes to risks or risk actions are evidenced in Pentana and where necessary an explanatory note is added in Pentana.

D.3   Enforcement & HSE- Notices / Visits / Inspections/ Correspondence/ Enforcement/ Fee for Intervention (FFI) – July 2020 – September 2020

COVID-19 HSE visits

The HSE have undertaken COVID19 spot check sampling inspections on Scottish schools following their return in August 2020. Initial phone calls were made to 19 schools and site visits were undertaken at the following schools in August and September:

2

- Harrysmuir Primary School

- Inveralmond Community High School

- Knightsridge Primary School

- Carmondean Primary School

- Linlithgow Bridge Primary School

Verbal advice provided included the need to ensure that risk assessments were reflective of practices in each school. They also requested further information for their consideration with regards to the electrostatic cleaning process. This was provided on 05th October and there has been no further correspondence to date.

An unannounced to Building Services roofing & roughcasting works in Stoneyburn was carried on 13th July. The focus was the arrangements on site implemented to minimise spread of Covid19 . This included speaking with employees to get their views on changes. They concluded controls in place exceeded what was expected and particular comment was made on the following arrangements :

- Cleaning schedules
- Welfare rota
- Distancing markers on scaffolding
- Good signage provision
- Good compound arrangements

Building Services have implemented a standard model across sites and are regularly monitoring that standards are being maintained.

D.4 COVID-19

Health and Safety have continued to provide advice, support and guidance to all services throughout the current pandemic. Provision of the service has been maintained through the utilisation of online communication methods and site visits ensuring relevant sector specific guidelines have been followed. Whilst this has restricted business as usual in some sectors e.g. care settings and movement around educational establishments risk assessments have been completed to ensure that appropriate action is taken and support provided as required.

As regulatory changes have been introduced and new or updated guidance published services have taken cognisance of these and adjusted practises accordingly. Risk assessments encompassing required changes have been implemented and are revised as frequently as required to ensure working practices reflect ongoing changes. Consultation has taken place with relevant Trade Unions in relation to measures taken.

Health and Safety will continue to support services in the interpretation and practical implementation of future changes to guidance.

There is a separate report on the agenda from the Depute Chief Executive in relation to COVID-19 risks in the risk register.

D.5 Health and Safety Committee

The Corporate Health and Safety Committee met on the 23rd June 2020. Representatives from Council Services attended the Committee, along with representatives from recognised Trade Unions. The Committee considered the corporate health and safety statistics and noted the discussions which had taken place at the Service Health and Safety Committees.

D.6 Lone Worker Devices

Appendix 1 details the number of devices each service has registered with the service provider (number of live devices) and the number of devices that have been registered as active (being used) in that time period. This information is provided to each service on a monthly basis.

3

D.7   **Employers Liability Insurance Payments**

Appendix 1 also details the claims settled in April 2020 – September 2020 in relation to Health and Safety Incidents.

E.   **CONCLUSION**

The council has implemented robust risk management and monitoring processes with the aim of ensuring that risks to the achievement of key objectives are mitigated as far as possible.

F.   **BACKGROUND REFERENCES**

Health and Safety at Work Etc. Act 1974 and related statutory regulations

West Lothian Council Health and Safety Policy –   https://www.westlothian.gov.uk/article/29157/WLC-Health-and-Safety-Policy

Appendices/Attachments: (1) Health and Safety Statistics
                                (2) Education Services Violent Incident Statistics

Kim Hardie, Health and Safety Manager 01506 281414 kim.hardie@westlothain.gov.uk

Julie Whitelaw, Head of Corporate Services

Date of meeting: 09 November 2020

4

October 2020

GOVERNANCE AND RISK COMMITTEE

APPENDIX 1 HEALTH AND SAFETY STATISTICS

RIDDOR REPORTABLE INCIDENTS – 1st April 2020 to 30th September 2020

HSE Reportable	Specified	O7D	MoP	Dangerous Occ	Disease	Total	HSE Notices	HSE Visits / Enquiries
CHCP		1	1		1	3		
Finance and Property								
HCBS	1	1				2		1
Operational		4		1		5		1
Education	1		1			2		7
TOTAL	2	6	2	1	1	12		9

CUMULATIVE INCIDENTS RECORDED – 1st April 2020 to 30th September 2020

	Chief Executives Office	Corporate	Education	F&P	H.C.B.S.	Operational Services	PED'R	Social Policy
April	0	0	4	1	11	13	0	38
May	0	0	4	4	10	12	0	40
June	0	0	13	1	25	24	0	40
July	0	0	2	1	19	26	0	36
Aug	0	0	236	4	18	33	0	46
Sept	0	0	403	3	14	23	0	37
2020/21	0	0	662	14	97	131	0	237
2019/20	2	5	1107	15	221	171	5	361

Cumulative Chart by Service all Incidents

1

Data Label: Internal Only
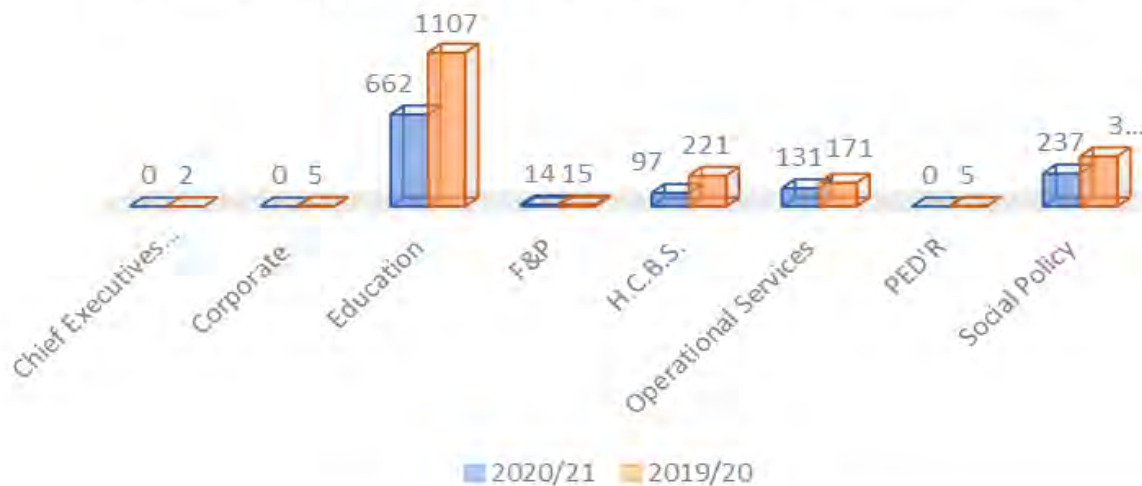
CUMULATIVE ACCIDENTS RESULTING IN INJURY 1st April 2020 to 30th September 2020

Service / Injured Party	Chief Executives Office	Corporate	Education	F&P	H.C.B.S.	Operational Services	PED'R	Social Policy	Totals
Employee	0	0	332	0	12	35	0	33	412
Third Party	0	0	7	0	2	10	0	68	87
Pupil / Student	0	0	150	0	0	0	0	0	150

CUMULATIVE INCIDENTS by Cause 1st April 2019 to 31st January 2020

Cumulative Incidents by Cause

Cause	Count
Vehicular Accident	1
Sporting Injury	1
Scalding	1
Injured by an animal	1
Exposed to an explosion	1
Foreign body (ingestion / injection / inhalation etc)	2
Fall from chair	2
Exposed to a harmful substance	2
Contact with moving machinery or material being…	2
Hit by moving vehicle	3
Exposed to a biological agent	3
Contact with a hot surface	3
Fall from a height	5
Medical condition related	7
Injured whilst handling, lifting or carrying a person	7
COVID -19	7
Fall from bed	8
Slipped	12
Tripped	14
Contact with a sharp edge	15
Injured while handling, lifting or carrying an object	19
Hit something fixed or stationary	19
Bite	27
Human error	28
Hit by moving, flying or falling object	30
Fall on the same level	39
Assaulted by person using an object	56
Assaulted by Person	363

2
Data Label: Internal Only

CUMULATIVE REPORTED VERBAL ABUSE INCIDENTS – 1st April 2020 to 30th September 2020

	Chief Executives Office	Corporate	Education	F&P	H.C.B.S.	Operational Services	PED'R	Social Policy
April	0	0	2	1	8	1	0	1
May	0	0	1	2	8	0	0	3
June	0	0	0	0	15	0	0	7
July	0	0	2	0	12	3	0	1
Aug	0	0	22	0	12	0	0	10
Sept	0	0	21	0	4	1	0	4
2020/21	0	0	48	3	62	5	0	26
2019/20	0	3	119	4	121	6	3	36

CUMULATIVE REPORTED PHYSICAL ASSAULT INCIDENTS – 1st April 2020 to 30th September 2020

	Chief Executives Office	Corporate	Education	F&P	H.C.B.S.	Operational Services	PED'R	Social Policy
April	0	0	0	0	0	0	0	3
May	0	0	0	0	0	0	0	3
June	0	0	2	0	0	1	0	3
July	0	0	0	0	0	0	0	6
Aug	0	0	144	0	0	0	0	3
Sept	0	0	266	0	1	0	0	5
2020/21	0	0	412	0	1	1	0	23
2019/20	0	0	609	0	0	3	0	33
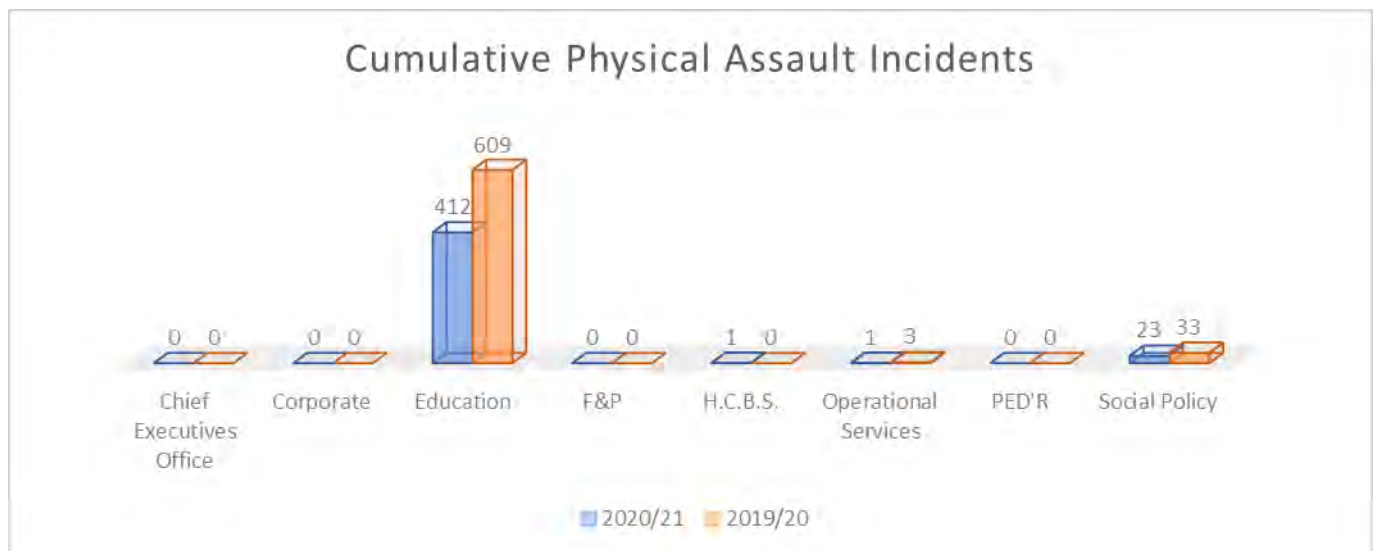
NEAR MISS INCIDENTS – 1st April 2020 to 30th September 2020

	Chief Executives Office	Corporate	Education	F&P	H.C.B.S.	Operational Services	PED'R	Social Policy
April	0	0	2	0	2	2	0	7

3
Data Label: Internal Only

May	0	0	2	2	1	0	0	5
June	0	0	4	0	4	2	0	8
July	0	0	0	1	3	1	0	8
Aug	0	0	33	3	2	1	0	12
Sept	0	0	53	3	4	4	0	9
2020/21	**0**	**0**	**94**	**9**	**16**	**10**	**0**	**49**
2019/20	**1**	**1**	**148**	**11**	**28**	**32**	**0**	**58**

4
Data Label: Internal Only
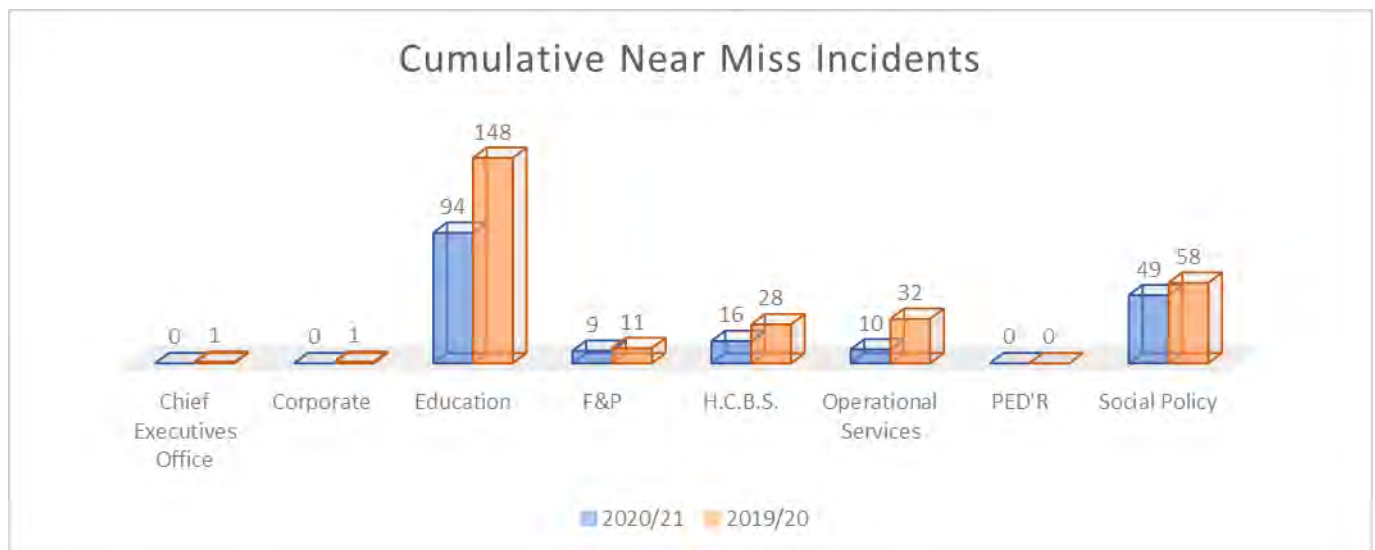
LONE WORKING DEVICE USAGE – **1st April 2020 to 30th September 2020**

Service	Number of Live Devices			Number of Active Devices			% of devices used in month		
	Jul	Aug	Sept	Jul	Aug	Sept	Jul	Aug	Sept
Education	26	26	39	8	13	29	30.77	50.00%	74.36%
Elected Members	4	4	4	1	0	0	25.00	0.00%	0.00%
F&P	20	20	20	14	13	12	70.00	65.00%	60.00%
HCBS	166	166	167	54	56	67	32.53	33.73%	40.12%
Operations	26	26	26	14	16	13	53.85	61.54%	50.00%
PED'R	3	3	3	1	0	1	33.33	0.00%	33.33%
Social Policy	492	492	492	249	257	284	50.61	52.24%	57.72%
Total	**737**	**737**	**751**	**341**	**355**	**406**	**46.27**	**48.17%**	**54.06%**

Employers Liability Insurance Payments – 1st April 2020 to 30th September 2020

Total number of closures for 1st April 2020 to 30th September 2020 was x, at a total cost of £xxxxx

Accident year	Location	Service	Detail	Injury	Payment to employee / volunteer	Other costs	Total Claim	Cause	Incident Description
Total	**Number:10**	**Payment:**	**Total**						
		Less recovery							
		Net							

5
Data Label: Internal Only

![West Lothian Council]

October 2020

GOVERNANCE AND RISK COMMITTEE

APPENDIX 2 HEALTH AND SAFETY STATISTICS

The following is a comparison across the years 2018, 2019 and 2020 for the period 1st April to the 30th September for Physical and Verbal incidents against all incidents within Education by group for each respective year.

