West Lothian Council

Governance and Risk Committee

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

6 December 2022

A hybrid meeting of the **Governance and Risk Committee** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre, Livingston** on **Monday 12 December 2022** at **2:00pm**.

For Chief Executive

BUSINESS

Public Session

1.   Apologies for Absence

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

3.   Order of Business, including notice of urgent business, declarations of interest in any urgent business and consideration of reports for information.

         The Chair will invite members to identify any such reports they wish to have fully considered, which failing they will be taken as read and their recommendations approved.

4.   Confirm Draft Minute of Meeting of Governance and Risk Committee held on 26 September 2022 (herewith)

Public Items for Decision

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

6.   Information Technology Risks - Report by Head of Corporate Services (herewith)

Public Items for Information

7.   Health and Safety Risks - Report by Head of Corporate Services (herewith)

8.   Management of Health and Safety - Report by Head of Corporate Services (herewith)

9.   Corporate Business Continuity Plan - Report by Head of Finance and Property Services (herewith)

10.   Managing Risk Within Operational Properties - Report by Head of Finance and Property Services (herewith)

11.   Insurance Risks - Report by Head of Finance and Property Services (herewith)

12.   Risk Management in Housing, Customer and Building Services:-

        (a)   Report by Head of Housing, Customer and Building Services (herewith)

        (b)   Presentation by Head of Housing, Customer and Building Services (herewith)

13.   Corporate Strategy Annual Update – Risk Management Strategy - Report by Head of Finance and Property Services (herewith)

14.   Progress on Governance Issues 2022/23 - Report by Governance Manager (herewith)

15.   External Audit Report 2021/22 - Report by Governance Manager (herewith)

16.   Workplan (herewith)

NOTE   **For further information please contact Karen McMahon on tel. no. 01506 281621 or email karen.mcmahon@westlothian.gov.uk**

CODE OF CONDUCT AND DECLARATIONS OF INTEREST (2021)

This form is a reminder and an aid. It is not a substitute for understanding the Code of Conduct and guidance.

Interests must be declared at the meeting, in public.

Look at every item of business and consider if there is a connection.

If you see a connection, decide if it amounts to an interest by applying the objective test.

The objective test is whether or not a member of the public with knowledge of the relevant facts would reasonably regard your connection to a particular matter as being so significant that it would be considered as being likely to influence your discussion or decision-making.

If the connection does not amount to an interest then you have nothing to declare and no reason to withdraw.

If the connection amounts to an interest, declare it as soon as possible and leave the meeting when the agenda item comes up.

When you declare an interest, identify the agenda item and give enough information so that the public understands what it is and why you are declaring it.

Even if the connection does not amount to an interest you can make a statement about it for the purposes of transparency.

More detailed information is on the next page.

Look at each item on the agenda, consider if there is a "connection", take advice if necessary from appropriate officers in plenty of time. A connection is any link between the item of business and:-

- you
- a person you are associated with (e.g., employer, business partner, domestic partner, family member)
- a body or organisation you are associated with (e.g., outside body, community group, charity)

Anything in your Register of Interests is a connection unless one of the following exceptions applies.

A connection does not exist where:-

- you are a council tax payer, a rate payer, or a council house tenant, including at budget-setting meetings
- services delivered to the public are being considered, including at budget-setting meetings
- councillors' remuneration, expenses, support services or pensions are being considered
- you are on an outside body through a council appointment or nomination unless it is for regulatory business or you have a personal conflict due to your connections, actions or legal obligations
- you hold a view in advance on a policy issue, have discussed that view, have expressed that view in public, or have asked for support for it

If you see a connection then you have to decide if it is an "interest" by applying the objective test. The objective test is whether or not a member of the public with knowledge of the relevant facts would reasonably regard your connection to a particular matter as being so significant that it would be considered as being likely to influence your discussion or decision-making.

If the connection amounts to an interest then:-

- declare the interest in enough detail that members of the public will understand what it is
- leave the meeting room (physical or online) when that item is being considered
- do not contact colleagues participating in the item of business

Even if decide your connection is not an interest you can voluntarily make a statement about it for the record and for the purposes of transparency.

The relevant documents are:-

- Councillors' Code of Conduct, part 5
- Standards Commission Guidance, paragraphs 129-166
- Advice note for councillors on how to declare interests

If you require assistance, contact:-

- **James Millar, Interim Monitoring Officer and Governance Manager, 01506 281613, james.millar@westlothian.gov.uk**
- **Carol Johnston, Chief Solicitor and Depute Monitoring Officer, 01506 281626, carol.johnston@westlothian.gov.uk**
- **Committee Services Team, 01506 281604, 01506 281621 committee.services@westlothian.gov.uk**

January 2022

MINUTE of MEETING of the GOVERNANCE AND RISK COMMITTEE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 26 SEPTEMBER 2022.

Present – Councillors Damian Doran-Timson (Chair), Harry Cartmill, Lynda Kenna, Pauline Orr; Ann Pike (Lay Member)

Absent – Danny Logue

In attendance - Graham Hope, Chief Executive; Graeme Struthers, Depute Chief Executive; Donald Forrest, Head of Finance and Property Services; Lesley Henderson, Head of Corporate Services; Julie Whitelaw, Head of Housing, Customer and Building Services; Jim Jack, Head of Operational Services; Craig McCorriston, Head of Planning, Economic Development and Regeneration; Greg Welsh, Head of Education (Primary, Early Years and Resources); James Millar, Governance Manager; Kenneth Ribbons, Audit, Risk and Counter Fraud Manager; Kim Hardie, Health and Safety Manager; Ian Forrest, IT Services Manager; Robin Allen, Social Policy; Angela Gray, Corporate Procurement Manager

1.   DECLARATIONS OF INTEREST

        Item 5 - High Risks

        Ann Pike stated a connection in relation to one of the specific risks due to her other roles. However, she did not consider that this amounted to an interest and would participate in the item of business.

2.   MINUTES

        The committee confirmed the Minutes of its meeting held on held on 13 June 2022 as a correct record. The Minute was thereafter signed by the Chair.

3.   HIGH RISKS

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

        The rationale for reducing risk WLC045 (Pandemic - failure to maintain critical services), from high to medium, was discussed with officers advising that this risk was reviewed regularly at the Executive Management Team meetings and key factors were assessed. As both community and national infection rates had reduced a number of measures had been removed, including the precautionary one metre distancing rule that had been in place within the authority. Hybrid working had also been introduced and together with regular assessment of absence rates, with rates lower than they were previously, had led to the reduction in level of risk.

Risk HCBS004 (Overspend of Allocated Housing Need budgets) was highlighted with a query regarding the range of actions detailed and whether these included collaboration with Registered Social Landlords (RSL) that supported specialist housing for young people. The committee were informed that the Rapid Rehousing Transition Plan (RRTP) had a supporting young person's workstream which involved working with third party providers. The RRTP worked together with RSLs who provided specific accommodation for young people and when their needs were assessed all housing options were considered in order to find the most appropriate accommodation.

Discussion continued with a request for a progress report on the delivery of new build housing for young people within West Lothian. It was confirmed to members that a report on the proposals for the young person's unit was planned and would be provided to the Council Executive in the near future.

Responding to a further query regarding risk HCBS004 (Overspend of Allocated Housing Need budgets), with regards to a possible link to any delay in accessing void properties and housing homeless applicants, officers advised that void properties were monitored closely with a team dedicated to turning these around as quickly as possible. Due to a high level of tenancy sustainment the number of void properties in West Lothian was lower than in other authorities.

Committee moved on to discuss risk SPCC002 (Insufficient supply to meet service demands - care at home). Recognising that there was a national issue with staffing, it was queried if the lack of progression was due to the availability of staff. Committee were informed that this was the predominant issue and the service were working closely with providers, where there were existing challenges, to ensure progression and prioritisation. It was suggested that it may be beneficial to include information on the impact to unpaid carers and committee agreed to consider including this within the risk.

It was recommended that the committee:

1. note the council's high risks, and the actions taken to mitigate them; and

2. provide feedback to officers on the risks, controls and mitigating actions.

Decision

1. To note the contents of the report and;

2. To agree to give consideration to updating the wording within risk SPCC002 (Insufficient supply to meet service demands - care at home) to reflect the impact on unpaid carers.

4.   STRATEGIC RISKS

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

Referring to risk WLC031 (West Lothian Leisure - failure to deliver financial plan to 2022/23 with a resultant financial impact on the council and / or changes to the scope of services delivered by WLL), officers were questioned on the financial consequences from WLL and what the council's obligations were. Committee were informed that the council were the sole owner of WLL and as such, there were potential obligations under the arrangement. Discussions were ongoing about the level of funding and a meeting was anticipated with the new WLL Chief Executive regarding their future plan and how that interacted with the future plan of the council. Funding of £1.5 million had been agreed for both 2021-22 and 2022-23 in order to provide support to WLL during and after the pandemic, however, future funding would be dependent on both WLLs future plans and market conditions.