Analysis of both Physical and Verbal Abuse Incidents by Pupils against Staff and other Pupils						
Period 1st April to the 31st March	2018-19		2019-20		2020-21	
	Employee	pupil	Employee	pupil	Employee	pupil
Special Needs Schools						
% inc of phy + verbal against all inc	74%	12%	75%	5%	61%	30%
Primary and Early Years						
% inc of phy + verbal against all inc	45%	10%	55%	9%	47%	13%
Secondary Schools						
% inc of phy + verbal against all inc	34%	3%	51%	2%	20%	9%
All Education						
% inc of phy + verbal against total inc	54%	10%	59%	7%	50%	18%

RIDDOR Reports years 2018, 2019, 2020
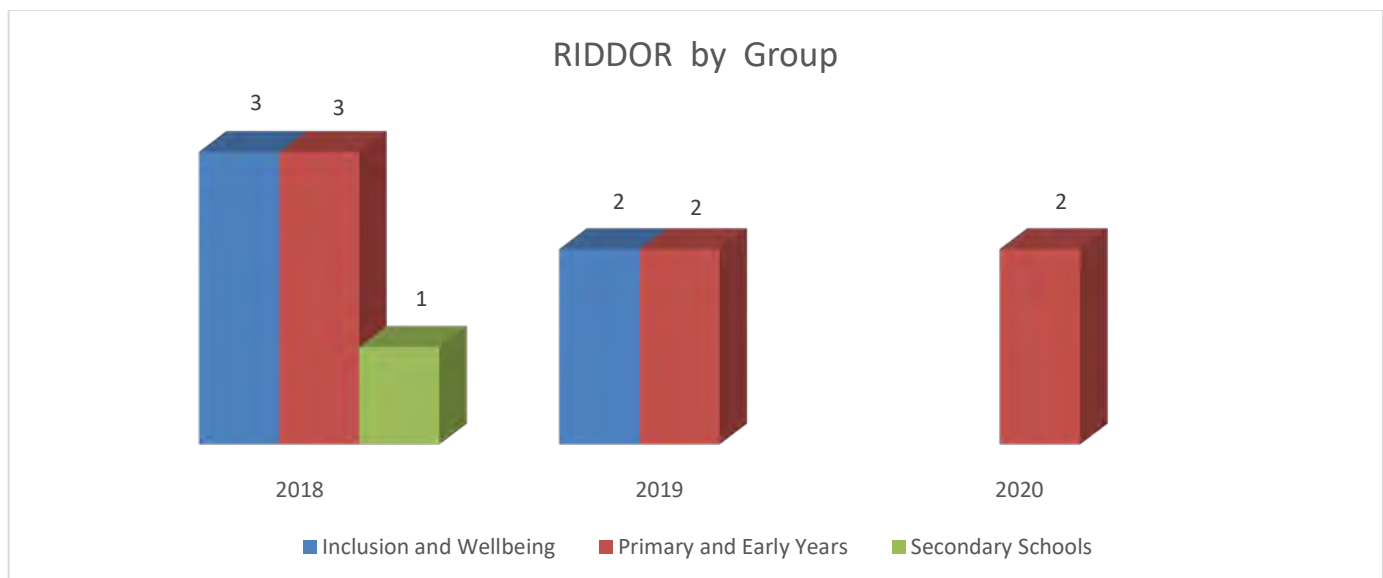
Descriptors of RIDDORS incidents 1st April to the 30th September 2020

1. **St Mary's Primary School, Bathgate –** A pupil sustained a leg injury which required stitches after running along part of the school boundary wire mesh fence and in between bushes/trees. The pupil was unable to identify where the injury had occurred. A contractor carried work on the fence to remove metal ties used to join sections of fence panels.

2. **St Mary's Primary School, Polbeth –** An employee was working one to one with a pupil seated on the floor. As they went to stand up the pupil lashed out with their foot, striking them on the face. The employee attended accident and emergency where they were discharged to attend at a later date once the swelling around the area had subsided. It was subsequently established that the employee had sustained a fracture to their nose

1

West Lothian Council

Comparison of **Incidents Investigated** for Physical and Verbal Assault Incidents for the period 1st April to the 30th September across 2018, 2019 and 2020 by Education Service Group.

Inclusion and Wellbeing % investigated

94 — 2018
97 — 2019
93 — 2020
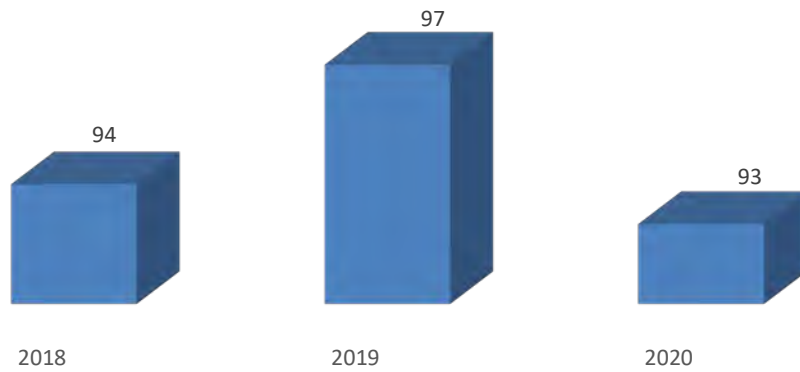
Primary and Early Years % investigated

79 — 2018
82 — 2019
69 — 2020
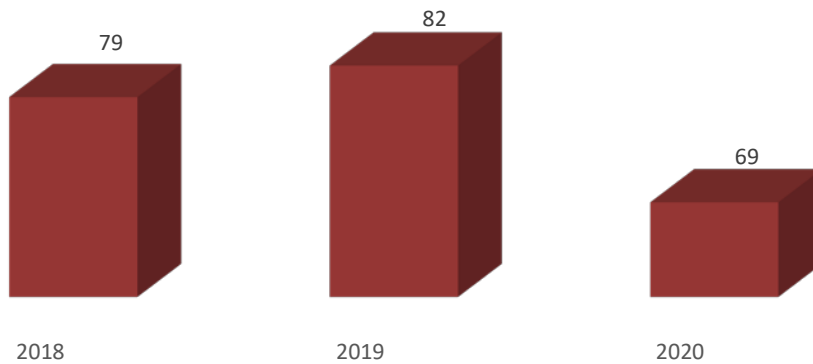
Secondary Schools % investigated

71 — 2018
84 — 2019
32 — 2020

2
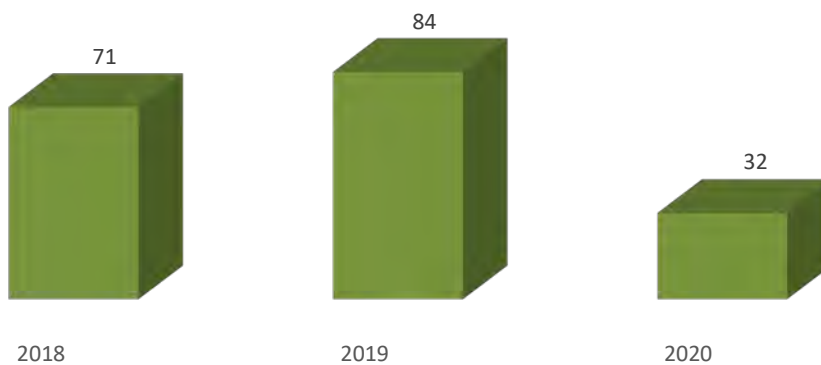
Comparison on **Days of the Week** that Physical Assault and Verbal Abuse Incidents occur within the period 1st April to the 30th September 2020 by Education Service Group
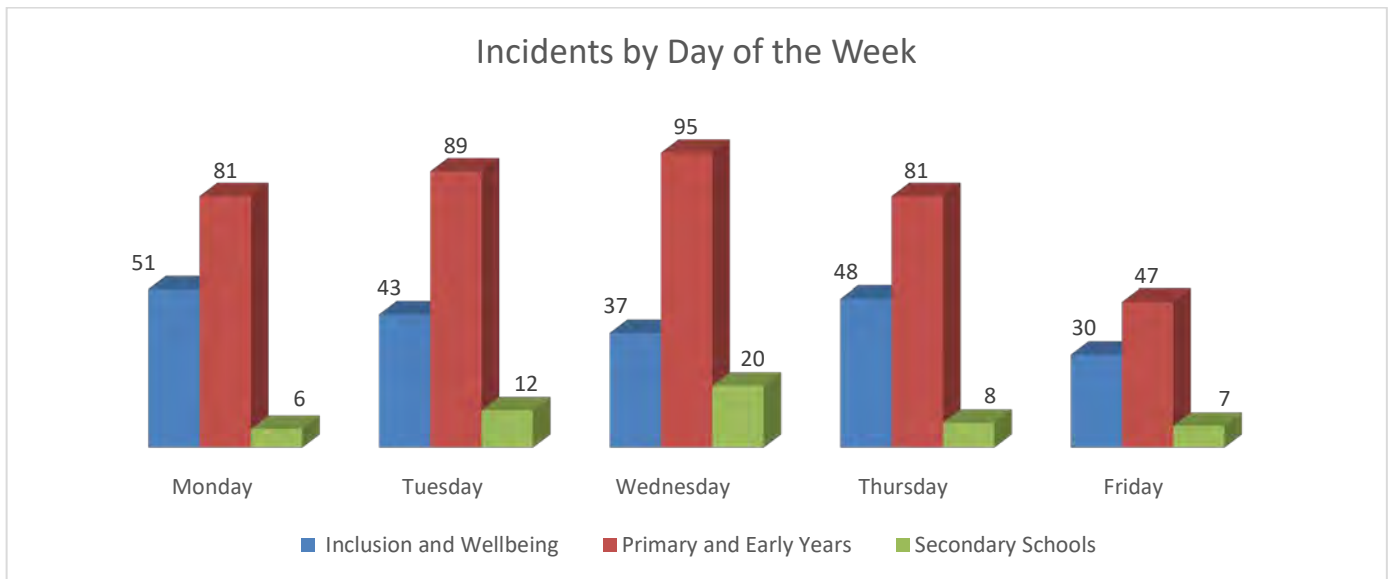
Comparison on **Hour of the Day** that Physical Assault and Verbal Abuse Incidents occur within the period 1st April to the 30th September 2020 by Education Service Group
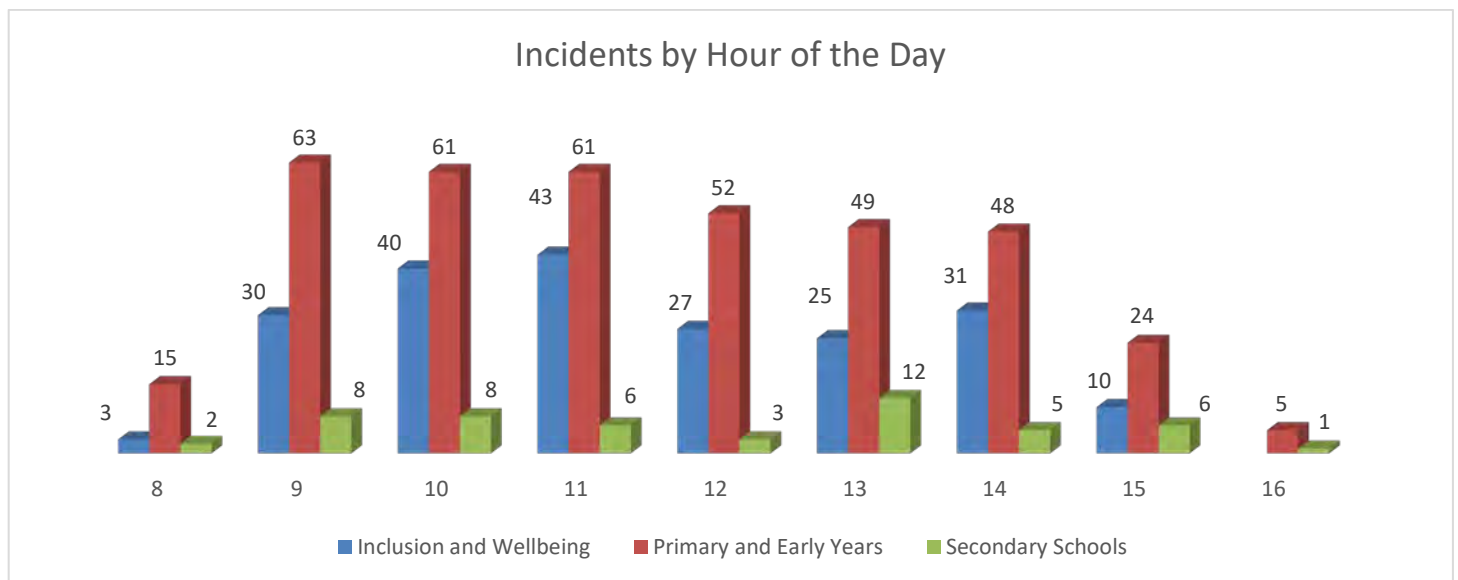
Comparison of Physical Assaults and Verbal Abuse incidents within Secondary Schools – 1st April to the 30th September for 2019- 20 and 2020-21.

Secondary Schools			
School Premise	2019-20	2020-2021	Difference in number of incidents reported over same period
Armadale Academy PPP	1	1	None
Bathgate Academy PPP	1	1	None
Broxburn Academy PPP	18	1	-17
Deans Community High School	1	4	+3

3

Inveralmond Community High School	9	2	-1
Linlithgow Academy	2	5	+3
St Kentigern's Academy	42	0	-42
St Margaret's Academy	1	0	-1
The James Young Community High School	3	0	-3
West Calder High School	0	2	+2
Whitburn Academy PPP	19	0	-19
Totals	97	16	-81

4

DATA LABEL: PUBLIC

![West Lothian Council logo]

GOVERNANCE AND RISK COMMITTEE

HIGH RISKS

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A.   PURPOSE OF REPORT

To inform the Governance and Risk Committee of the council's high risks.