HCBS002 (Increase in rent arrears as a result of external factors) was highlighted and officers asked about the possible effects of the government's rent freeze. The committee were advised that rental income would be closely monitored and due to the rent freeze being in place until 31 March there would be no impact as the council would not increase rents until 1 April. There had been previous experience of a rent freeze during the pandemic and high levels of rental income had been maintained. In addition, the recent rent arrears campaign had been modified to provide support during the cost of living crisis. Tenants were directed to the Advice Shop and other advice opportunities in order to ensure they were aware of available grants which would support payment of rent and assist in maintaining the current high level of income.

It was recommended that the committee note the council's strategic risks.

Decision

To note the contents of the report.

5.   MANAGEMENT OF HEALTH AND SAFETY

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

The cumulative reports of physical incidents within Education, in comparison to the lower numbers reported for verbal incidents, was queried given that the expectation would be for a verbal incident to occur

before progression to physical. To reassure the committee, they were informed that Head Teachers worked with staff on de-escalation to mitigate against the risk of physical instances occurring. Analysis of the physical incidents reported had shown that a high proportion were due to a small number of pupils who, although working on self-regulation, did not possess the literacy skills to communicate their distress prior to a physical incident. Officers also advised that significant work had been undertaken with Head Teachers and school staff on Sphera incident reporting to ensure accuracy of data and the introduction of the Young Persons form ensured consistency of reporting across establishments.

It was recommended that the committee note the contents of the report.

Decision

To note the contents of the report.

6.   RISK MANAGEMENT WITHIN OPERATIONAL SERVICES

The committee considered a report (copies of which had been circulated) by the Head of Operational Services advising of Operational Services risks and informing of the approach to risk management within Operational Services.

The report was accompanied by a presentation from the Head of Operational Services which detailed; why risks were managed, the corporate arrangements for the management of risks, information on how the service undertook the review of their risks, business continuity testing and a summary of the specific risks within Operational Services.

Committee then discussed the two high risks specified within the presentation. The longer term costs associated to risk NLCS014 (Financial implications in managing the impact of ash dieback in trees across West Lothian) were queried with officers advising that the initial funding was currently being utilised for the prioritisation of trees on the highway roadside. Future costs were considered to be significant, potentially £5 million over the next five years, and with no centralised funding currently available, lobbying as an industry and through various groups was being undertaken.

Moving on to risk WM001 (Increased costs in relation to the recycling of materials) the issues regarding material disposal were highlighted with an explanation sought on why recycling was not undertaken locally. The committee were informed that the introduction of twin stream recycling had been useful and aided the main aim, which was to ensure that materials were clean and clear, enabling the council to receive the best price for recycling or least cost for disposal. The reference to China in the report was with regards to when the country had stopped taking recycling which had led to an increase in costs for authorities and industries. The council aimed to work with the public to ensure they used the council's recycling provision as best as they could and the recent twin streaming had been well publicised resulting in the ambitious target of contamination

reduction almost achieved, particularly with regards to the blue bin where wet goods mixed with paper had increased the costs of disposal.

It was recommended that the committee consider the approach taken by Operational Services to the management of risk and offer any comment on the approach.

Decision

To note the contents of the report and presentation.

7.   GOOD GOVERNANCE IN SCOTTISH COUNCILS DURING COVID-19

The committee considered a report (copies of which had been circulated) by the Governance Manager and Interim Monitoring Officer for consideration of the findings of an Improvement Service/University of St Andrews report on councils' governance arrangements during the COVID-19 pandemic.

The Governance Manager was asked how West Lothian had fared during the pandemic when compared to other local authorities. It was explained that it would be difficult to put into context as all council's started in a slightly different position in terms of how their committee systems and scheme of delegated powers were set up. However, the annual governance statements of this committee over the last three years had included a section on COVID decision making and governance arrangements with both the committee and EY audits satisfied with the arrangements in place over the pandemic period.

In relation to the quasi-judicial decisions detailed in the report, it was queried if in the event that normal operating procedures could not be undertaken whether there were any concerns with regards to this type of business. In response, the Governance Manager explained that regulatory type business should be facilitated by the hybrid meeting arrangements now in place. Scottish Government legislation had allowed councils to have fully remote meetings during the pandemic, however, the expectation would be that hybrid arrangements could enable this type of decision making.

The committee complimented the Governance Manager on the report remarking that it truly reflected the comments of members.

It was recommended that the committee:

1. note the findings of the report by the Improvement Service and the University of St Andrews entitled "Good governance during COVID-19: learning from the experience of Scottish Local Authorities", and its conclusions which were set out in the appendix;

2. note the summary of the council's response to the pandemic in governance terms; and

    3. consider whether there were lessons to learn or issues to explore in relation to that governance response.

<u>Decision</u>

To note the contents of the report.

8.   <u>COMMITTEE SELF-ASSESSMENT FEEDBACK 2021/22</u>

The committee considered a report (copies of which had been circulated) by the Governance Manager informing of the results of the committee's self-assessment exercise.

With regards to section D.4 of the report, in which question 25 (Committee members undertake personal development relevant to their role and responsibilities) was detailed as that which had received the lowest satisfaction response by those who had completed the questionnaire, it was suggested that members were signposted to the resources available to them. The Governance Manager undertook to circulate relevant information in this regard with members welcome to contact him in relation to their own personal development.

It was recommended that the committee note the results of the self-assessment questionnaire completed by members, to identify any areas of concern, and to recommend appropriate actions to address them.

<u>Decision</u>

    1. To note the contents of the report; and

    2. To agree to signpost elected members to available resources in order to compliment the training provided during the induction programme and aid personal development relevant to their role and responsibilities.

9.   <u>WORKPLAN</u>

A copy of the workplan had been circulated for information.

Members of the committee were encouraged to contact the Chair or Governance Manager should they wish any particular topic to be considered for addition to the workplan.

<u>Decision</u>

To note the workplan.

10.   <u>PRIVATE SESSION</u>

The committee resolved under Section 50(A) (4) of the Local Government

(Scotland) Act 1973, that the public be excluded from the meeting during consideration of the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 1 of Schedule 7A of the Act.

11.   WHITEHILL SERVICE CENTRE DESK TOP TEST

The committee considered a report (copies of which had been circulated) by the Head of Operational Services informing of the Whitehill Service Centre desktop test undertaken in August 2021.

Members were informed that the outcome of the desk top test had been well received by team members. Tasks had been delegated resulting in increased support for the Head of Operational Services.

Following discussion on a site-specific Business Continuity Plan for Whitehill Service Centre, it was suggested that it could be beneficial at other locations. It was agreed that site/building specific Business Continuity Plans would be considered alongside those in place for services.

It was recommended that the committee note the outcome of the test and progress in implementing the agreed action plan.

Decision

1. To note the contents of the report; and

2. To agree to consider the preparation of site/building specific Business Continuity Plans alongside those in place for services.

12.   RISK MANAGEMENT - SERIOUS AND ORGANISED CRIME

The committee considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services providing an update on arrangements in place in the Community Safety Partnership to monitor and manage the risk relating to Serious and Organised crime.

The committee commented that the depth and content of the report was reassuring.

It was recommended that the committee note the governance arrangements in place in the Community Safety Partnership to monitor and manage the risk in relation to Serious and Organised Crime.

Decision

To note the contents of the report.

13.   CYBER SECURITY BUSINESS CONTINUITY DESK TOP TEST

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services advising of the outcome of a desk top test undertaken on 29 April 2022 simulating a successful cyber-attack.

Members of the committee were informed that the Plan referred to within item two of the appendix had been approved at the Corporate Management Team meeting on 21 September 2022.

It was noted that IT were working to ensure the use of the equipment detailed within 7a of the appendix was compliant.

In concluding discussion, the committee were advised that the use of Paypoint, mentioned within point one of appendix two, was considered a positive development.

It was recommended that the committee note the outcome of the test and progress in completing the agreed actions.

Decision

1. To note the contents of the report; and

2. To note the Plan detailed within item two of the appendix was approved at the Corporate Management Team meeting on 21 September 2022.

DATA LABEL: PUBLIC

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;

2. provides feedback to officers on the risks, controls and 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, and 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 17 high risks, two fewer than reported to the Committee in September 2022.

The following is now considered to be a high risk:

- WLC025 Economic Downturn.

The following are no longer considered to be high risks:

- PS002 Capital programme additional costs and timescales;
- WLC031 West Lothian Leisure - failure to deliver financial plan to 2022/23 with a resultant financial impact on the council and / or changes to the scope of services delivered by WLL;
- WM001 Increased costs in relation to the recycling of materials.

The council's two highest risks are now risk WLC026 "Failure to prepare and agree a medium term financial plan 2023/24 to 2027/28" and risk WLC029 "West Lothian Leisure - failure to prepare and agree a medium term financial plan 2023/24 to 2027/28". The current risk score for both risks has increased from 20 to 25.

In relation to appendix one:

- 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 quarterly to the Governance and Risk Board, which is an officer group which exercises oversight over the council's governance and risk management arrangements, and every two months to 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.

2

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: 12 December 2022

3

Governance and Risk Committee Appendix 1 High Risks

Report Author: Kenneth Ribbons
Generated on: 05 December 2022 09:25
Report Layout: .. 10 (previously R09b) Original Score, Current Score, Internal Controls with linked Actions (outstanding only)
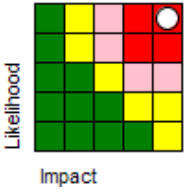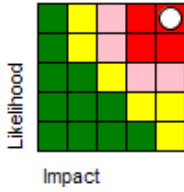
Key to Risk Scores
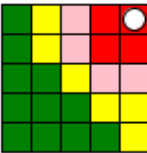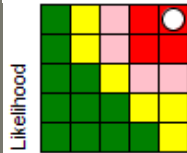
Icon	Score	Meaning
🛑	16-25	High
🔺	12-15	Medium High

Key to Action Status
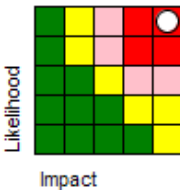
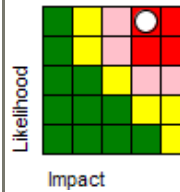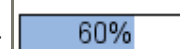| Icon	Status
🛑	Overdue
🔺	Approaching Due Date
▶	In progress

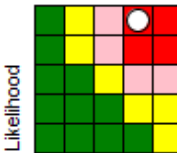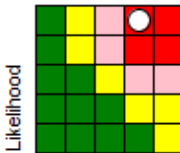|	**WLC026 Failure to prepare and agree a medium term financial plan 2023/24 to 2027/28**	Failure to prepare and agree a medium term West Lothian Council financial plan including a detailed three year budget, could lead to unplanned service reductions, a failure to deliver key services, reputational damage, and industrial action. The ongoing impact of a number of combined risks in the wider economy are increasing financial risks and uncertainty for future years.
	Current Controls:	**Council Standing Orders & Related** Comprehensive financial regulations in place. Robust financial planning and budgetary framework in place. Priority based budgeting approach to medium term financial planning approved by Council Executive. Consultation timetable approved by Council Executive. 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. **Wider Economic Risks Including Ongoing Impact of Covid-19 Pandemic** Updates on the economic context at UK, Scottish and West Lothian level are presented quarterly to the Partnership and Resources PDSP. 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 monitored on a regular basis to identify ongoing additional costs resulting from the pandemic and returns submitted to COSLA as necessary. Transformation project team work with services and FMU to drive forward implementation of service changes required to achieve financial balance. **Local Government finance settlements** Reports to committee on Chancellor's Budget / Scottish Budget / Spending Review. Regular review and update of Scottish government funding announcements and wider economic data used to inform budget planning assumptions.

2

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
25	Likelihood / Impact	25	Likelihood / Impact	▶	FM22005_A Completion of Phase 3 Consultation on Budget Saving Proposals	31-Oct-2023	31-Oct-2023	20%	In accordance with the agreed process by Council Executive, a consultation is currently proposed to take place from August to October 2023 and will provide all stakeholders in West Lothian with the opportunity to comment on additional officer saving proposals focused on 2026/27 to 2027/28. Reports on all responses to the consultation will be presented to PDSPs later in 2023 providing the opportunity for elected members to share the direction of future service delivery.

3

	WLC029 West Lothian Leisure - failure to prepare and agree a medium term financial plan 2023/24 to 2027/28	Failure by WLL to prepare and agree a medium term financial plan and a balanced annual budget each year could lead to unplanned WLL service reductions, failure to deliver key services, and additional demands on WLC resources. There could also be a reputational risk to the council. The ongoing impact of a number of combined risks in the wider economy are increasing financial risks and uncertainty for future years.
	Current Controls:	WLL have committed to medium term financial planning consistent with the council's budget strategy period 2023/24 to 2027/28. Ongoing liaison with WLL via the WLL Review Group to ensure operational and financial implications resulting from Covid-19 are identified on a timely basis. WLC are sharing relevant findings of council Horizon Scan reports, reports on Chancellors Budget/Scottish Budget etc with WLL management to provide them with appropriate up to date information to inform their future planning assumptions. Meetings take place between (i) WLL senior management and key WLC EMT members and (ii) WLL Finance team and WLC FMU officers as necessary to discuss WLL's financial position and challenges, the implication of these and options around mitigating actions available. Regular updates on WLL's financial position are provided to EMT, CMT, PMAB by council officers to ensure there is timely and accurate financial information provided to senior council management. Monitoring of WLL's budget/forecast position is being reported to WLL Audit & Finance Committee and WLL Board. Attendance at WLL Board and Audit & Finance Committee meetings as required by council officers. Pre WLL Review Group meeting held with FMU and WLL's Head of Finance to ensure there is clarity and a common understanding of current operational and financial issues impacting WLL. Ongoing quarterly reporting to WLL Advisory Committee on financial position and any action required. Reports to Council Executive on WLL's operational and financial position 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.

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
25		25							

4

	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 5 Year West Lothian Rapid Rehousing Plan a number of controls are in place aimed at reducing demand through prevention and increasing temporary accommodation to meet demand. There was a slight reduction in demand for homeless services for 2019/20, but during 2020/21 the demand for homeless services increased due to the pandemic . In 2021/22 the services has experienced a decrease in homeless presentations of 19 % when compared with the same position in 2020/21. This trend continues in 2022/23 with a 12% reduction to date. This is due to the implementation of the new allocations policy in March 2021 with a policy shift to awarding higher levels of housing needs points to applicants at risk of homelessness therefore assisting in the prevention of homelessness. There continues however, to be a high backlog of homeless applicants where the council has a statutory duty to secure a permanent outcome. As of 31 March 2022 the backlog of open homeless cases was 1, 362. This along with the high demand for temporary accommodation and the low supply of available permanent lets across the social rented sector has reduced turnover in suitable temporary accommodation stock and subsequently causing an ongoing reliance on the use of B&B Accommodation to meet the council's statutory homeless duties. The West Lothian RRTP has been updated with the outturn position for 2022/23 and the action plan has been reviewed to ensure priorities are targeting the current position. The updated RRTP for 2022/23 will be reported to Council Executive on the 21 June 2022 seeking approval to be submitted to the Scottish Government for the end of June 2022. The Acton Plans has been refreshed with more focus on early intervention and prevention with resources targeted at a wide range of actions, including Education, Health and Social Care and third sector solutions aimed at homeless prevention. A number of additional controls are in place as follows: RRTP update seeking approval to the agreement between the council and the four main providers of social rented housing in West Lothian to allocate an average of 65% of social rented lets to homeless applicants requiring permanent accommodation for 2022/23. Reduce use of B&B accommodation through increasing the number and capacity of temporary tenancies through Private Sector Leasing to 110 units and sharing accommodation to 30 spaces. 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.

5

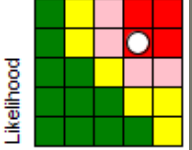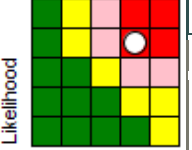|										
					Move to a prevention approach to homelessness to reduce demand. This will be achieved through the transition to a wider housing options approach to prevent homelessness and the introduction of Personal Housing Plans as part of the implementation of the Allocations Policy review. More targeted approach to achieve sustainable housing options in the private rented sector Targeted educational support for young people at risk of homelessness Piloting a Youth Housing Team Continuing the provision of Housing First service for young people and people with mental health/addictions issues Implement and evaluate a crisis intervention service for young people provided by Acton for children Expand the Night stop service provided by Rock Trust. Deliver new build supported accommodation unit for young people Employment of addictions workers to support homeless people and also to assist people with addictions sustain their tenancies.				
Risk Score	**Original Risk Matrix**	**Risk Score**	**Current Risk Matrix**	**Linked**	**Risk Actions**	**Original Due Date**	**Due Date**	**Progress**	**Description**	
25		20			HQSRRTP4 Overspend of Allocated Housing Need Budget - RRTP Homeless Prevention and Supply	30-Mar-2024	31-Mar-2024	60%	Through actions within the Rapid Rehousing Transition Plan (RRTP) reduce the number of people presenting as homeless through shifting to a wider prevention approach and through 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 to 69% and then decreasing to 55% in 2021/22 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 to ensure a minimum of 300 affordable homes be completed each year.	