B.   RECOMMENDATION

It is recommended that the Governance and Risk Committee:

1.   notes the council's high risks, and the action being taken to mitigate them;

2.   provides feedback to officers on the risks and the mitigating actions.

C.   SUMMARY OF IMPLICATIONS

I	**Council Values**	Being honest, open and accountable, making best use of our resources.
II	**Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)**	The Risk Management Policy requires the council to effectively manage risks.
III	**Implications for Scheme of Delegations to Officers**	None.
IV	**Impact on performance and performance Indicators**	Failure to effectively mitigate risks may have an adverse impact on performance.
V	**Relevance to Single Outcome Agreement**	Our public services are high quality, continually improving, efficient and responsive to local people's needs.
VI	**Resources - (Financial, Staffing and Property)**	None.
VII	**Consideration at PDSP**	None.
VIII	**Other consultations**	Executive Management Team, Governance and Risk Board, Heads of Service.

D.   TERMS OF REPORT

The council maintains its corporate risk register on the Pentana system. Risks are scored for original risk, which is the assessed risk without controls in place, and which provides an appreciation of the potential impact if controls are absent or fail, and current risk, which assumes that current controls are in place and are effective.

Risks are assessed on the basis of a five by five grid of likelihood and impact, and therefore the lowest possible score is one and the highest is 25. The council's high risks are defined as those risks which have a current risk score of 12 or more.

1

The council's high risks are set out in detail in appendix one. There are now 12 high risks, an increase of one from the 11 high risks that were reported to the Committee in June 2020.

The following risk is now considered to be a high risk:

• NLCS013 "Failure to control the spread of ash die back in trees across West Lothian".

In relation to the appendix:

• the traffic light icon in the top left corner of each risk represents the risk ranking. As this is a report of high risks only, this icon is either high or medium high. The traffic light icons are explained in the table at the start of appendix one;

• there is a code, title and description for each risk;

• the original risk score represents the risk without controls in place, and provides an appreciation of the potential impact if controls are absent or fail;

• the current risk score represents the current risk, i.e. assuming that current controls are in place and effective;

• the internal controls are those processes which are currently in place and which reduce the risk from the original risk score to the current risk score;

• the risk actions are those measures which are intended to further reduce the current risk.

The risk actions have a title and code, an original due date, a revised due date, a progress bar which is an assessment of their percentage completion, and a description. The report only contains risk actions which are in progress, i.e. which are not complete. Once marked as complete, risk actions should be included as internal controls and taken account of when assessing the current risk score.

Appendix two to this report sets out the council's standard risk assessment methodology.

The council's high risks are reported on a regular basis to the Governance and Risk Board, which is an officer group which exercises oversight over the council's governance and risk management arrangements, and the Executive Management Team.

E.   CONCLUSION

Regular review by the Governance and Risk Committee will assist in ensuring that the council's risks are effectively managed.

F.   BACKGROUND REFERENCES

None.

Appendices/Attachments: (1) High Risks (2) Risk Assessment Methodology

Contact Person: Kenneth Ribbons, Audit Risk and Counter Fraud Manager - Kenneth.ribbons@westlothian.gov.uk Tel No. 01506 281573

Donald Forrest
Head of Finance and Property Services

Date of meeting: 9 November 2020

2

Appendix 1 High Risks

Report Author: Kenneth Ribbons
Generated on: 30 October 2020 13:32
Report Layout: .. 10 (previously R09b) Original Score, Current Score, Internal Controls with linked Actions (outstanding only)
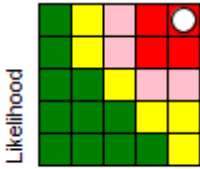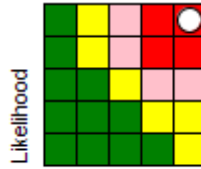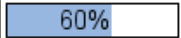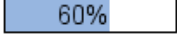
Key to Risk Scores
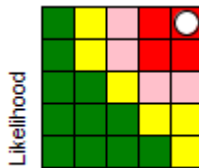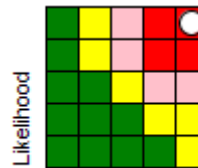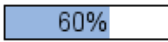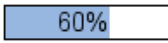
Icon	Score	Meaning
	16-25	High
	12-15	Medium High
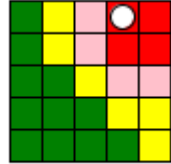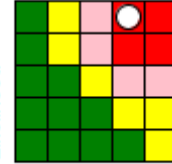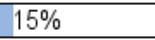
Key to Action Status

Icon	Status
	Overdue
	Approaching Due Date
	In progress
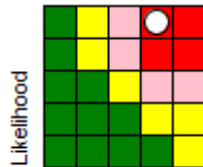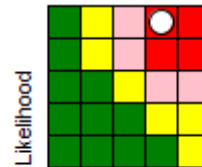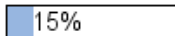
	WLC023 Failure to deliver financial plan 2020/21 to 2022/23	Financial implications of COVID-19 are not met by additional funding provided by the Scottish Government. Adverse future financial settlements resulting in changes to funding or unanticipated cost pressures, linked to COVID-19 or other factors could lead to failure to deliver the agreed West Lothian Council medium term financial plan, resulting in unplanned service reductions, a failure to deliver key services, reputational damage, and industrial action.
Current Controls:		Comprehensive financial regulations in place. Robust financial planning and budgetary framework in place. Transformation project team work with services and FMU to drive forward implementation of service changes required to achieve financial balance. Well established RAG analysis processes in place to monitor delivery of savings. The level of uncommitted reserves is reviewed as part of the revenue budget setting process and will continue to be subject to a specific recommendation in the annual revenue budget report. Updates on the economic context at UK, Scottish and West Lothian level and an update on the council's future budget model are presented quarterly to the Partnership and Resources PDSP. The Transformation Team works with FMU and HR to monitor the delivery of savings across the council. The outcome of this monitoring is included in quarterly monitoring reports to the Council Executive and includes a review of progress on delivery of budget savings for the three remaining years of the financial strategy. Horizon Scan reports prepared on a quarterly basis for Partnership and Resources PDSP. Regular review and update of Scottish government funding announcements and wider economic data used to inform budget planning assumptions. Covid-19 additional costs monitoring return updated and submitted to COSLA on a regular basis to identify additional costs resulting from the pandemic. Additional full month 3 monitoring exercise undertaken for 2020/21 and reported to Council executive to provide members with an early update on financial impact of Covid-19.

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
25		25			FM19009_Ar Management and monitoring of financial implications resulting from COVID-19	31-Mar-2021	31-Mar-2021	60%	Identification and monitoring of the financial implications of COVID-19 on the council's funding and expenditure.

2

			FM20004_Ar Completion of additional returns on financial implications of Covid-19 submitted to COSLA / Scottish Government as required	31-Mar-2021	31-Mar-2021	60%	Undertake and submit all required Covid-19 financial returns on identifying the financial implications of the pandemic to highlight to the Scottish Government the extent of additional funding required to achieve a balanced budget position.
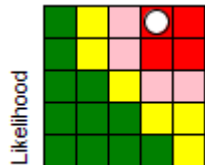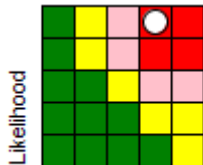
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	WLC031 West Lothian Leisure - failure to deliver financial plan 2020/21 to 2022/23 with a resultant financial impact on the council	Financial implications of COVID-19 are not met by additional funding provided by the Scottish Government. Adverse future financial settlements resulting in changes to funding or unanticipated cost pressures, linked to COVID-19 or other factors could lead to failure to deliver the agreed West Lothian Leisure medium term financial plan, resulting in unplanned service reductions, a failure to deliver key services, reputational damage, and industrial action.
	Current Controls:	WLL have committed to medium term financial planning consistent with the council's budget strategy period 2020/21 to 2022/23. Monitoring of WLL's budget position is being reported to WLL Audit & Finance Committee and WLL Board. WLL's Board responsible for ongoing review and update of their medium term financial strategy previously reported to the Board on 13 December 2018. Attendance at WLL Board meetings as required. Detailed 2020/21 budget and business plan approved by the WLL Board March 2020. Ongoing liaison with WLL via the WLL Review Group. Pre WLL Review Group meeting held with FMU and WLL's Head of Finance. Ongoing quarterly reporting to WLL Advisory Committee on financial position and any action required. Reports to Council Executive as and when required. Annual report to Council Executive for approval of the upcoming year's annual management fee paid to WLL by the council. Covid-19 additional costs monitoring return updated and submitted to COSLA on a regular basis for any additional council costs related to supporting WLL.

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
25		25		▶	FM19010_Ar Financial Implications of COVID-19 (WLL)	31-Mar-2021	31-Mar-2021	60%	Provision and reporting of the impact of COVID-19 on WLL to assist in identifying and implementing actions required to minimise the financial impact resulting to WLL and to the council.
				▶	FM20005_Ar Enhanced monitoring arrangements (WLL)	31-Mar-2021	31-Mar-2021	60%	Increased scrutiny of WLL budget and cash flow position to ensure financial risks across funding and expenditure are identified and acted upon in a timely manner.

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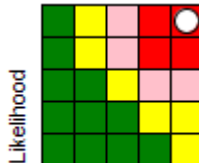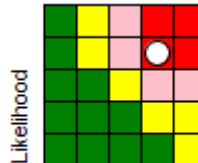
	HCBS004 Overspend of allocated Housing Need budgets	Increased demand for homeless services. This may also result in an overspend of allocated budgets.
Current Controls:		Through the implementation of the West Lothian Rapid Rehousing Plan a number of controls are in place which have seen a slight reduction in demand for homeless services for 2019/20. These include: Agreement between the council and the four main providers of social rented housing in West Lothian to allocate an average of 69% of social rented lets to homeless applicants requiring permanent accommodation for 2019/20 and 2020/21. Reduce use of B&B accommodation through reducing the backlog of open homeless cases requiring permanent accommodation and increasing the number and capacity of Temporary Tenancies through Private Sector Leasing and sharing accommodation model. Reduce expenditure on homeless transport by ensuring where possible homeless families are allocated temporary tenancies within school catchment. Monitor length of stay in temporary accommodation, ensuring people move on to permanent accommodation as quickly as possible. Monitor numbers of people in hotel accommodation and reduce length of stay. Move to a prevention approach to homelessness to reduce demand. This will be achieved through the transition to a wider housing options approach to prevent homelessness and a review of the current allocations policy.

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
20		20			HQSRRTP5 Overspend of Allocated Homeless Budget Support	31-Mar-2024	31-Mar-2024	15%	Through actions within the Rapid Rehousing Transition Plan (RRTP) support people to sustain their homes to prevent homelessness and support homeless people to sustain their permanent housing. This will be delivered through a range of actions including piloting of a Housing First Service for people with addictions and a Housing First Service for young people, creation of a rapid resettlement team to assist people to successfully move to permanent accommodation, and delivery of the

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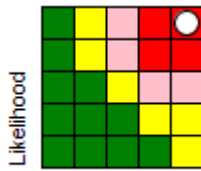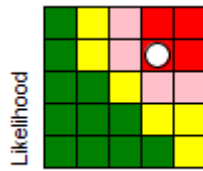
					new build unit and temporary accommodation for younger people.
▶	HQSRRTP4 Overspend of Allocated Housing Need Budget - RRTP Homeless Prevention and Supply	31-Mar-2024	31-Mar-2024	15%	Through actions within the Rapid Rehousing Transition Plan (RRTP) reduce the number of people presenting as homeless through shifting to a wider prevention approach, implementation of a new approach to housing options, review of the current housing allocations policy, improved partnership working with Education, Access to Work and the Advice Shop, and expansion of mediation and conflict resolution. Reduce the backlog of open homeless cases through increasing percentage of lets to homeless for 2020/21 across the social rented sector. Delivery of the balance of the 3,000 affordable houses by end March 2022 and seek Scottish Government Grant for 2022/23 and 2023/24 for a minimum of 300 affordable homes be completed each year.

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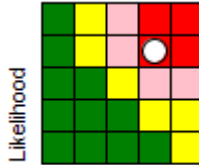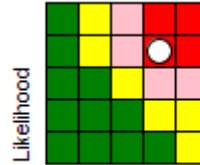
	HCBS012 Breach of statutory homeless duty	Lack of adequate accommodation due to increased demand results in Housing, Customer and Building Services (HCBS) breaching our statutory duties to accommodate unintentionally homeless people in suitable accommodation.
	Current Controls:	Agreement by the council and 4 main housing associations to allocate an average of 69% of lets to homeless has helped to move families from temporary tenancies into permanent accommodation more quickly. Through new build and open market acquisitions the council has aimed to increase its stock of larger accommodation for families to reduce bottle neck in temporary accommodation. The council monitors number of larger dispersed temporary tenancies to accommodate families to avoid use of B&B accommodation. Monitor numbers of families and pregnant females in bed and breakfast accommodation to avoid use and limit stay to below 7 days where B&B has to be used in an emergency. Prevention of homelessness through implementation of a wider housing Options approach in West Lothian. Use of flexible fund to enable families to access the private rented sector as a housing option. Increase number of PSL temporary tenancies by additional 65.

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
20		20			HQSRRTP6 Breach of Statutory Homeless Duty - RRTP	01-Apr-2024	01-Apr-2024	15%	There are a number of actions being taking forward to ensure compliance through the West Lothian Rapid Rehousing Transition Plan (RRTP) to prevent homelessness. RRTP actions also include increasing temporary accommodation in line with the RRTP targets using council and registered social landlords properties as well as the private letting leasing scheme. Increase capacity by providing temporary tenancies which can be shared by two people. New build temporary accommodation for Young People at Deans, Livingston creating 24 units. Working with the Scottish government regarding guidance on the extension of the Unsuitable

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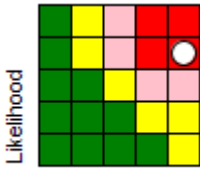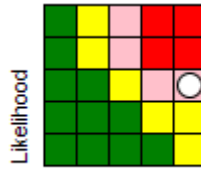
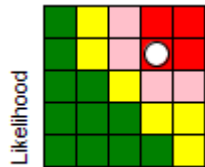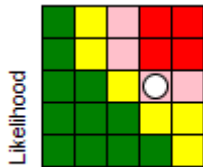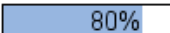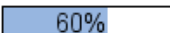|							Accommodation Order to all homeless people as of 1 February 2021 and mapping out current provision and future needs to comply.