6

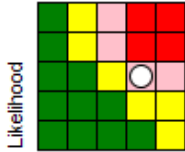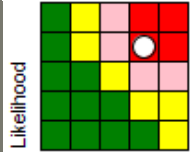| | | | | | HQSRRTP5 Overspend of Allocated Homeless Budget Support | 31-Mar-2024 | 31-Mar-2024 | 70% | Through actions within the Rapid Rehousing Transition Plan (RRTP) support people to sustain their homes to prevent homelessness and support homeless people to sustain their of allocation of permanent 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 successful move to permanent accommodation, and delivery of the new build unit and temporary accommodation for younger people. |

7

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:	The council and its partners aim to increase the though put in temporary accommodation by agreeing target lets to homeless which reduce the back log of homeless people waiting in temporary accommodation and generate through put in temporary accommodation stock. The council and its partners are finalising the target lets to homeless for 2022/23 with a proposed target of 65%. There are a range of other actions in place to assist with reducing the council's use of B&B accommodation and subsequent breaches of the unsuitable accommodation order. These are: Increase number of private sector leases to 110 by October 2022 Increase number of council temporary sharing spaces to 30 by October 2022 Introduce the use of rapid access accommodation Implement the Crisis intervention service for young people to avoid the use of hotel accommodation Expand the use of Night Stop to avoid the use of B&B for young people Monitor numbers of homeless households placed 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. Develop new build supported and dispersed temporary accommodation for 28 young people

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	33%	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

8

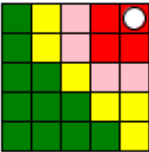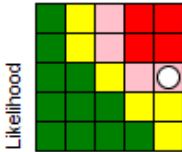|									temporary accommodation for Young People at Deans, Livingston creating 24 units. Working with the Scottish government regarding guidance on the extension of the Unsuitable Accommodation Order to all homeless people as of 1 October 2021 and mapping out current provision and future needs to comply.

9

🛑	**SPCC002 Insufficient supply to meet service demands - care at home**	Insufficient supply of care at home to meet service demands arising from lack of availability of carers. This is a national and local issue. The challenges relate to recruitment and retention of care at home staff. This impacts on capacity to deliver care for existing and new service users and may also lead to an overreliance and an adverse impact on unpaid carers. Currently this risk is highest in respect of older peoples service. These capacity issues impact on people in the community needing care at home provision and also on capacity to discharge people from hospital where a care at home service is required. The risk is closely monitored by the Care at Home Oversight Group.
	Current Controls:	- Weekly care at home oversight group comprising senior staff with analysis of unmet need and additional data to monitor trends, rising demand. Update on the position of each care at home provider in relation to staffing levels and capacity to deliver - Close working with care at home commissioned providers to explore measures to improve the situation and regular provider forums in place; - Close links between integrated discharge hub, review team and commissioning team to ensure available resources are effectively managed and make best use of resources we have - Dedicated in box established for providers to allow for the geographic clustering of packages of care to enable providers to exchange packages that no longer fit their runs to create capacity and make them more efficient; - A recruitment and retention working group has been established to agree and implement measures to tackle the labour shortage issues in care - focusing on recruitment campaign, links with West Lothian College & employability Service and mentoring programme. - Engagement with the Council's Access2Employment Team and arranged targeted meeting with the providers to ensure that the providers have access to national and local employment programmes and associated subsidies and support; - Development of assessment and review team to ensure care is targeted in proportionate manner supported by technology care where possible - with robust monitoring of unmet need. - Development of pilot winter volunteering project to support individuals awaiting a package of care - Benchmarking and connections with other local authorities, Scottish Care and Social Work Scotland to identify effective care at home capacity building elsewhere and apply learning where appropriate - Review current care at home framework arrangements to inform the future approach to the commissioning of care at home services; - Arrangements in place to ensure regular contact with unpaid carers pending implementation of care packages. - Internal care home provision adjusted to provide interim care for individuals being discharged from hospital awaiting a package of care.

10

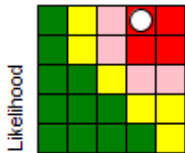| Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
16	Likelihood — Impact	16	Likelihood — Impact						

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.
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.

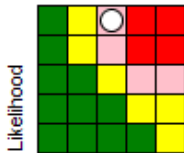| Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
16		16							

	FM007 Failure to prepare and agree a long term capital plan 2023/24 to 2027/28	Failure to prepare and agree a long term West Lothian Council capital plan could lead to impacts on the condition and suitability of priority council assets and infrastructure and service delivery across key services. The ongoing impact of funding constraints and a number of combined risks in the wider economy are increasing financial risks and uncertainty for future years
	Current Controls:	Comprehensive financial regulations in place Robust financial planning and budgetary framework in place Comprehensive Strategic Outline Business Cases prepared for all capital investment options Regular review and update of Scottish government funding announcements and wider economic data used to inform capital planning assumptions Capital funding sources regularly monitored including developer contributions Methods of procurement of projects are focused on ensuring that cost certainty and deliverability within agreed timescales requirements are considered. There is active engagement with key suppliers and contractors to mitigate and manage risks. Risks associated with cost and delivery timescales are regularly reviewed as part of the ongoing management of the capital programme and reported as part of update reports and as part of project specific reporting.

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
12		16							

13

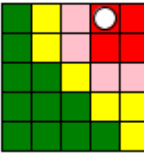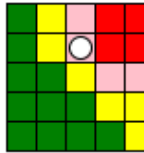|		
⚠	**WLC023 Failure to deliver financial plan to 2022/23**	Financial implications of a range of wider economy risks resulting in high and persistent inflation are not met by additional funding provided by the Scottish Government. Key pressures linked to pay, utility costs and costs of living crisis could result in failure to deliver a balanced budget and key service objectives.
	Current Controls:	**Wider Economic Risks Including Ongoing Impact of Covid-19 Pandemic** Updates on the economic context at UK, Scottish and West Lothian level are presented quarterly to the Partnership and Resources PDSP. 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. Close monitoring of monthly inflation rates and assessment of any resulting impacts on council costs and budget assumptions. Covid-19 additional costs monitored on a regular basis to identify ongoing additional costs resulting from the pandemic and returns submitted to COSLA as necessary. Transformation project team work with services and FMU to drive forward implementation of service changes required to achieve financial balance. **Local Government finance settlements** Regular review and update of Scottish government funding announcements and wider economic data used to inform budget planning assumptions. Robust financial planning and budgetary framework in place. Reports to committee on Chancellors Budget / Scottish Budget. **Failure to effectively manage the financial plan** 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.

14
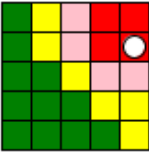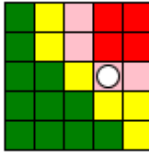
The Transformation Team works with FMU and HR to monitor the delivery of savings across the council. The outcome of this monitoring is included in quarterly monitoring reports to the Council Executive and includes a review of progress on delivery of budget savings for the three remaining years of the financial strategy.

Regular review and update of Scottish government funding announcements and wider economic data used to inform budget planning assumptions.

Briefing elected members on budget matters.

Monitoring reports go to CMT, PMAB and committee on a regular basis.

Reporting on action plan for CIPFA Financial Management Code for approval to ensure that the council can meet the requirements of the code from 2021/22 – due date 31/03/21.

Update of financial plan expenditure and funding assumptions as part of annual budget setting process

Unbudgeted and emergency budgetary pressures

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.

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.

Unplanned use of reserves

Comprehensive financial regulations in place.

Robust financial planning and budgetary framework in place.

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.

Regular review and update of Scottish government funding announcements and wider economic data used to inform budget planning assumptions.

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
25		15							

15
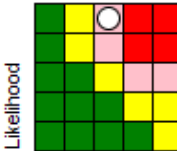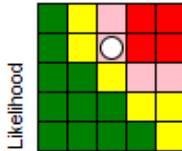
	NLCS014 Financial implications in managing the impact of ash dieback in trees across West Lothian	There is a likelihood that up to 80% of ash trees across West Lothian will become infected with ash dieback disease. The effective management of ash dieback, i.e. the measures required to deal with diseased trees in order to prevent loss of life or limb, would have significant financial implications.
Current Controls:		Updated Ash Dieback report and workplan presented at PDSP on the 29th March 2022. Pilot project is complete for the high risk trees on WLC land holdings school grounds, play areas, around public buildings and small start on roadsides. Council has allocated £500,000 of funding for 2022/23 to tackle the most dangerous trees. Officers are continuing discussions with COSLA and Scottish Government seeking funding for future years. A Strategic Outline Business Case (SOBC) has been completed as part of the budget process for the new 10 year General Services Capital Programme 2023/34 to 2032/33. The SOBC is seeking core capital investment to fund the council's statutory responsibilities associated with the management of Ash Dieback Disease. The council has completed surveys of all roadside verges and has prioritised all ash trees based on risk. A programme has been developed based on a hierarchy of risk and contactors will be appointed in January 2023 to undertake the works. The works will be funded from the £500,000 funding approved for 2022/23.