	REV001 Council Tax - failure to achieve budgeted income	Adverse external factors linked to the coronavirus outbreak, affecting recovery processes and income collection and impacting on the councils ability to deliver the financial plan for 2020/21 to 2022/23
	Current Controls:	A soft reminder notice was issued to those Council Tax payers who were behind with their Council Tax payments in July followed by the issue of all statutory arrears notices which are now being issued on a planned basis. Detailed monthly monitoring against last year and forecasting for the current year is ongoing to measure what impact the current pandemic is having on council tax income for West Lothian; in year percentage collection was down 0.71% whilst income against budgeted yield was down 1.21% at the end September 2020 compared to the previous year. Comparisons are being made across council areas through the IRRV forum to see if the pattern is similar. There has been a significant increase in Council Tax Reduction Scheme (CTRS) applications from low income households and the volumes and timely processing of these are being monitored; caseload was up 837 in August 2020 compared to the previous year with applications being processed within set target days.

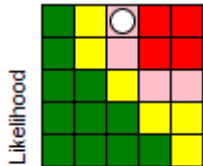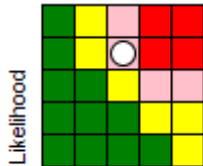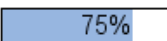| Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
20		20			REV20011_Ar Delay in Processing of Water Direct Payments by DWP	31-Mar-2021	31-Mar-2021	30%	Water Direct Payments are requested to the DWP for those debtors who are on full CTRS and are not paying their current year water service charges. The DWP assess the requests with the majority of them being agreed for payment of water service charges to be deducted at source from the debtors benefit payments and sent to the council direct for allocation against the Council Tax account. Over £1 million was paid to the council in Water Direct Payments in 2019/20.

9

	WLC026 Failure of UK Government to agree a trade deal with the European Union following EU exit	Failure of the UK Government to agree a trade deal following exit from the European Union resulting in an economic downturn or recession impacting on the overall grant settlement, and also causing an increased demand for welfare advice, additional Scottish Welfare Fund claims and housing benefit claims, increased processing times, reduced commercial rent income from tenanted non- residential portfolio, and lower council tax collection rates. There may also be disruption to the supply of goods to the council, which could have an adverse impact on council services.
	Current Controls:	EU Exit Working Group considered risks. Liaison with, and support provided by, COSLA. Advice and information received from the Scottish Resilience Partnership (SRP). EU exit risk register prepared. EU exit contingency plan prepared. Thematic contingency plans prepared in relation to food, fuel, medicines /medical supplies, and building consumables. EMT considering the risk via the regular risk management reporting process. Regular reporting to members including reporting to the Governance and Risk Committee.

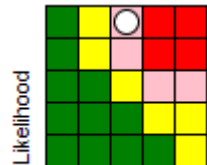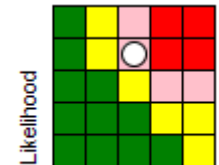| Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
25		16			WLC20001_Ar Workforce Resilience and Preparedness Plans	02-Nov-2020	02-Nov-2020	95%	Workforce resilience plans to be developed in order to give reassurance that council services have robust plans in place to deal with any further disruption to services over the next six months. The aim of the exercise is to develop a cohesive corporate plan to ensure resilience of key services in all eventualities including Covid-19, a no deal EU Exit, winter issues and the economic situation.

10

	WLC045 Pandemic - failure to maintain critical services	Covid-19 local lockdown implemented leading to some staff being unable to attend work and resulting in disruption to council services.
	Current Controls:	UK and Scottish Government COVID19 response and related council functions Scottish Government and East of Scotland Resilience Partnership work on preparedness Participation in the Scottish Government's Exercise Silver Swan events on Pandemic Flu in 2015 and 2016 Risk management policy Corporate business continuity plan which is subject to annual review Service business continuity plans which are subject to annual review Governance and Risk Board review of business continuity arrangements

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
25		16			WLC20001_Ar Workforce Resilience and Preparedness Plans	02-Nov-2020	02-Nov-2020	95%	Workforce resilience plans to be developed in order to give reassurance that council services have robust plans in place to deal with any further disruption to services over the next six months. The aim of the exercise is to develop a cohesive corporate plan to ensure resilience of key services in all eventualities including Covid-19, a no deal EU Exit, winter issues and the economic situation.

11

	WLC004 Political uncertainty - impacting on service delivery	Political uncertainty relates to activity or changes in respect of: local government, Scottish government, UK government, or international political circumstances which may impact on the council. An inability to plan effectively for major changes may result in an adverse impact on service delivery and financial performance. This risk is related to both EU exit and Covid 19 and is therefore connected to risk WLC026 "Failure to effectively manage the impact on council objectives of exit from the European Union" and also to risk WLC045 "Pandemic - failure to maintain critical services".
	Current Controls:	Timely response to government consultation. Lobby via COSLA and other appropriate forums. Plans / strategies in place for major anticipated changes. Performance management system. Quarterly horizon scanning reports to Policy Development and Scrutiny Panel. Quarterly risk reporting to the Governance and Risk Committee.

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
16		16			WLC20001_Ar Workforce Resilience and Preparedness Plans	02-Nov-2020	02-Nov-2020	95%	Workforce resilience plans to be developed in order to give reassurance that council services have robust plans in place to deal with any further disruption to services over the next six months. The aim of the exercise is to develop a cohesive corporate plan to ensure resilience of key services in all eventualities including Covid-19, a no deal EU Exit, winter issues and the economic situation.

12

	NLCS013 Failure to control the spread of ash die back in trees across West Lothian causing an increase in dangerous trees	There is a likelihood that up to 80% of ash trees across West Lothian will become infected with ash die back disease. If left unmanaged there is a high level of risk that tree limbs and trees will fall endangering members of the public and road users.
	Current Controls:	Carried out detailed survey and report going Scottish Government in Jan 2021 to add detail of the national picture. Woodland Management and Safety Plans are in place for the three Country Parks. The tree inspection process has been reviewed and a hierarchy approved. Woodland Management and Tree Safety Policy approved and implemented. Cyclical Tree inspection process implemented. Use of appropriate contractors to do work.

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
20		15			NLCS20101_Ar Development of a management plan for ash die back	31-Mar-2021	31-Mar-2021	0%	Once developed, the individual actions highlighted in the plan will be added to the risk

13

	APS006 Failure to achieve the outcomes of the Anti-Poverty Strategy	Failure to effectively co-ordinate activities with national government or community panning partners may lead to failure to deliver the strategy and achieve the agreed outcomes.
Current Controls:		Anti-Poverty Strategy links to other strategic plans including the Local Outcome Improvement Plan, Children and Families Strategic Plan and the Rapid Rehousing Transition Plan The strategy has a strategic scorecard which links to the council's corporate plan and the Community Planning Partnership Plan The strategy is overseen by the Anti-Poverty Taskforce which meets 4 times per year and is chaired by a Councillor An annual action plan is agreed and there are regular updates and scrutiny at the Task Force There is regular reporting on progress to both Council Executive and CPP Board The practitioners forum meets bi-monthly with membership from the third sector, council services and community planning partners There is a statutory requirement to publish a Local Child Poverty Annual Report in partnership with NHS Lothian The Food Insecurity action plan is linked into and reported within the strategy's annual plan

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
16		12		▶	APS20001_Ar Local Child Poverty Action Report	31-Mar-2021	31-Mar-2021	80%	Production of local child poverty action report for the period to 31 March 2021 which sets out the actions taken to mitigate child poverty during the period.
				▶	APS20002_Ar Annual Action Plan	31-Mar-2021	31-Mar-2021	60%	Completion of the agreed action plan as revised to reflect learning from the Covid recovery arrangements.

14

	ED004 Mainstream Schools: attacks on or violence towards staff	Physical and/or verbal violence from pupils, and parents of pupils, to members of staff working in schools, leading to injury or stress.
	Current Controls:	Promoting Positive Behaviour Policy in place and applied/staff aware of policy. Restricted access to schools for parents e.g. reception area only during the school day. Risk assessment to consider security factors when meeting with parents/carers e.g. more than 1 member of staff present or alternative meeting locations considered. 4 weekly monitoring of incidents recorded in Sphera in schools by the Education Senior Management Team. Raise awareness of staff on how to deal/report violent incidents in Sphera, annual reminder at August in service day. Trainers trained in de-escalation techniques, to commence rollout of training for all staff/schools from January 2020. Rollout targeted at schools with high levels of reported incidents. Education Services Health and safety committee in place and meets on a quarterly basis (membership management /professional associations / trade unions).

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
15		12		▶	ED20003_Ari De-escalation Training Programme for Schools (Risk Actions to Monitor Progress)	30-Jun-2020	19-Apr-2021	10%	Effective management of risk and monitoring of progress of planned training programme.
				▶	ED20002_Ari Personal Safety Guidance for Education Services	30-Jun-2020	31-Dec-2020	90%	Specialised personal safety guidance for Education Services is made available to schools/staff.
				▶	ED20004_Ari SPHERA Risks Assessments for Violence to Staff	30-Jun-2020	31-Dec-2020	75%	All required risk assessments relating to violence to staff completed by schools.

15

	ED005 Additional Support Needs (ASN) schools and units: attacks on or violence towards staff	Physical and/or verbal violence from pupils to members of staff working in schools, leading to injury or stress. Due to the nature of the pupils placed in ASN schools and units attached to a mainstream school it is therefore more difficult to stop an such incidents occurring. There is also potential for physical or verbal abuse from parents/carers which may lead to injury or stress.
	Current Controls:	Education Service have a 'Promoting Positive Behaviour Policy' in place for school which all staff are aware of. annual reminder at August in service day. 4 weekly monitoring of incidents in schools by the Education Senior Management Team. Raise awareness of staff on how to deal/report violent incidents in Sphera, annual reminder at August in service day. All ASN school staff have received MAPPA training on how to deal with violent /aggressive incidents by young people. Restricted access to schools for parents e.g. reception area only during the school day. Risk assessment to consider security factors when meeting with parents/carer e.g. more than 1 member of staff present or alternative meeting locations to be considered. Education Services Health and safety committee in place and meets on a quarterly basis (membership management / professional associations / trade unions).

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
15		**12**			ED20003_Ari De-escalation Training Programme for Schools (Risk Actions to Monitor Progress)	30-Jun-2020	19-Apr-2021	10%	Effective management of risk and monitoring of progress of planned training programme.
					ED20002_Ari Personal Safety Guidance for Education Services	30-Jun-2020	31-Dec-2020	90%	Specialised personal safety guidance for Education Services is made available to schools/staff.
					ED20004_Ari SPHERA Risks Assessments for Violence to Staff	30-Jun-2020	31-Dec-2020	75%	All required risk assessments relating to violence to staff completed by schools.

16

DATA LABEL: OFFICIAL

West Lothian Council

RISK ASSESSMENT METHODOLOGY

RISK MATRIX

PROBABILITY	Almost Certain 5	5 Low	10 Medium	15 High	20 High	25 High
	Very Likely 4	4 Low	8 Medium	12 High	16 High	20 High
	Likely 3	3 Low	6 Low	9 Medium	12 High	15 High
	Possible 2	2 Low	4 Low	6 Low	8 Medium	10 Medium
	Unlikely 1	1 Low	2 Low	3 Low	4 Low	5 Medium
		Insignificant 1	Minor 2	Significant 3	Major 4	Catastrophic 5
		IMPACT				

April 2020

1

PROBABILITY TABLE

Score	Description	Estimated Percentage Chance
1	Unlikely	0-10
2	Possible	10-50
3	Likely	50-70
4	Very Likely	70-90
5	Almost Certain	90-100

Each risk is scored 1-5 for likelihood.

In assessing probability consider a three year time horizon.

In assessing probability managers should use their and knowledge and experience of previous issues, both within the council and elsewhere.

2

IMPACT TABLE

Impact Risk Assessment - Each column is independent. Use the highest score.

Hazard / Impact of Risk	Personal safety	Property loss or damage	Regulatory / statutory / contractual	Financial loss or increased cost of working	Impact on service delivery	Personal privacy infringement	Community / environmental	Embarrass-ment
Insignificant 1	Minor injury or discomfort to an individual	Negligible property damage	None	<£10k	No noticeable impact	None	Inconvenience to an individual or small group	Contained within service unit
Minor 2	Minor injury or discomfort to several people	Minor damage to one property	Litigation, claim or fine up to £50k	£10k to £100k	Minor disruption to services	Non sensitive personal information for one individual revealed / lost	Impact on an individual or small group	Contained within service
Significant 3	Major injury to an individual	Significant damage to small building or minor damage to several properties from one source	Litigation, claim or fine £50k to £250k.	>£100k to £500k	Noticeable impact on service performance.	Non sensitive personal information for several individuals revealed / lost	Impact on a local community	Local public or press interested
Major 4	Major injury to several people	Major damage to critical building or serious damage to several properties from one source	Litigation, claim or fines £250k to £1m	>£500k to £2m	Serious disruption to service performance	Sensitive personal information for one individual revealed / lost	Impact on several communities	National public or press interest
Catastrophic 5	Death of an individual or several people	Total loss of critical building	Litigation, claim or fines above £1m or custodial sentence imposed	>£2m	Non achievement of key corporate objectives	Sensitive personal information for several individuals revealed / lost	Impact on the whole of West Lothian or permanent damage to site of special scientific interest	Officer(s) and/or members dismissed or forced to resign

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DATA LABEL: PUBLIC

West Lothian Council

GOVERNANCE AND RISK COMMITTEE

STRATEGIC RISKS

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To inform the Governance and Risk Committee of the council's strategic risks.

B. RECOMMENDATION

It is recommended that the Governance and Risk Committee notes the council's strategic risks.

C. SUMMARY OF IMPLICATIONS

I	**Council Values**	Being honest, open and accountable, making best use of our resources.
II	**Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)**	The Risk Management Policy requires the council to effectively manage risks.
III	**Implications for Scheme of Delegations to Officers**	None.
IV	**Impact on performance and performance Indicators**	Failure to effectively mitigate risks may have an adverse impact on performance.
V	**Relevance to Single Outcome Agreement**	Our public services are high quality, continually improving, efficient and responsive to local people's needs.
VI	**Resources - (Financial, Staffing and Property)**	None.
VII	**Consideration at PDSP**	None.
VIII	**Other consultations**	Executive Management Team, Heads of Service.

D. TERMS OF REPORT

The council maintains its corporate risk register on the Pentana system. Risks are scored for original risk, which is the assessed risk without controls in place, and which provides an appreciation of the potential impact if controls are absent or fail, and current risk, which assumes that current controls are in place and are effective. Risks are assessed on the basis of a five by five grid of likelihood and impact, and therefore the lowest possible score is one and the highest is 25.

Strategic risks may be defined as those risks which, if they occur, could have a major impact on the ability of the council to achieve its objectives. This would include serious failures of a regulatory or compliance nature. In the private sector, strategic risks could be defined as those which could materially affect the ability of the organisation to survive.

1

Appendix one summarises the risks in the corporate risk register with an original risk of 25 - that is to say, if controls fail the risks are considered almost certain to be catastrophic. There are now13 such risks. Risk WLC045 "Pandemic - failure to maintain critical services" has been added as a strategic risk since the last report in February 2020..

The strategic risks fall in to a small number of categories:

- those which arise from economic uncertainties or financial constraints i.e. WLC023, WLC026, WLC031;
- those relating to health and safety, including statutory compliance, i.e. HCBS011, OPSHQ005, WLC008, WLC037, WLC039, WLC043;
- those relating to business continuity, i.e. WLC005, WLC014;WLC045.
- there is one risk in relation to welfare reform, HCBS002.

Four of these risks are also high risks:

- WLC023 "Failure to deliver financial plan 2018/19 to 2022/23";
- WLC031 "West Lothian Leisure - failure to deliver financial plan 2020/21 to 2022/23 with a resultant financial impact on the council";
- WLC026 "Failure to agree a trade deal with the European Union following EU exit";
- WLC045 "Pandemic - failure to maintain critical services".

Appendix 2 to this report sets out the council's standard risk assessment methodology.

The council's strategic risks are reported on a regular basis to the Governance and Risk Board, which is an officer group which exercises oversight over the council's governance and risk management arrangements, and the Executive Management Team.

E.   CONCLUSION

Regular review by the Governance and Risk Committee will assist in ensuring that the council's risks are effectively managed.

F.   BACKGROUND REFERENCES

None.

Appendices/Attachments: (1) Strategic Risks (2) Risk Assessment Methodology

Contact Person: Kenneth Ribbons, Audit Risk and Counter Fraud Manager -
Kenneth.ribbons@westlothian.gov.uk Tel No. 01506 281573

Donald Forrest
Head of Finance and Property Services

Date of meeting: 9 November 2020

2

Appendix 1 Strategic Risks

Generated on: 30 October 2020 12:18
Report Layout: .. 03 Original Risk Score and Current Risk Score with Description and Ownership

Risk Title	Risk Description	Original Risk Score	Original Traffic Light Icon	Current Impact	Current Likelihood	Current Risk Score	Current Traffic Light Icon	CMT Member
WLC023 Failure to deliver financial plan 2020/21 to 2022/23	Financial implications of COVID-19 are not met by additional funding provided by the Scottish Government. Adverse future financial settlements resulting in changes to funding or unanticipated cost pressures, linked to COVID-19 or other factors could lead to failure to deliver the agreed West Lothian Council medium term financial plan, resulting in unplanned service reductions, a failure to deliver key services, reputational damage, and industrial action.	25	🔴	5	5	25	🔴	.Head of Finance and Property Services (D Forrest)
WLC031 West Lothian Leisure - failure to deliver financial plan 2020/21 to 2022/23 with a resultant financial impact on the council	Financial implications of COVID-19 are not met by additional funding provided by the Scottish Government. Adverse future financial settlements resulting in changes to funding or unanticipated cost pressures, linked to COVID-19 or other factors could lead to failure to deliver the agreed West Lothian Leisure medium term financial plan, resulting in unplanned service reductions, a failure to deliver key services, reputational damage, and industrial action.	25	🔴	5	5	25	🔴	.Head of Finance and Property Services (D Forrest)

1

Risk Title	Risk Description	Original Risk Score	Original Traffic Light Icon	Current Impact	Current Likelihood	Current Risk Score	Current Traffic Light Icon	CMT Member
WLC026 Failure of UK Government to agree a trade deal with the European Union following EU exit	Failure of the UK Government to agree a trade deal following exit from the European Union resulting in an economic downturn or recession impacting on the overall grant settlement, and also causing an increased demand for welfare advice, additional Scottish Welfare Fund claims and housing benefit claims, increased processing times, reduced commercial rent income from tenanted non- residential portfolio, and lower council tax collection rates. There may also be disruption to the supply of goods to the council, which could have an adverse impact on council services.	25	🛑	4	4	16	🛑	.DCE Graeme Struthers
WLC045 Pandemic - failure to maintain critical services	Covid-19 local lockdown implemented leading to some staff being unable to attend work and resulting in disruption to council services.	25	🛑	4	4	16	🛑	.DCE Graeme Struthers
HCBS011 Death or injury due to house fire	Injury or death due to failure to comply with legislative standards in relation to fire protection/detection, or due to action / inaction by a tenant.	25	🛑	5	2	10	⚠️	.Head of Housing, Customer and Building Services (AM Carr)

2

Risk Title	Risk Description	Original Risk Score	Original Traffic Light Icon	Current Impact	Current Likelihood	Current Risk Score	Current Traffic Light Icon	CMT Member
OPSHQ005 Loss of operating licence for all vehicles over 3.5 Tonnes GVW	Failure to comply with the terms, conditions and undertakings of the Goods Vehicle Licensing of Operators act 1995 resulting in regulatory action including the revocation, suspension or curtailment of operators' licence(s). Regulatory action would prevent the operation of vehicles over 3500kg GVW which would have a serious impact on services reliant on these type of vehicles.	25	🛑	5	2	10	⚠️	.Head of Operational Services (J Jack)
HCBS002 Increase in rent arrears due to failure to manage the impact of welfare reform	Welfare reform results in increase in arrears due to failure to effectively manage the impact of Universal Credit and other welfare reforms.	25	🛑	3	3	9	⚠️	.Head of Housing, Customer and Building Services (AM Carr)
WLC008 Failure to prepare, or effectively deploy, up to date corporate occupational health and safety policies and procedures	If corporate policy is not up to date, or is not effectively deployed, for example due to the lack of: corporate procedures; provision of advice and support from corporate health and safety team; provision of training; this may lead to a breach of the council's statutory obligations. In extreme cases this may result in an injury or a fatality to council staff, customers, or members of the public. This could also lead to criminal prosecution, fines and reputational damage.	25	🛑	4	2	8	⚠️	.Head of Corporate Services (J Whitelaw)

3

Risk Title	Risk Description	Original Risk Score	Original Traffic Light Icon	Current Impact	Current Likelihood	Current Risk Score	Current Traffic Light Icon	CMT Member
WLC005 Disaster or incident - failure to maintain critical services	Major event such as explosion, flood or fire, leading to loss of property and / or I.T. and resulting in an inability to maintain critical services, including designated WLC1 activities.	25	🔴	3	2	6	✅	.DCE Graeme Struthers
WLC014 Cyber-attack resulting in data breach	Ineffective internal measures to detect, deter and repulse cyber-attacks, leading to successful penetration of the network. Resulting in data loss, ransom demands, inability to continue to provide essential services, reputational damage.	25	🔴	3	2	6	✅	.Head of Corporate Services (J Whitelaw)
WLC037 Death or illness due to legionella outbreak in operational buildings	Failure to effectively implement controls to prevent a legionella outbreak, leading to illness or death of staff, customers, or members of the public. This risk relates to operational buildings (non-housing).	25	🔴	5	1	5	⚠️	.Head of Finance and Property Services (D Forrest)
WLC039 Death or injury due to fire within operational buildings	Failure of fire prevention / detection / mitigation controls leading to a fire which results in injury or death to council staff, customers, or member of the public. This risk relates to operational buildings (non-housing).	25	🔴	5	1	5	⚠️	.Head of Finance and Property Services (D Forrest)

4

Risk Title	Risk Description	Original Risk Score	Original Traffic Light Icon	Current Impact	Current Likelihood	Current Risk Score	Current Traffic Light Icon	CMT Member
WLC043 Failure to effectively manage asbestos	Failure of controls to prevent exposure to asbestos, leading to exposure of staff, customers, or members of the public, and resulting in illness or death. This risk covers both operational and domestic buildings but not the council's tenanted non-residential property (TNRP) portfolio.	25	🔴	5	1	5	🔺	.Head of Finance and Property Services (D Forrest)

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DATA LABEL: OFFICIAL

![West Lothian Council logo]

RISK ASSESSMENT METHODOLOGY

RISK MATRIX

		Insignificant 1	Minor 2	Significant 3	Major 4	Catastrophic 5
PROBABILITY	Almost Certain 5	5 Low	10 Medium	15 High	20 High	25 High
	Very Likely 4	4 Low	8 Medium	12 High	16 High	20 High
	Likely 3	3 Low	6 Low	9 Medium	12 High	15 High
	Possible 2	2 Low	4 Low	6 Low	8 Medium	10 Medium
	Unlikely 1	1 Low	2 Low	3 Low	4 Low	5 Medium
		Insignificant 1	Minor 2	Significant 3	Major 4	Catastrophic 5
		IMPACT				

April 2020

1

PROBABILITY TABLE

Score	Description	Estimated Percentage Chance
1	Unlikely	0-10
2	Possible	10-50
3	Likely	50-70
4	Very Likely	70-90
5	Almost Certain	90-100

Each risk is scored 1-5 for likelihood.

In assessing probability consider a three year time horizon.

In assessing probability managers should use their and knowledge and experience of previous issues, both within the council and elsewhere.

2

IMPACT TABLE

Impact Risk Assessment - Each column is independent. Use the highest score.

Hazard / Impact of Risk	Personal safety	Property loss or damage	Regulatory / statutory / contractual	Financial loss or increased cost of working	Impact on service delivery	Personal privacy infringement	Community / environmental	Embarrass-ment
Insignificant 1	Minor injury or discomfort to an individual	Negligible property damage	None	<£10k	No noticeable impact	None	Inconvenience to an individual or small group	Contained within service unit
Minor 2	Minor injury or discomfort to several people	Minor damage to one property	Litigation, claim or fine up to £50k	£10k to £100k	Minor disruption to services	Non sensitive personal information for one individual revealed / lost	Impact on an individual or small group	Contained within service
Significant 3	Major injury to an individual	Significant damage to small building or minor damage to several properties from one source	Litigation, claim or fine £50k to £250k.	>£100k to £500k	Noticeable impact on service performance.	Non sensitive personal information for several individuals revealed / lost	Impact on a local community	Local public or press interested
Major 4	Major injury to several people	Major damage to critical building or serious damage to several properties from one source	Litigation, claim or fines £250k to £1m	>£500k to £2m	Serious disruption to service performance	Sensitive personal information for one individual revealed / lost	Impact on several communities	National public or press interest
Catastrophic 5	Death of an individual or several people	Total loss of critical building	Litigation, claim or fines above £1m or custodial sentence imposed	>£2m	Non achievement of key corporate objectives	Sensitive personal information for several individuals revealed / lost	Impact on the whole of West Lothian or permanent damage to site of special scientific interest	Officer(s) and/or members dismissed or forced to resign

3

DATA LABEL: PUBLIC

GOVERNANCE & RISK COMMITTEE

EXTERNAL AUDIT REPORT 2019/20

REPORT BY GOVERNANCE MANAGER

A.   PURPOSE OF REPORT

To consider the parts of the report by the council's external auditors (EY) on the council's annual accounts which are relevant to the committee's remit.

B.   RECOMMENDATIONS

1. To note the terms of the 2019/20 Annual Audit Report which was reported to council on 29 September 2020 and that council referred the report to this committee in relation to the aspects of the wider-scope audit relevant to the committee's remit

2. Specifically:-

    a) To note the auditors' unqualified audit opinion on the Council and Group financial statements

    b) To note their "green" assessment of the Governance & Transparency element of the wider-scope audit and that they found the key features of good governance to be in place and operating effectively

    c) To note their conclusion that the council responded quickly to ensure that governance arrangements were appropriate and operating effectively during the COVID-19 lockdown period

    d) To note that there were no recommendations made requiring an action plan to be prepared in relation to any aspect of the accounts and statements

3. To note the summary of matters in the auditors' report which are relevant to the remit of this committee

4. To note that due to the pandemic the auditors have deferred some of their planned high level Best Value plan/audit coverage until 2020/21

5. To consider and identify any actions or recommendations that might be made in relation to matters in the auditors' report which are relevant to the remit of this committee

C.   SUMMARY OF IMPLICATIONS

I   **Council Values**   Being honest, open and accountable

1

II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Local Government (Scotland) Act 1973. Local Government in Scotland Act 2003. Local Authority Accounts (Scotland) Regulations 2014.
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	Good governance arrangements assist, support and promote the achievement of defined outcomes
VI	Resources - (Financial, Staffing and Property)	Within existing resources
VII	Consideration at PDSP	Not required
VIII	Other consultations	Audit, Risk & Counter Fraud Manager

D. TERMS OF REPORT

1 Background

1.1 The council's unaudited accounts were considered by Audit Committee and submitted by the Head of Finance & Property Services to Ernst & Young (EY), its external auditors, in June 2020. They were then made available for public inspection and objection. No objections were made. EY's audit report is addressed to members of the council and is forwarded to the Controller of Audit. It was considered by council on 29 September 2020 when the audited accounts were approved for signature. The report was further considered at Audit Committee on 26 October 2020. It is reported to this committee in relation to its remit in relation to risk and governance.

1.2 The coronavirus pandemic resulted in changes to the audit process and content. Guidance was issued both in relation to information to be included in the accounts and statements and the approach to be taken in their auditing and reporting. The management commentary and the annual governance statement were particularly affected. The audit report makes frequent mention of the pandemic, its impact and the council's reaction to it.

1.3 EY's report has not been produced in full since all members have already considered it when approving the council's accounts for signature. There is a hyperlink to the report in Part F of this report.

1.4 EY's report deals first with the audit of the council's financial statements. It then deals with the wider scope audit covering four dimensions of public sector audit – Financial Sustainability; Financial Management; Governance and Transparency; and Value for Money. There are references to risks in the section on the audit of the council's financial statements but those are in the first instance within the remit of Audit Committee. The third area of the wider scope audit (Governance and Transparency) is the most relevant to the remit of this committee in terms of both governance arrangements and risk management. The significant relevant elements of those are as follows.

2

2   Governance and Transparency

2.1   "Governance and Transparency" is concerned with the effectiveness of scrutiny and governance arrangements, leadership and decision-making and transparent reporting of financial and performance information. In the Key Conclusions (Page 4) EY have given an overall "green" assessment of this dimension and state that:-

- the key features of good governance at the council are in place and operating effectively

- the council responded quickly to ensure that governance arrangements were appropriate and operating effectively during the lockdown period caused by the global pandemic

- the council has arrangements in place to appropriately scrutinise activities across its Group, in particular where financial support is being provided to entities in financial difficulty

2.2   The report considers Governance and Transparency under several headings: Local Code of Corporate Governance; COVID-19 Governance Arrangements; Assurance Statement; Openness and Transparency; EU Withdrawal; and Group Governance Arrangements. Risk Management had been a separate heading in last year's audit report.

3   Local Code of Corporate Governance (Page 29)

3.1   EY reviewed the annual governance statement against the required guidance and were satisfied that it was consistent with both the governance framework and key findings from relevant audit activity. The statement concluded that although there are areas where improvement can be made, the council and the West Lothian community can be assured that the council's corporate governance standards were substantially met in 2019/20.

3.2   The statement was found to include a detailed summary of the impact of COVID-19 on governance arrangements and how management responded to ensure adequate governance arrangements remained in place, particularly through the initial lockdown period. It included reference to the statutory mechanisms available to the council, both through new and existing legislation, and where the council took advantage of these mechanisms. In the main the council was found to have continued under existing arrangements with minimal utilisation of extraordinary measures.

3.3   This committee received two reports in relation to COVID-19 at its meeting in June. One was to provide an update on the ongoing risks and actions in relation to the COVID19 pandemic and the other to provide an initial overview of the governance aspects and effects of the pandemic. A separate report is to be considered at this meeting on how COVID-19 has been reflected in the risk register.