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
20		15							

16

		An economic downturn, defined as an increase in the unemployment rate on 5 months from a rolling six month period, an economic recession extending for six months and / or the loss of a single employer with greater than 1,000 employees, could lead to pressure on business activity and an increased rate of business failure, increased unemployment, lower than anticipated house build completions, together with wider social impacts including poor health. This would place stress on the council's ability to continue to deliver services due to increased demand, and conflict with the council's objective of improving the employment position in West Lothian.
	WLC025 Economic Downturn	
	Current Controls:	Monitor impact on key sectors including housebuilding and those businesses with an EU focus in terms of market share. Monitor unemployment rates on a monthly basis including on age bands and employment sector to give advance indication of potential problems. Monitor changes to business start-up and failure rates on a monthly basis to give advance notification of potential problems. Monitor West Lothian house completions on a monthly basis to give advance notification of potential problems On-going horizon scanning including with national partners such as Department of Work and Pensions and Scottish Enterprise and Skills Development Scotland together with local partners such as the West Lothian College. Continue to liaise and collaborate with other councils to ensure efficiency of response. Continue to liaise and collaborate with Scottish Local Authorities Economic Development Group (SLAED). Ongoing review of response arrangements including PACE (Partnership Action for Continuing Employment) to ensure that the remain effective and appropriate in responding to any emerging challenges.

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
20		15							

17

	ED002 Loss of education provision due to industrial action	Local or national industrial action by staff which may result in the inability to provide statutory education requirements and potentially affect the educational progress of young people.
Current Controls:		- Management maintain a good working relationship with teaching unions at local level. - Education Services will make use of GLOW when possible during industrial action to maintain a level of service provision for pupils. All pupils/staff have GLOW accounts - Move to remote learning (as per COVID) maybe required. - Monitored through Education SMT meetings. - Strike action working group established , chaired by Chief Executive.

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
12		15							

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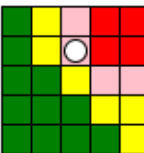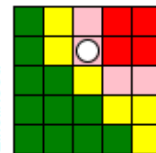
	APS005 Failure to achieve the child poverty outcome of the Anti-Poverty Strategy	Failure to effectively co-ordinate activities with national government or community planning partners may lead to failure to deliver the strategy and achieve the agreed outcomes. Scottish Government has set a target to eradicate child poverty by 2030. An interim target has been set for 2023 to reduce relative child poverty to 18%.
	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 an annual progress report to the 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 New Covid-19 scorecard introduced which is monitored by multi service group and reported regularly to CPP Board Child poverty reference group meets quarterly to monitor the action plan for Child Poverty

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
20		12							

19

	EH006 Food safety and public health impacts of food supply chain disruption	This considers potential impacts on food supply chain. Any disruption to the supply chain could lead to increased risk of food crime and food fraud, increased opportunity for food incidents and unsafe food being provided. Imported food controls could create increased demand on checks for safety and quality and deferring of inspection from port authorities to inland authorities.
	Current Controls:	Currently part of ongoing Environmental Health surveillance and inspection plan, but increased opportunity if food chain becomes vulnerable. Priority will be given to issues which present a significant risk to public health. Depending on the scale and nature of incident or activity it may require multi-agency involvement. There are procedures in place for dealing with such incidents. Priority will be given to inspection of imported foods to ensure the protection of public health within West Lothian and other parts of the UK. Staff resource issues are being pursued. Other resource requirements will also be pursued. Level of service will be determined by staff, resources and other demands.

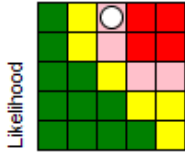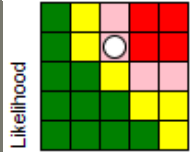| Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
20		12							

	CPU001 Failure to manage the procurement plan	Corporate Procurement Unit and service area staff resources are insufficient to deal with the volume of sourcing activity, which may result in the failure to deliver the procurement plan and/or may require contracts to be extended rather than tendered which may impact on ability to achieve best value. These resource issues may be exacerbated by internal factors such as staff absence and vacancies as well as external factors, for example major policy changes at government level, changes in economic/market conditions, suppliers / contractors may fail to deliver goods / provide contracted services either as a result of failure of the supply chain or going out of business. Factors may lead to additional work for CPU in letting replacement contracts, and resulting in operational delays, external challenge or litigation, or failure to deliver best value. Where resource is not available in CPU there would be an impact on delivery of the workplan with resource unavailable to deliver activity.
Current Controls:		Review of workplan and monitoring of progress. Regular progress meetings with services, either monthly or quarterly. Agreement with services on priorities and plan re-baselined where required. Put a hold on elements of work plan for critical resource issues. Use of flexibility available in procurement regulations where applicable. Recruitment to fill vacancies as they arise and/or internal secondments/backfill. Report on risk to the board.

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
15		**12**							

21

	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. New compulsory Maybo training modules were introduced and launched on 15th August 22 to all Education staff 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							

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. Four 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 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							

23

	APS006 Cost of living crisis leading to increased demands on service	The increased cost of living may lead to increased numbers of individuals looking for help and support from the Anti-Poverty Service.
	Current Controls:	Continued development of self-help guides, tools and information to support customers who are facing challenges. Pro-active and targeted campaigns to reach those in need at the earliest time with a controlled approach. Streamlined processes and procedures with improve efficiency. Increased use of the FORT referral and tracking system with internal and external partners. Structured publicity managed alongside resource management. Wider training for staff across the service with improved holistic approach. Working with partners and services to look at early intervention and support. Weekly managers catch up and monthly managers meeting to monitor resources, workloads and pressures. Monthly one to ones with staff to support with managing work pressures.

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
12		12							

West Lothian Council

RISK ASSESSMENT METHODOLOGY

RISK MATRIX

LIKELIHOOD		Insignificant 1	Minor 2	Significant 3	Major 4	Catastrophic 5
	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				

August 2022

1

LIKELIHOOD 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 likelihood consider a three year time horizon and use your knowledge and experience of previous issues, both within the council and elsewhere.

2

IMPACT TABLE

Each risk is scored 1-5 for impact. In assessing impact each column is independent. Use the highest score.

Hazard / Impact of Risk	Personal safety	Property loss or damage	Regulatory, statutory or contractual	Financial loss, penalties, or costs	Impact on service delivery	Personal privacy infringement	Community / environmental	Impact on Reputation
Insignificant 1	Minor injury or discomfort to an individual	Negligible property damage	Breaches contained within the service	Less than £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 in one incident	Minor damage to one property	Breaches reported within the council no external action	£10k to £100k	Minimal disruption to services	Non special category personal information for one individual revealed or lost	Impact on an individual or small group	Contained within service
Significant 3	Major injury or harm to an individual	Significant damage to small building or minor damage to several properties from one source	Adverse comment or censure by government, courts, auditors, or regulators	More than £100k to £500k	Noticeable impact on service performance.	Non special category personal information for several individuals revealed or lost	Impact on a local community	Local social media or press interest
Major 4	Major injury or harm to several people in one incident	Major damage to critical building or serious damage to several properties from one source	Government, court or regulator sanction, including action which impairs our ability to deliver a service	More than £500k to £2m	Serious disruption to service performance	Special category personal information for one individual revealed or lost	Impact on several communities	National social media or press interest
Catastrophic 5	Death of one or more people	Total loss of critical building	Government, court or regulator action resulting in an inability to deliver key services	More than £2m	Non achievement of key corporate objectives	Special category personal information for several individuals revealed or lost	Impact on the whole of West Lothian or permanent damage to site of special scientific interest	Officers and/or members dismissed, sent to prison or forced to resign

DATA LABEL: PUBLIC

GOVERNANCE AND RISK COMMITTEE

INFORMATION TECHNOLOGY RISKS

REPORT BY HEAD OF CORPORATE SERVICES

A.   PURPOSE OF REPORT

To inform the Governance and Risk Committee of the council's information technology related risks.

B.   RECOMMENDATION

It is recommended that the Governance and Risk Committee:

1.   notes the council's information technology related risks;

2.   provides feedback to officers on the risks, controls and 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**	Council officers as necessary to review and update the risks.