4   COVID-19 Governance Arrangements (Page 30)

4.1   EY concluded that arrangements were quickly developed to ensure that the council was kept informed of the impact of COVID-19, and that key governance arrangements could continue during the lockdown. It noted that the council moved to revised governance arrangements at the beginning of the lockdown period with committee meetings scheduled from the end of March through July 2020 initially cancelled before a number were reinstated and conducted remotely.

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4.2 EY noted that the addition of new COVID-19 risks related to the delivery of critical services and the re-assessment of existing risks. That resulted in some risks moving to "high risk" status, including council tax – failure to achieve budgeted income; West Lothian Leisure - failure to achieve financial plan; and Pandemic – failure to maintain critical services. A separate report is to be considered at this meeting on how COVID-19 has been reflected in the risk register.

5 Assurance Statement (Page 30)

5.1 EY noted that after reviewing the council's system of internal control the council's Audit, Risk and Counter Fraud Manager concluded that "the framework of governance, risk management and control is sound." The internal audit work planned for the year 2019/20 was completed in line with planned deadlines with no delay resulting from the impact of COVID-19. The Audit, Risk and Counter Fraud Manager concluded that governance arrangements are adequate and that improvements had been made during 2019/20.

6 Openness and transparency (Page 30)

6.1 The council was found to have clear arrangements to ensure that members of the public can attend council and committee meetings as observers in usual circumstances, and agendas and papers are available in advance of each meeting. EY noted that arrangements were temporarily removed as a result of meetings being held remotely due to the pandemic, although minutes of meetings, including key decisions, were publicly available after the meetings. It was also noted that public access to meetings via audio broadcasting had been secured from 26 May 2020.

7 EU Withdrawal (Page 30)

7.1 EY recorded that the council continued to monitor potential scenarios of EU withdrawal and the possible impact on the council through its Brexit Working Group, established in 2018. The council maintained its Brexit risks log, including a risk rating for all risks identified. Updates to members and the public were noted through quarterly horizon scan reports to the Partnership and Resources PDSP and to the Governance and Risk Committee throughout the year.

7.2 EY considered that as the 31 December 2020 deadline for the end of the transition period approaches, increasing focus would be given to implementing plans to mitigate identified risks. They confirmed the continued liaison with the Scottish Resilience Partnership and community planning partners. There is a Brexit risk-related update on the agenda for this meeting.

8 Group Governance Arrangements (Page 31)

8.1 EY's role requires consideration of governance arrangements to monitor and scrutinise the wider group (a defined accounting term) in particular where there is the possibility for a financial or operational impact on the council's services. Overall, EY were satisfied that the council is demonstrating the required level of scrutiny and governance over entities within the council's Group, including demonstrating rigour around the use of public funds for private bodies.

8.2 In relation to the Integration Joint Board (IJB) they noted the COVID-19 related delay to the review of the Integration Scheme. Both council and health board approved the delay with no impact on the IJB, and will update the scheme in 2020/21

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8.3   EY noted that West Lothian Leisure (WLL) had been significantly impacted by the pandemic, leading to a reprofiling of the management fee payments, reported to Council Executive in May 2020. The council included a £500,000 contingency in its 2020/21 outturn forecast to reflect additional anticipated support that may be required in the year. However, EY explain that WLL is immaterial to the consolidation of the council's Group financial statements, and so does not impact the going concern conclusions around the Group financial statements. WLL's financial position has been reported to committee most recently in August 2020.

9   Recommendations and Actions (Page 43)

9.1   There were no recommendations made by EY requiring the development of an Action Plan.

9.2   EY participate in the Local Area Network (LAN), comprising representatives from different scrutiny bodies, to agree the council's local scrutiny plan (LSP). The 2018/19 LSP confirmed no scrutiny risks for 2018/19 and the auditors confirmed in September 2019 that the LAN determined that no separate scrutiny plan for the council has been necessary since that plan was published. The External Audit Plan for 2019/20, reported to Audit Committee on 22 June 2020, confirmed that there is no additional planned scrutiny for 2020/21. The external auditors have confirmed they have considered the need for any additional LAN meetings or scrutiny subsequent to the impact of COVID-19, and have agreed at this stage neither is required.

10   Future audit work (Page 36)

10.1   EY's audit report for 2017/18 set out their plan for their five year audit appointment. It included coverage of the elements of Best Value statutory guidance as well as the Accounts Commission's strategic priorities. It explained their timetabling and how EY would report them in accordance with the wider scope dimensions of public audit.

10.2   Following the impact of COVID-19 EY agreed with officers and Audit Scotland to defer work in the scheduled areas. This allows the focus to be on key operational priorities during the lockdown and recovery period, and allows the audit to prioritise the financial statements audit requirements. Following that deferral of planned work this year and the extension of EY's appointment by Audit Scotland there will be discussions with officer and Audit Scotland to agree a re-profiled schedule of work for the next two years. That will be reported to Audit Committee in March 2021.

E.   CONCLUSION

The committee is invited to consider EY's report in relation to matters in its risk and governance remit and whether any actions or recommendations should be considered and made.

F.   BACKGROUND REFERENCES

1   2019/20 Audited Annual Accounts for West Lothian Council

2   West Lothian Council, 29 September 2020

3   2019/20 Annual Audit Report to Members and the Controller of Audit –

https://coins.westlothian.gov.uk/coins/submissiondocuments.asp?submissionid=46265

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4   Audit Committee, 26 October 2020

6

Appendices/Attachments: None

James Millar, Governance Manager, 01506 281613, james.millar@westlothian.gov.uk

Date of meeting: 9 November 2020

6

DATA LABEL: PUBLIC

West Lothian Council

GOVERNANCE AND RISK COMMITTEE

COMMITTEE SELF-ASSESSMENT FEEDBACK

REPORT BY GOVERNANCE MANAGER

A.   PURPOSE OF REPORT

To inform committee of the results of the self-assessment exercise undertaken by members.

B.   RECOMMENDATIONS

1. To note the results of the self-assessment questionnaire completed by members following committee's instruction on 24 February 2020

2. To consider and Identify any areas of concern and recommend appropriate actions to address them

C.   SUMMARY OF IMPLICATIONS

I	**Council Values**	Being honest, open and accountable; making best use of our resources
II	**Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)**	Part VII of the Local Government (Scotland) Act 1973; Local Authority Accounts Regulations (Scotland) 2014
III	**Implications for Scheme of Delegations to Officers**	None
IV	**Impact on performance and performance Indicators**	None
V	**Relevance to Single Outcome Agreement**	None
VI	**Resources - (Financial, Staffing and Property)**	Within existing resources
VII	**Consideration at PDSP**	Not required
VIII	**Other consultations**	None

1

D.   TERMS OF REPORT

1   Committee agreed on 9 April 2018 that a self-assessment exercise should be carried out on an annual basis. This followed a report by the council's external auditors on the annual accounts considered by council on 26 September 2017. The auditors recommended annual self-assessments of effectiveness as best practice. Audit Committee has since undertaken the same annual exercise.

2   At its meeting of 24 February 2020, the committee approved a questionnaire to be circulated to its members to assess the committee's administrative arrangements and activity. The questions covered five areas: purpose and status, administrative arrangements and support, members, effectiveness and committee remit and activities.

3   The questionnaire was circulated electronically to enable the results to be gathered and presented anonymously. The survey was issued in March and then, due to the COVID-19 related lapse of time, in October. Four members have responded by the date this report was prepared. Committee is invited to consider the responses and whether there are any issues that ought to be addressed at this stage.

4   This is the third such annual exercise carried out and reported. A comparison of the three sets of results shows a high degree of consistency with the vast majority of answers found in the "strongly agree" and "agree" categories. There was an initial uncertainty discernible about the committee's role and contribution but that reflected that the committee had only recently been established. The trend since has been positive as the committee has matured, with responses this time indicating that initial doubt has passed. There was a suggestion last year that appointing an additional committee member may be worthwhile. Robert Armstrong has been appointed since and that view is not repeated this year. From an officers' perspective it is reassuring to see that committee continues to be content with the timing and duration of meetings, the form and content of reports and minutes, officers' interaction with the members, and the committee's administrative support and arrangements.

E.   CONCLUSION

1   Considering the feedback to the self-assessment questionnaire will assist in developing and improving the committee's effectiveness. It will progress the council's agreed response to the external audit report.

F.   BACKGROUND REFERENCES

1   West Lothian Council, 26 September 2017

2   Governance and Risk Committee, 9 April 2018, 17 June 2019, 24 February 2020

Appendices/Attachments: 1. Self-assessment questionnaire results

Contact: James   Millar,   Governance   Manager,   01506   281613,
james.millar@westlothian.gov.uk

Date of meeting: 9 November 2020

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GOVERNANCE & RISK COMMITTEE - SELF-ASSESSMENT QUESTIONS (Q4 2020)

1. A - PURPOSE AND STATUS

   1. Committee's role and powers are set out in Standing Orders

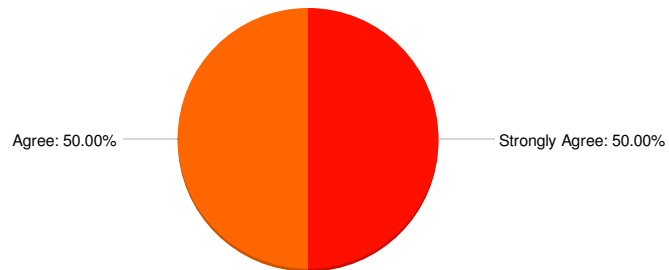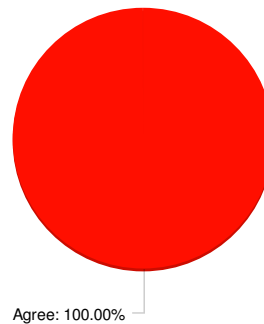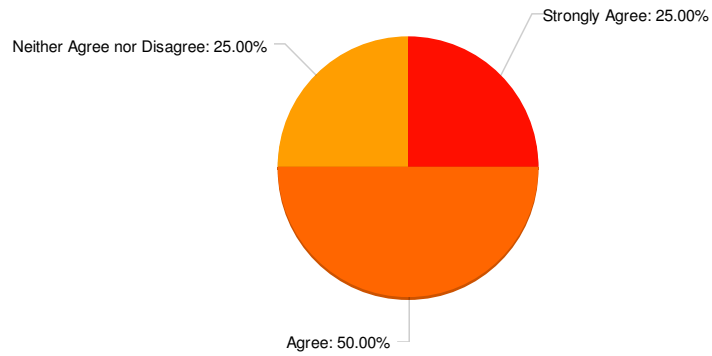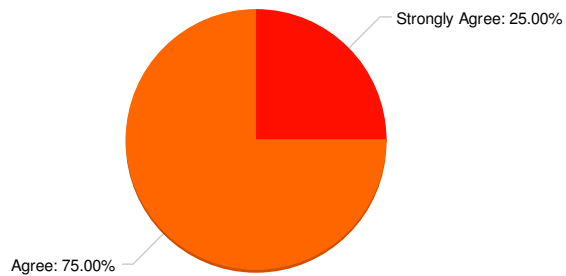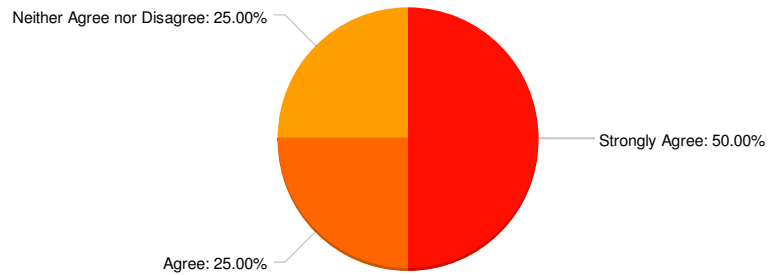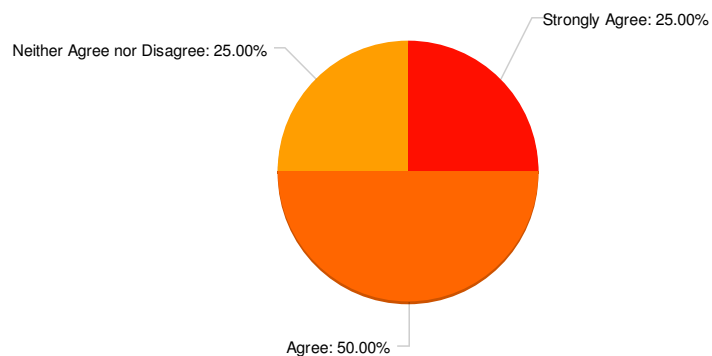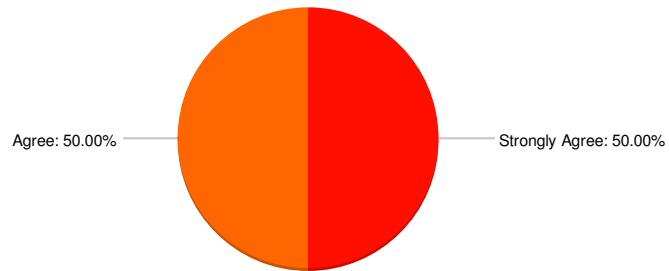   Number of participants: 4

   2 (50.0%): Strongly Agree
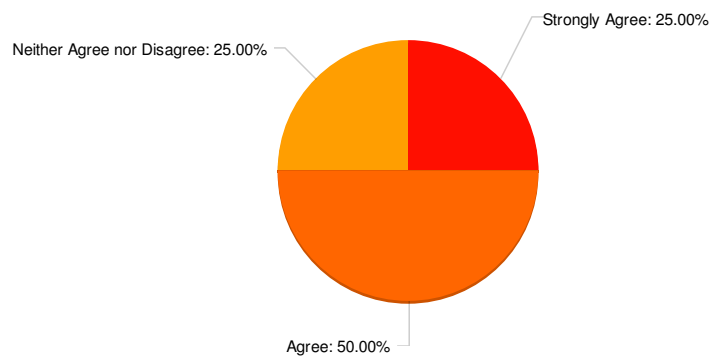
   2 (50.0%): Agree

   - (0.0%): Neither Agree nor Disagree

   - (0.0%): Disgaree

   - (0.0%): Strongly Disagree

   - (0.0%): Other

   Agree: 50.00%   Strongly Agree: 50.00%

2. 2. Committee's role and powers are clear and understood

   Number of participants: 4

   - (0.0%): Strongly Agree

   4 (100.0%): Agree

   - (0.0%): Neither Agree nor Disagree

   - (0.0%): Disgaree

   - (0.0%): Strongly Disagree

   - (0.0%): Other

   Agree: 100.00%

3. 3. Committee is regarded by other members as a positive influence
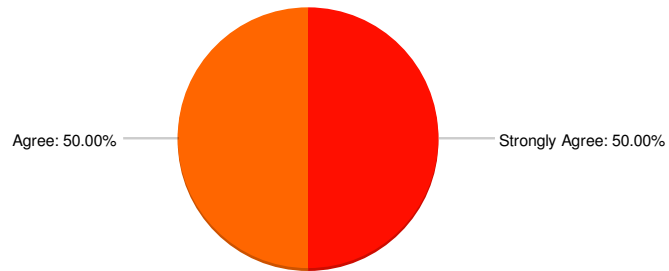
Number of participants: 4