D.   TERMS OF REPORT

This report is submitted in accordance with the Governance and Risk Committee's workplan and sets out those risks in the council's corporate risk register which are tagged as information technology related risks.

The information technology risks are set out in detail in the appendix to this report and are summarised in the table overleaf. There are 12 such risks, two of which are scored as medium risks and ten are scored as low risks.

SUMMARY OF INFORMATION TECHNOLOGY RELATED RISKS

Risk Title	Current Risk Score	Traffic Light Icon	Assigned To
WLC014 Cyber attack	10	⚠️	IT Services Manager
WLC007 Failure to prepare, or effectively deploy, up to date information security policy and procedures	9	⚠️	Head of Corporate Services
WLC028 Failure of council web services	6	✅	Corporate Communications Manager
CSC001 Failure to maintain Customer Service Centre, including Careline	6	✅	Customer Service Centre Co-ordinator
ITS001 New projects - failure of contractor to meet contractual obligations	6	✅	IT Services Manager
ED027 SEEMIS Connectivity	6	✅	Strategic Resources Manager
ED035 Loss of access to on line learning platform (GLOW and SEESAW)	6	✅	Digital Learning Manager
WLC015 Disconnection from the national PSN network	4	✅	IT Services Manager
WLC006 Failure of the council network	4	✅	IT Services Manager
HRS001 Failure to pay over monies due to third parties on time	3	✅	HR Manager
ITS002 Failure to align I.T. Strategy with business plans	3	✅	IT Services Manager
ITS003 Failure to effectively manage I.T. projects	3	✅	IT Services Manager

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: Information Technology Risks

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

Lesley Henderson
Interim Head of Corporate Services
Date of meeting: 12 December 2022
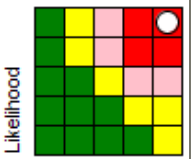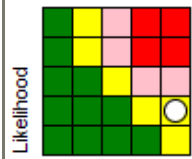
Appendix Technological Risks
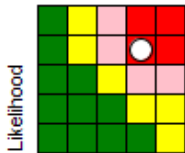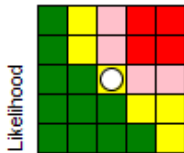
Report Author: Kenneth Ribbons
Generated on: 05 December 2022 10:27
Report Layout: .. 10 (previously R09b) Original Score, Current Score, Internal Controls with linked Actions (outstanding only)
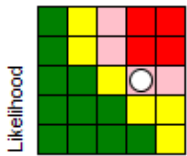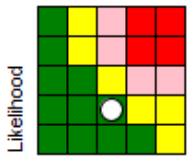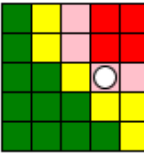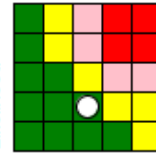
⚠️	**WLC014 Cyber attack**	Failure of internal measures to detect, deter and repulse cyber-attacks, leading to successful penetration of the network. Resulting in any of data loss unauthorised public disclosure of information, and the inability to continue to provide essential services.
	Current Controls:	Annual Health check for PSN compliance. Attain and maintain annual Cyber Essentials Plus certification. Penetration tests for specific applications or projects. Engagement with national bodies such as the Cyber Information Sharing Partnership (CISP) and National Cyber Security Centre (NCSC) Review of external incidents to other public sector organisations and lessons learned. Security protocols are required to be reviewed by all users and evidenced by training course certificates yearly or upon appointment. Role segregation so that those accounts that have permissions to undertake tasks like software installation are not the same accounts that are used to access email. Use of internal software and hardware applications to monitor, report and prevent breaches such as: Firewalls Email filtering Protective DNS and web filtering Anti-virus and advanced threat protection Security Patching Network segregation Recovery protocols in place to return to normal working, regular restores are performed as business as usual service requests via Supportworks. Desktop testing of the arrangements in place to maintain service delivery in the event of a successful cyber attack.

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
25		10		▶	IA22007_Ar Cyber desktop action plan	31-Mar-2023	31-Mar-2023	90%	Completion of the agreed actions 1 to 18 as set out in the action plan arising from the cyber desk top exercise on 29 April 2022.
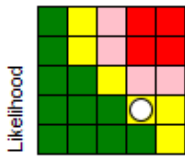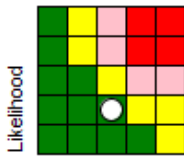
	WLC007 Failure to prepare, or effectively deploy, up to date information security policy and procedures	Corporate policy is not up to date, or is not effectively deployed, for example due to lack of corporate procedures, advice, support, or training. Leading to an information security breach (loss of data), and /or an inadequate response to a breach once occurring. Resulting in disruption to services, regulatory fines and reputational damage.
	Current Controls:	Information Governance Policy and Information Security Guidance procedures in place which are subject to ongoing review. Process in place for the management and reporting of incidents in breach of the IT Security Policy. Council achieved compliance with the requirements of the Government Secure Extranet Code of Connection in October 2010, which is subject to annual external review. Compulsory online training in place (refreshed Information Security content. Service led training provided based on material produced by IT Services. Service led training provided based on own material relative to specific operational conditions. Awareness posters distributed across buildings (refreshed poster content. Imatters email issued to staff on a monthly basis. Global email facility to highlight specific security threats. Data Processing Agreement and Data Processing Standard in place for use with third parties who manage data on behalf of the council. Annual code of corporate governance compliance statement prepared. User agreements (data handling and confidentiality) used with employees who handle sensitive data (not fully rolled out across all services).

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
16		9							

✅	**WLC028 Failure of council web services**	Cyber attack or technical issue leading to failure of, and therefore no access to, the externally hosted public council website, internal intranet and several "sub-sites". Resulting in communications failure, customers unable to access services, an inability to receive payments, and reputational damage.
	Current Controls:	Support and maintenance contract with Goss Interactive, Web Partners Regular upgrades by Goss Monitoring of web performance and stability by Goss Internal analytics e.g. monitoring of downtime Disaster recovery arrangements - Goss will recover the website 'as soon as they can', although no defined timescales are in place

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
15		6							

	CSC001 Failure to maintain Customer Service Centre, including Careline	Explosion, fire, flood, technical fault, severe weather or pandemic leading to loss of property, power, I.T. or staff and resulting in an inability to maintain CSC telephony service and /or Careline.
Current Controls:		Have UPS within Civic centre first floor - powers Careline and 8 pcs within customer service centre. St David House contingency for 11 PC's . For Careline can 'Disaster Recovery' to 3rd party (Tunstall) Resort to paperwork procedure to take enquiries to be logged at a future date. Phone services for emergencies instead of e-mail.

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
12		6							

	ITS001 New projects - failure of contractor to meet contractual obligations	Insufficiently robust review of service requirements and supplier specifications, coupled with the complexities of new projects, may lead to the contractor not delivering, or not delivering timeously, on key aspects of a project. Resulting in an adverse impact on service delivery.
	Current Controls:	Contracts have timescales Contract Service review meetings involving both Council and Contractor and monthly service reports Escalation paths Contract breach notices and penalties Highlight reports on all aspects of progress are submitted regularly and collated status position is reported to the ICT Programme Board Material slippage reported to ICT Programme Board Material slippage on critical corporate projects is also reported to EMT Revisions to programmes Review of legal options Review of contractual performance before deciding on extensions to contracts Review of project closure reports to identify if any additional measures can be fed into future procurement/contracts

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
12		6							
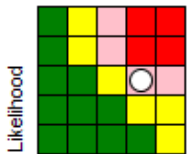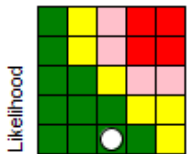
✅	**ED027 SEEMIS Connectivity**	SEEMIS is the core main school management information system in schools which holds all pupil information relating to tracking and monitoring, emergency contact details etc.
	Current Controls:	A System Security Statement detailing security roles and responsibilities has been developed. SEEMIS have a disaster recovery plan developed as they support all 32 LAs. WLC have BCP in place, schools would revert to paper based records if required in event of a disaster. Liaison with schools to ensure any potential outages are communicated from central Education. Dedicated SEEMIS employee as link officer with WLC. SEEMIS help desk. School email inbox maintained by Education centrally by 3 members of staff.

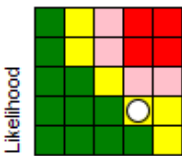| Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
8		6							

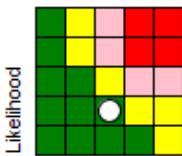|	ED035 Loss of access to on line learning platform (GLOW and SEESAW) both which are web based.	Loss of access for pupils and staff to the on line learning platforms (GLOW and SEESAW) both of which are web based resulting in the potential for disruption to education provision.
	Current Controls:	- These on line platforms have no dependency on West Lothian internal servers. These services are cloud based and can be accessed from any location with internet access (including 4/5G) and from any device. - SLA for GLOW is managed by Scottish Government and has a 4 hours response time. In the event of extended loss of access schools will revert to paper based learning.

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
8		6							

✅	**WLC015 Disconnection from the national PSN network**	Noncompliance with Cabinet Office security standards, leading to disconnection from the national Public Services Network (PSN) and a total loss of PSN secure connection for council services, including statutory services. Resulting in an inability to deliver critical council services.
	Current Controls:	A CLAS consultant engaged to assist the council prepare its submission for assessment by Cabinet Office Annual IT Health Check by PSN accredited partner Any outstanding compliance items identified will be managed by a dedicated resource within IT Services IT Services benchmarking with other councils to share experience and procedures The council is lobbying groups such as SocITM and SOLACE for improvements to the submission and assessment process BCP plans periodically reviewed to ensure identification of contingency measures for loss of connectivity Service areas benchmarking with other councils to share experience and procedures Staff who access PSN systems are being vetted to Baseline Personnel Security Standard Council file plan security settings to be reviewed by services on an annual basis Corporate and service level information security guidance to be reviewed Information Management Working Group will ensure annual review of service fileplans IT Services maintain involvement in SOCITM security group to share information and clarifications in preparation for next submission

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
20		4							

	WLC006 Failure of the council network	Mechanical breakdown; power failure coupled with failure of UPS or generator; environmental issue such as fire or flood; contractor severing cable; or network capacity issue; leading to a failure of the IT network, including a failure of IPT telephony. Adversely impacting on the council's ability to deliver critical council services. There is a separate risk WLC014 covering cyber attack.
	Current Controls:	ICT Strategy ICT programme board Audit of implementation of IP telephony and remedial actions completed Replacement of Civic Centre building UPS and maintenance plan in place to prevent failures. Testing of IT Data Centre and hub rooms Additional IT desks were enabled to run from building UPS to expedite recovery DR Data Centre in Operation Resilient network design at Civic Centre building including wide area network connectivity to external council sites.

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
12		4							

✅	HRS001 Failure to pay over monies due to third parties on time	IT malfunction causing failure of the human resources system, and leading to failure to pay over monies due to staff, HMRC, pension fund or other third parties on time. Resulting in fines (HMRC), payment of bank charges incurred by employees, reputational damage.
	Current Controls:	Internal payroll procedures have checklist processes in place to ensure all relevant payments are made by the due dates. Internal payroll processing timescales ensure there is sufficient time built in to address the impact of any system failure that may impact on payments schedule.

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
12		3							

✅	ITS002 Failure to align I.T. Strategy with business plans	Failure to properly co-ordinate the corporate I.T. Strategy with service plans leading to ineffective service plans and an impaired ability to deliver on council priorities.
	Current Controls:	ICT Programme Board chaired by member of the Executive Management Team Timetable for updated strategy to be presented to Modernisation Board Progress reporting on Strategy to ICT Programme Board All Programme Board papers to all heads of service Service portfolio and service project managers now embedded within management arrangements for services IT Manager sits on Capital and Asset Management Board The 10 year Asset Management Strategy includes ICT as a key asset category IT Manager is on the extended membership of the Risk Management Board for ICT and Business Continuity items Service Management Plans are reviewed by IT Manager and annual review meeting held with each Senior Service Management Team ICT Strategy refresh involves individual meetings with each Head of Service to ensure alignment with their service and delivering better outcomes objectives 2018/19 ICT Strategy was presented to ICT Programme Board, EMT and CMT during development along with the refreshed Customer Services, Digital, People, Improvement strategies. The 2018/23 ICT Strategy was presented to Partnership and Resources PDSP and approved by Council Executive on 12 June 2018.

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
12		3							

	ITS003 Failure to effectively manage I.T. projects	Project management approach is not effective leading to a failure to deliver I.T. projects on time, within budget, or to client specification. Resulting in material impact on service delivery.
	Current Controls:	Projects have timescales with boundaries set for timescales and budget All IT projects are delivered/managed based on PRINCE 2 project management methodology The portfolio of projects are monitored ongoing by the Service Portfolio & Programme Manager Quality Assurance role is applied where required on large/complex IT projects All projects have an assigned Project Manager and agreed Project Executive Highlight reports on all aspects of progress are submitted monthly and collated status position is reported to the ICT Programme Board on a quarterly basis Material slippage reported to ICT Programme Board Material slippage on critical corporate projects is also reported to EMT Exception reports drawn up and considered by ICTPB for all breaches out with agreed tolerance Portfolio RAG status reported quarterly to ICTPB Review of legal options where required to ensure appropriate penalties are included within contracts to encourage delivery and minimise financial impact Review of contractual performance before deciding on extensions for professional services with the delivery of the project lifecycle Review of project closure reports to identify if any additional measures can be fed into future projects/procurement/contracts - lessons learned Annual review of ICT Services Project Methodology and Project Management Procedure documentation at the ICTPB Internal Audit performed on a 5yr cycle

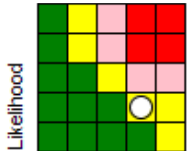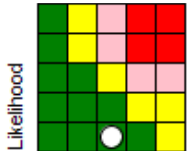| Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
8		3							

DATA LABEL: PUBLIC

GOVERNANCE AND RISK COMMITTEE

HEALTH & SAFETY RISKS

REPORT BY HEAD OF CORPORATE SERVICES

A   PURPOSE OF REPORT

To provide the Governance and Risk Committee with an overview on health and safety risk and governance arrangements in place to monitor the management of health and safety.

B   RECOMMENDATIONS

1. It is recommended that the Governance and Risk Committee notes the current systems in the management of health and safety risk.

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 Councils Health and Safety Policy requires the council to effectively manage risks. Legal requirements for Health and Safety are made under statutory obligations in the Health and Safety at Work Act 1974 and Fire Scotland Act 2005. There are numerous associated secondary statutory instruments made under both Acts that are applicable to health and safety in the workplace.
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**	N/A

1

D.   TERMS OF REPORT

1   Background

Risks relevant to health and safety are held on the council's corporate risk management system, Pentana. The identification and monitoring of risks forms part of the health and safety management system based on the Health and Safety Executives (HSE) plan, do, check, act framework.

2   Corporate Health and Safety Risk

Each service has established procedures to log and monitor health and safety risks relevant to service activities. These are monitored by the Governance and Risk Board through consideration of a biannual report. This regular review assists in ensuring health and safety risks are identified, monitored and managed.

In addition to service risks, a corporate health and safety risk focusses on failure to prepare, or effectively deploy, up to date corporate health and safety policies and procedures. This risk identifies the requirement for policy and procedures, provision of advice and support from the health and safety team and provision of training. The risk identifies failure to have these in place may lead to a breach of the council's statutory obligations and is classified as a medium. This takes into account the potential impact of a health and safety failure on personal safety, financial loss, communities, disruption to services, breach of legal requirements and the likelihood of occurrence.

3   Health and Safety Policy and Procedures

The Health and Safety at Work Act, 1974 (HSAWA) places a duty on all employers of five or more employees to have a written statement of their policy in respect of Health and Safety and a requirement to bring the policy and its revision to the notice of employees. A revised Health and Safety Policy was last approved at Council Executive in February 2021 and will be reviewed in 2023. The content of the policy follows guidance published by the regulatory body for Health and Safety, the HSE.

The last revised policy included extended information in three areas – Safe People, Safe Procedures and Safe Equipment. The expansion in these areas was primarily as a result of monitoring activities carried out as part of the health and safety management system. There had been no significant regulatory changes.

In addition to the policy, a suite of topic specific procedural documents supports and provides guidance to ensure local arrangements are sufficient where a particular topic applies to the work activities carried out in that service.

Depending on the extent of changes policy and procedure reviews will be accompanied by a roll out plan identifying action to be taken, training needs for staff and the requirement to develop and implement service specific procedures.

Health and Safety advisers assist services in the creation, implementation and monitoring of procedural documents.

4   Review of Policies and Procedures

Reviews of corporate policies and procedures were historically monitored through the Corporate Health and Safety Committee, Human Resources Programme Board and the Governance and Risk Board.

In September 2022 it was agreed at the Human Resources Programme Board that future reviews of health and safety policies and procedures will be in line with the system of review for Human Resources related policies. They will be conducted by a panel of relevant stake holders including relevant key officers and employee representatives.