1 (25.0%): Strongly Agree

2 (50.0%): Agree

1 (25.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Neither Agree nor Disagree: 25.00%

Strongly Agree: 25.00%

Agree: 50.00%

4. 4. Committee's recommendations are respected and acted upon

Number of participants: 4

1 (25.0%): Strongly Agree

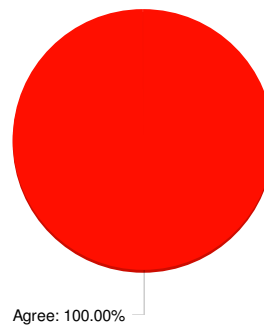3 (75.0%): Agree

- (0.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Strongly Agree: 25.00%

Agree: 75.00%

5.   5. There is adequate communication with officers and other committees

Number of participants: 4

2 (50.0%): Strongly Agree

1 (25.0%): Agree

1 (25.0%): Neither Agree
nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Neither Agree nor Disagree: 25.00%

Strongly Agree: 50.00%

Agree: 25.00%

6.   B - ADMINISTRATIVE ARRANGEMENTS AND SUPPORT

1. Committee is of an appropriate size and composition

Number of participants: 4

1 (25.0%): Strongly Agree

2 (50.0%): Agree

1 (25.0%): Neither Agree
nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Strongly Agree: 25.00%

Neither Agree nor Disagree: 25.00%

Agree: 50.00%

7.   2. Committee is provided with adequate officer support (professional and administrative)

Number of participants: 4

2 (50.0%): Strongly Agree

2 (50.0%): Agree

- (0.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

8.   3. Meetings are sufficiently frequent and at appropriate times of the year
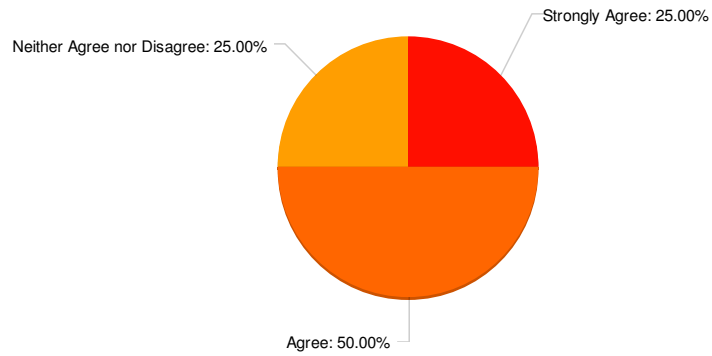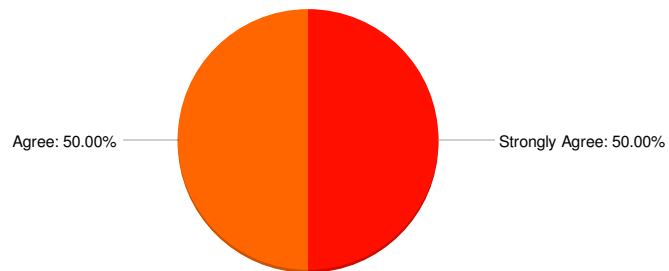
Number of participants: 4

1 (25.0%): Strongly Agree

2 (50.0%): Agree

1 (25.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

9. 4. Committee maintains a work plan balancing forward planning with flexibility for reactive work

Number of participants: 4

2 (50.0%): Strongly Agree

2 (50.0%): Agree

- (0.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Agree: 50.00%   Strongly Agree: 50.00%

10. 5. Meeting papers are distributed appropriately (timeliness and format) to enable proper preparation

Number of participants: 4

- (0.0%): Strongly Agree

4 (100.0%): Agree

- (0.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Agree: 100.00%

11. 6. Reports and minutes provide relevant, appropriate and sufficient information

Number of participants: 4

1 (25.0%): Strongly Agree
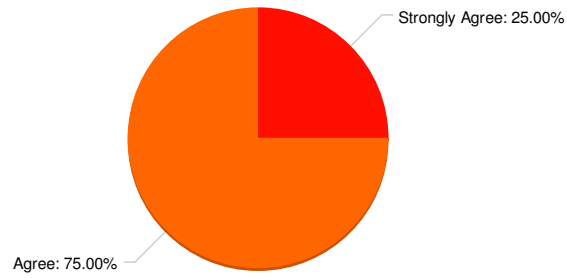
3 (75.0%): Agree

- (0.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Strongly Agree: 25.00%

Agree: 75.00%
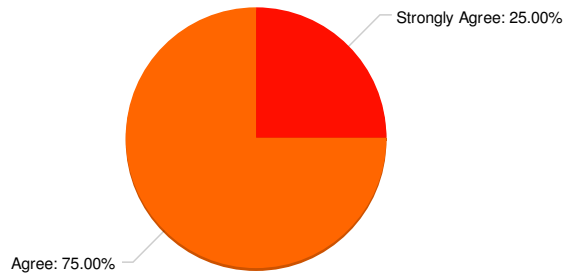
12. 7. Start times and time allowed for meetings provide sufficient time for business to be done
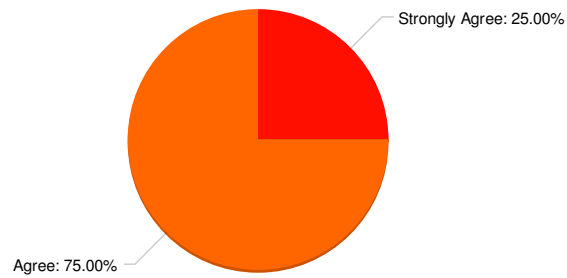
Number of participants: 4

- (0.0%): Strongly Agree

3 (75.0%): Agree

- (0.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

1 (25.0%): Other
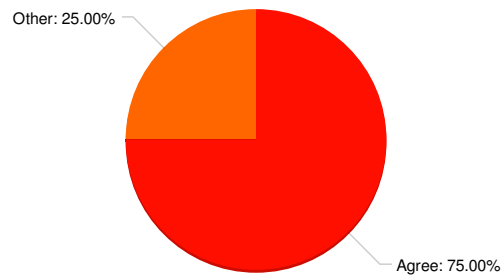
Answer(s) from the additional field:

- Would prefer am

Other: 25.00%

Agree: 75.00%

13. 8. Public access to reports and meetings is maximised and excluded only where legally justified
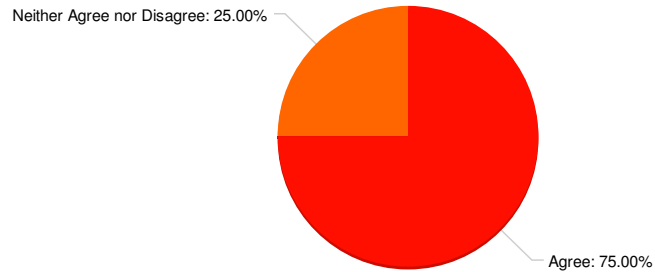
Number of participants: 4

1 (25.0%): Strongly Agree

2 (50.0%): Agree

1 (25.0%): Neither Agree
nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Strongly Agree: 25.00%

Neither Agree nor Disagree: 25.00%

Agree: 50.00%

14. 9. Committee is able to secure the attendance and assistance of appropriate senior officers

Number of participants: 4

2 (50.0%): Strongly Agree
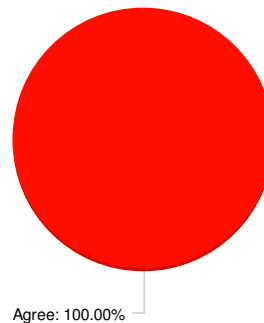
2 (50.0%): Agree

- (0.0%): Neither Agree nor
Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Agree: 50.00%

Strongly Agree: 50.00%

15. 10. Committee is able to secure appropriate professional advice when required

Number of participants: 4

1 (25.0%): Strongly Agree

3 (75.0%): Agree

- (0.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Strongly Agree: 25.00%

Agree: 75.00%

16. 11. Meetings are attended by relevant stakeholders

Number of participants: 4

1 (25.0%): Strongly Agree

3 (75.0%): Agree

- (0.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Strongly Agree: 25.00%

Agree: 75.00%

17. C - MEMBERS

1. Committee members understand their role

Number of participants: 4

- (0.0%): Strongly Agree

3 (75.0%): Agree

1 (25.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Neither Agree nor Disagree: 25.00%

Agree: 75.00%

18. 2. Committee has an appropriate mix of knowledge, expertise, experience and skills

Number of participants: 4

- (0.0%): Strongly Agree

4 (100.0%): Agree

- (0.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Agree: 100.00%

19. 3. Committee members receive sufficient and appropriate training and briefings

Number of participants: 4

1 (25.0%): Strongly Agree

- (0.0%): Agree

3 (75.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Strongly Agree: 25.00%

Neither Agree nor Disagree: 75.00%
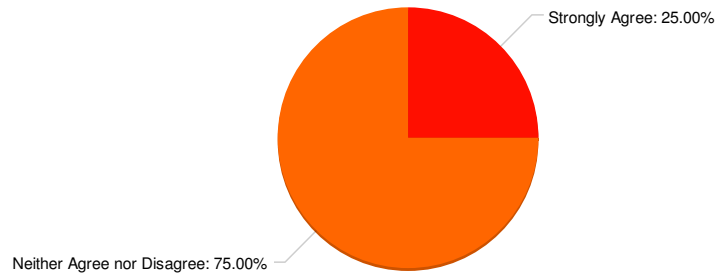
20. 4. Committee members undertake personal development relevant to their role and responsibilities
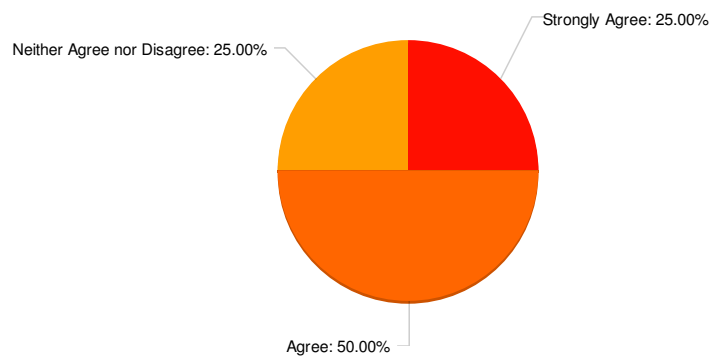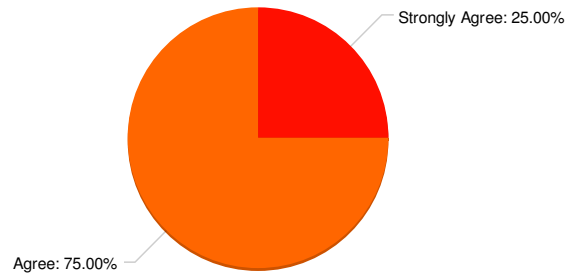
Number of participants: 4

1 (25.0%): Strongly Agree

2 (50.0%): Agree

1 (25.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Neither Agree nor Disagree: 25.00%

Strongly Agree: 25.00%

Agree: 50.00%

21. 5. Chair promotes and encourages effective and efficient meetings including input from officers and members

Number of participants: 4

1 (25.0%): Strongly Agree

3 (75.0%): Agree

- (0.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Strongly Agree: 25.00%

Agree: 75.00%

22. 6. Members prepare, attend meetings and actively contribute
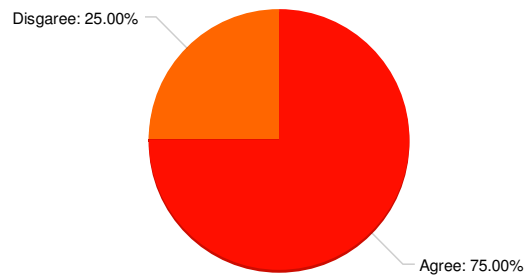
Number of participants: 4

- (0.0%): Strongly Agree

3 (75.0%): Agree

- (0.0%): Neither Agree nor Disagree

1 (25.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Disgaree: 25.00%

Agree: 75.00%

23. D - EFFECTIVENESS

1. Committee functions in a positive and constructive manner, including interaction amongst members and with officers
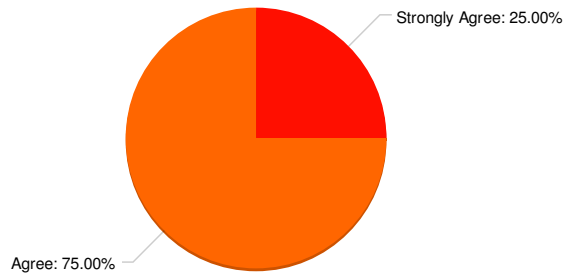
Number of participants: 4

1 (25.0%): Strongly Agree

3 (75.0%): Agree

- (0.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Strongly Agree: 25.00%

Agree: 75.00%

24. 2. Scrutiny is encouraged and accepted as a means to improve
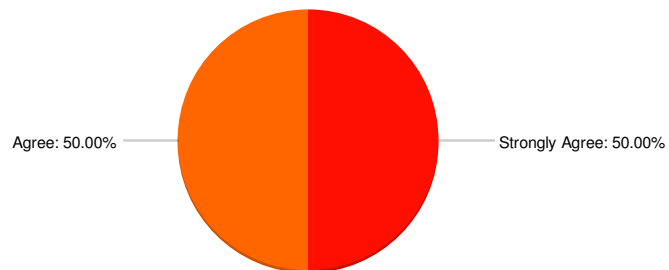
Number of participants: 4

2 (50.0%): Strongly Agree

2 (50.0%): Agree

- (0.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Agree: 50.00%

Strongly Agree: 50.00%

25. 3. Committee provides constructive challenge to officers

Number of participants: 4

1 (25.0%): Strongly Agree

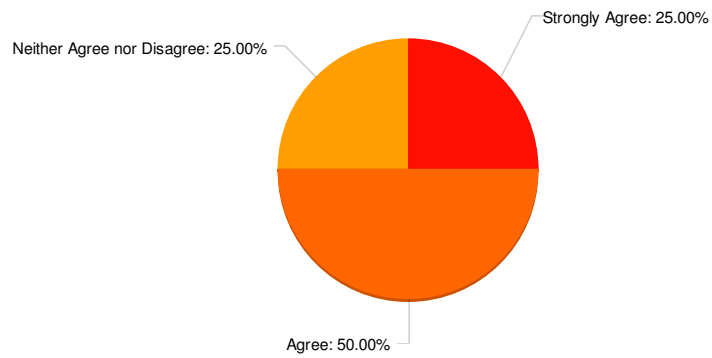2 (50.0%): Agree

1 (25.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Neither Agree nor Disagree: 25.00%

Strongly Agree: 25.00%

Agree: 50.00%

26. 4. Committee receives adequate responses from officers to questions
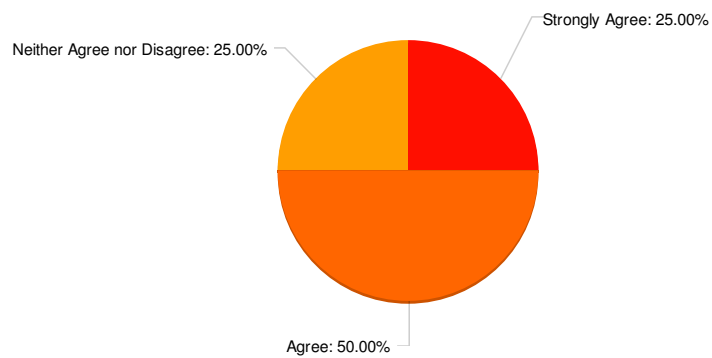
Number of participants: 4

1 (25.0%): Strongly Agree

2 (50.0%): Agree

1 (25.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Neither Agree nor Disagree: 25.00%

Strongly Agree: 25.00%

Agree: 50.00%

27. 5. Committee members feel comfortable asking candid questions and pursuing full answers
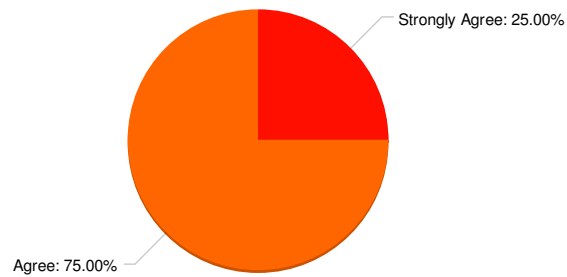
Number of participants: 4

1 (25.0%): Strongly Agree

3 (75.0%): Agree

- (0.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Strongly Agree: 25.00%

Agree: 75.00%

28. 6. Decisions and recommendations are captured to enable them to be recorded accurately
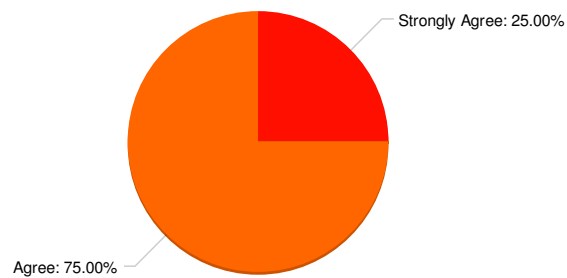
Number of participants: 4

1 (25.0%): Strongly Agree

3 (75.0%): Agree

- (0.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Strongly Agree: 25.00%

Agree: 75.00%

29. 7. Decisions are executed properly and in a timely manner and are followed up by committee
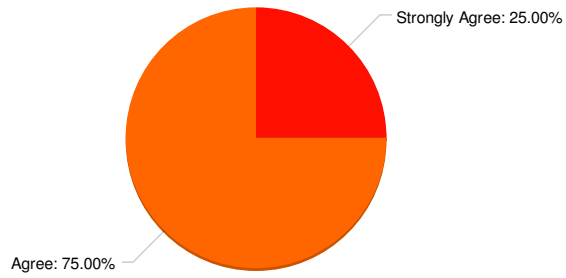
Number of participants: 4

1 (25.0%): Strongly Agree

3 (75.0%): Agree

- (0.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Strongly Agree: 25.00%

Agree: 75.00%

30. 8. There is evidence from meeting papers and minutes of impacts or improvements from committee activity

Number of participants: 4
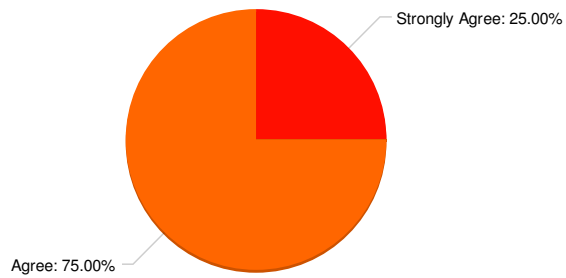
1 (25.0%): Strongly Agree

3 (75.0%): Agree

- (0.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Strongly Agree: 25.00%

Agree: 75.00%

31. 9. Committee has good working relations with key officers, members and organisations
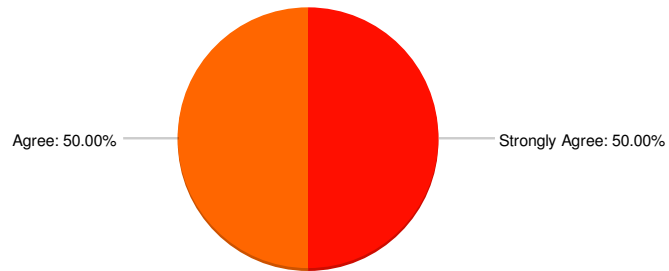
Number of participants: 4

2 (50.0%): Strongly Agree

2 (50.0%): Agree

- (0.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Agree: 50.00%   Strongly Agree: 50.00%

32. 10. Stakeholders (including other members and the public) are made aware of and understand committee's activity

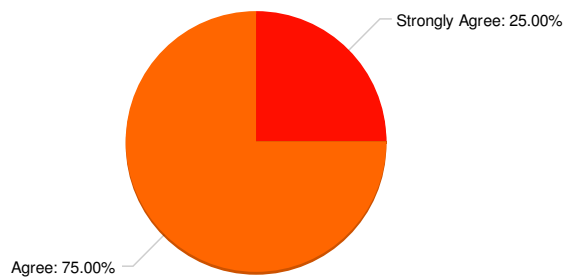Number of participants: 4

1 (25.0%): Strongly Agree

3 (75.0%): Agree

- (0.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Strongly Agree: 25.00%

Agree: 75.00%

33. E - MATTERS SPECIFIC TO COMMITTEE REMIT AND ACTIVITIES

1. Interaction with Audit Committee is defined and understood, with no gaps or duplication

Number of participants: 4
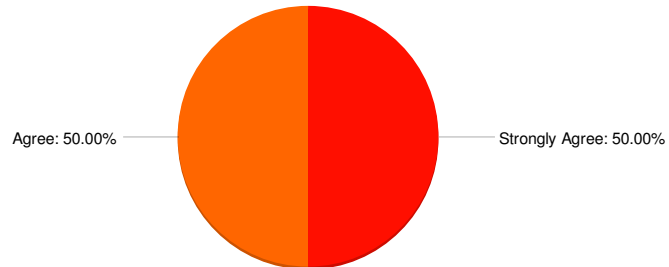
2 (50.0%): Strongly Agree

2 (50.0%): Agree

- (0.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Agree: 50.00%   Strongly Agree: 50.00%

34. 2. Meetings are attended by external auditor representatives

Number of participants: 4

1 (25.0%): Strongly Agree

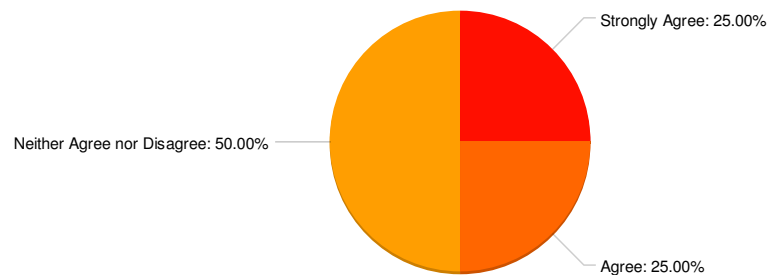1 (25.0%): Agree

2 (50.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Strongly Agree: 25.00%

Neither Agree nor Disagree: 50.00%

Agree: 25.00%

35. 3. Committee's role in relation to the council's annual accounts is defined and understood
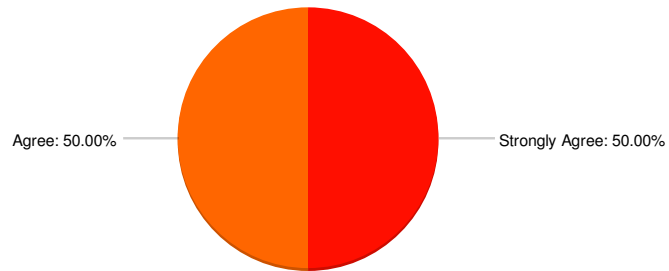
Number of participants: 4

2 (50.0%): Strongly Agree

2 (50.0%): Agree

- (0.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Agree: 50.00%   Strongly Agree: 50.00%

36. 4. Members consider fully the contents and conclusions of the Annual Governance Statement before its approval
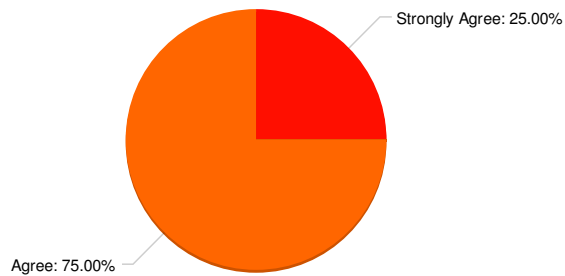
Number of participants: 4

1 (25.0%): Strongly Agree

3 (75.0%): Agree

- (0.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Strongly Agree: 25.00%

Agree: 75.00%

37. 5. Committee provides effective review and challenge of risk and governance arrangements and controls

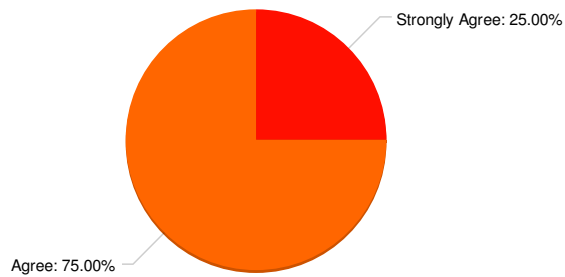Number of participants: 4

1 (25.0%): Strongly Agree

3 (75.0%): Agree

- (0.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Strongly Agree: 25.00%

Agree: 75.00%

38. 6. Committee contributes to effective accountability to the public through challenge of governance, risk and control

Number of participants: 4

1 (25.0%): Strongly Agree

3 (75.0%): Agree

- (0.0%): Neither Agree nor Disagree

- (0.0%): Disgaree

- (0.0%): Strongly Disagree

- (0.0%): Other

Strongly Agree: 25.00%

Agree: 75.00%

39. 7. Committee contributes effectively to the council's control environment
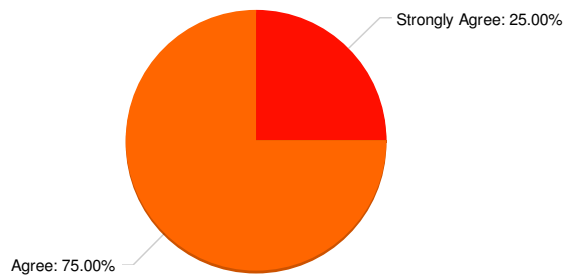
Number of participants: 4

2 (50.0%): Strongly Agree

2 (50.0%): Agree

- (0.0%): Neither Agree nor
Disagree

- (0.0%): Disgaree
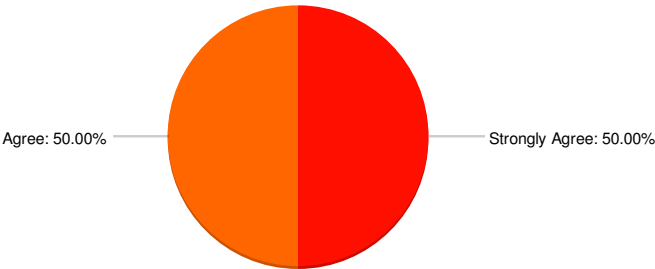
- (0.0%): Strongly Disagree

- (0.0%): Other

Agree: 50.00%   Strongly Agree: 50.00%

DATA LABEL: PUBLIC

GOVERNANCE & RISK COMMITTEE WORKPLAN

9 NOVEMBER 2020

9 November 2020		
Corporate high risks	Standing item	Kenneth Ribbons and Donald Forrest
Strategic Risks	Biennial report on corporate strategic risks	Kenneth Ribbons
Health & Safety Statistics	Standing item – stats and issues underlying risk register	Julie Whitelaw
Self-assessment questionnaire	Annual survey – feedback of results, postponed from June meeting due to COVID-19	James Millar
Brexit-related risks	Instructed by committee in February 2020, postponed from June meeting due to COVID-19	Graeme Struthers/David Maule
Audit Scotland: COVID-19 Guide for audit and risk committees	Consideration of Audit Scotland guide (August 2020). Possibly combine with next entry, below	James Millar
COVID-19 Risk Register	Risk-related planning and actions due to the coronavirus pandemic – possibly a standing item after initial report in June and Recovery and Renewal Plan at Council Executive on 18 August 2020	Graeme Struthers
External Audit Report 2019/20	Reporting on wider-scope audit findings, on referral form full council	James Millar
25 January 2021		
Corporate high risks	Standing item	Kenneth Ribbons and Donald Forrest
Governance Issues – Progress Report	Six-monthly update on governance issues identified at	James Millar

1

DATA LABEL: PUBLIC

	June meeting in annual governance statement	
COVID-19 Risk Update	Standing item (if not discontinued before) report on risk-related planning and actions due to the coronavirus pandemic	Caroline Burton/Kenneth Ribbons
COVID-19 Governance Update	Possible update on governance arrangements utilised as a result of the coronavirus pandemic	James Millar
Brexit-related risks	Back as a standing item in light of the nearing end of the transition period	Graeme Struthers/David Maule
Risk Management Strategy Annual Report	Annual performance reports against all significant strategies supporting the Corporate Plan, postponed from June due to COVID-19	Donald Forrest/Kenneth Ribbons
8 March 2021		
Corporate high risks	Standing item	Kenneth Ribbons and Donald Forrest
Strategic Risks	Biennial report on corporate strategic risks	Kenneth Ribbons
Risk Management Annual Plan	Annual plan for committee approval	Kenneth Ribbons
Self-assessment questionnaire	Annual survey – agreement of questions and to proceed	James Millar
COVID-19 Risk Update	Standing item (if not discontinued before) report on risk-related planning and actions due to the coronavirus pandemic	Caroline Burton/Kenneth Ribbons
COVID-19 Governance Update	Possible update on governance arrangements utilised as a result of the coronavirus pandemic	James Millar
Brexit-related risks	Following the end of the transition period	Graeme Struthers/David Maule
14 June 2021		

2

DATA LABEL: PUBLIC

Corporate high risks	Standing item	Kenneth Ribbons and Donald Forrest
Health & Safety Statistics	Standing item – stats and issues underlying risk register	Julie Whitelaw
Internal Audit Annual Report	Includes findings of review of system of internal control which must precede and inform the approval of the annual governance statement	Kenneth Ribbons
Corporate Governance – Annual Governance Statement	Annual governance statement for approval together with populated Code of Corporate Governance, annual compliance statements and update on governance issues	James Millar
COVID-19 Risk Update	Standing item (if not discontinued before) report on risk-related planning and actions due to the coronavirus pandemic	Caroline Burton/Kenneth Ribbons
COVID-19 Governance Update	Possible update on governance arrangements utilised as a result of the coronavirus pandemic	James Millar
Risk Management Annual Report	End-of-year report on completion on annual plan	Kenneth Ribbons

3