2

Each policy review will follow the same structure, considering the following elements:

- Legislative changes and best practice
- Practical application – strengths and weaknesses
- Effectiveness in meeting service needs and customer demands
- Equality
- Language

The outcome of reviews will be reported to the Corporate Health and Safety Committee and the Human Resources Programme Board. It is considered that this collaborative approach will provide improvement in the quality of review and development to ensure they are operationally workable for services.

5   Sphera

Sphera is a multi-function online safety management tool used by all services. The system is used in partnership with East and Mid Lothian Council. It captures data on incidents, investigation, risk assessments, Control of Substances Hazardous to Health (COSHH), audits, performance reports and safety related documents e.g. policies and procedures. Use of the system is monitored by service managers and health and safety advisers.

Use of the software assists in demonstrating due diligence is being exercised. Reports from Sphera are used to monitor health and safety risks. The system is also utilised by Education services to complete an annual school medication audit.

6   Monitoring Health and Safety Performance

Monthly Health and Safety update reports are provided to the Corporate Management Team to inform them of safety issues/ concerns that have or could affect the working arrangements and services of West Lothian Council. Information in the report includes upcoming changes to legislation, reportable incidents, incidents of note, near misses, incidents of violence and aggression, employer liability claim payments and training completed. Similar reports are also presented to the Human Resources Programme Board, Governance and Risk Board and Governance and Risk Committee.

Health and Safety advisers provide monthly reports to each service management team highlighting service relevant issues and also attend service management meetings on a minimum of a quarterly basis. The data analysis included in these reports is accompanied by recommendations for action to be taken.

There is a requirement for health and safety to be included as a standing item on the agenda for team meetings to provide additional opportunity for relevant service issues to be discussed and to provide further opportunity for employees to raise concerns and ideas they may have.

Health and Safety performance is further monitored through corporate and service level performance indicators.

7   Training

The Council has a programme of annual health and safety e-learning, which has been updated to reflect current legislation and raises awareness of the importance of health and safety in the workplace. All staff are required to complete the e-learning module. All new staff are required to complete a health and safety induction.

Other training required for staff is identified through statutory obligations, risk assessment and procedures. Training requirements are managed by each service and are commensurate with risks relating to the work tasks carried out. The frequency of training provision is determined by statue, risk assessment or procedural requirements.

E.   CONCLUSION

The council has implemented robust processes with the aim of ensuring that health and safety governance supports statutory compliance and maintains safe and healthy workplaces.

3

F.   **BACKGROUND REFERENCES**

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

West Lothian Council Health and Safety Policy

Contract Person: -   Kim Hardie, Health and Safety Manager
                        01506 281414, Kim.Hardie@westlothian.gov.uk

Lesley Henderson
Interim Head of Corporate Services

Date of meeting: 12th December 2022

4

DATA LABEL: PUBLIC

![West Lothian Council logo]

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.

D.   TERMS OF REPORT

D.1   Background

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.

D.2   Health & Safety Management

The management of health and safety aims to create and maintain safe and healthy workplaces. 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 and monitoring of the health and safety management system.

Internal leading and reactive indicators are used to identify required control measures that mitigate identified risks. They provide objective information that is measurable, easily collected, monitored and considered by Services and Corporate Health and Safety. They also provide reliable indicators of performance and information related to monitoring 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, guidance and incidents across all council services is considered with a view to learning lessons, making any required improvements, identifying emerging risks and sharing good practice. The report includes the provision of key statistical information. Statistical information in Appendices 1 and 2 of this report cover the reporting period of 01st April 2022 to 30th November 2022.

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

HSE Visit - Whitburn HWRC – The HSE conducted an unannounced visit to site on Tuesday 15th November. The purpose of the visit was to observe practices within the recycling centre. They observed operations and asked staff questions. No issues were raised and feedback to staff was that they were impressed with site operations.

HSE Enquiry - Lifting Operations and Lifting Equipment Regulations (LOLER) – The HSE made contact following a reported immediate defect found during a LOLER thorough examination inspection of a piece of equipment. Information was provided outlining steps taken to rectify the issues found. No further contact from the Health and Safety Executive has been received.

Management of Asbestos in Schools Initiative – The HSE are currently undertaking inspections in relation to the duty to manage asbestos within schools' premises. They have notified of their intention to undertake two visits within West Lothian in December. Preparatory work has been undertaken involving all services who support Head Teachers in the implementation of the Asbestos Policy within schools. This work has been coordinated by the Health and Safety Manager, Statutory Compliance Manager and Heads of Service within Education.

D.4   Health and Safety Committee

The Corporate Health and Safety Committee last met on the 27th October. Representatives from Council Services attended the Committee along with representatives from recognised Trade Unions. The Committee considered discussions that had taken place at service health and safety committees, health and safety statistics, procedure reviews and regulatory updates. The group planned the progression of a corporate violence and aggression working group which will look at the management of violence and aggression across all services.

D.5 **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 for consideration.

D.6 **Employers Liability Insurance Payments**

Appendix 1 details claims settled 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 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 01st April 2022- 30th November 2022
(2) Education Services Violent Incident Statistics- 01st April 2022- 30th November 2022

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

Lesley Henderson, Interim Head of Corporate Services

Date of meeting: 12th December 2022.

West Lothian Council

Dec 2021

GOVERNANCE AND RISK COMMITTEE

APPENDIX 1 HEALTH AND SAFETY STATISTICS

RIDDOR REPORTABLE INCIDENTS – 1 April 2022 to 30 November 2022

HSE Reportable 2018/19	Specified	O7D	MoP	DO	Disease	Total	HSE Notices	HSE Visits / Enquiries
Education	1	1	2			4		
HCBS		2	1			3		
Operational		8				8		2
2022/23	1	10	3			15		2
2021/22	3	8	3	1	5	20		

CUMULATIVE INCIDENTS RECORDED – 1 April 2022 to 30 November 2022

	Chief Executives Office	Corporate	Education	F&P	H.C.B.S.	Operational Services	PED'R	Social Policy
April	-	1	116	1	11	12	-	45
May	-	1	367	2	37	14	-	36
June	-	1	306	2	32	18	-	54
July	-	-	53	5	21	17	-	53
August	-	-	322	5	22	16	-	41
September	1	-	481	2	24	15	-	49
October	-	-	303	3	24	11	-	50
November	-	1	442	-	40	25	-	27
2022/23	1	4	2390	20	211	128	0	355
2021/22	2	4	1821	14	223	137	1	300

Cumulative All Incidents by Sevice
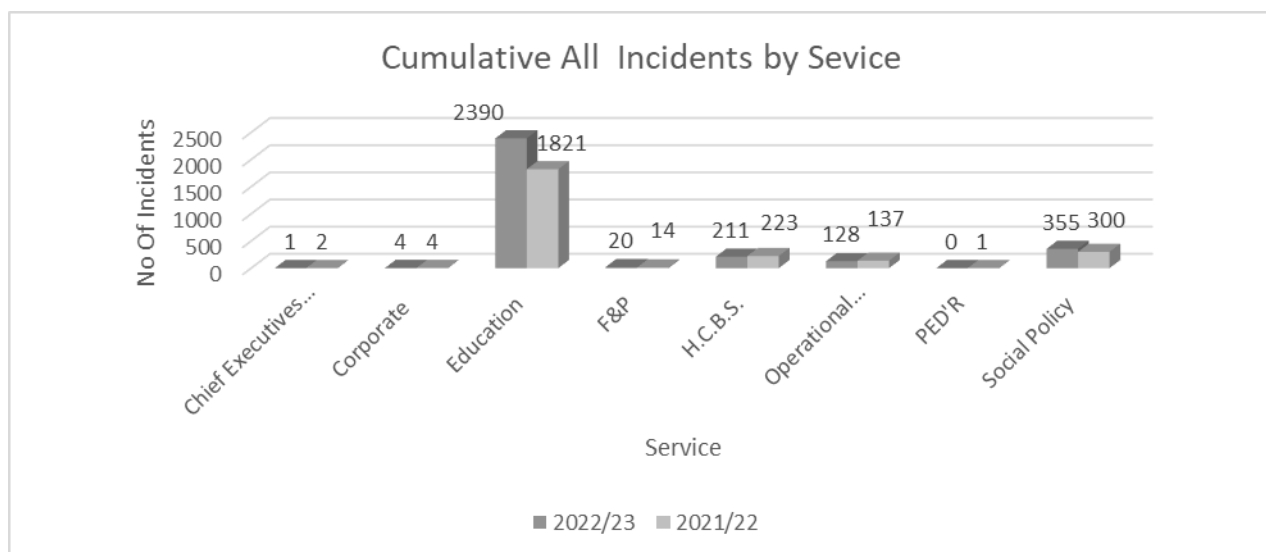
CUMULATIVE ACCIDENTS RESULTING IN INJURY 1 April 2022 to 30 November 2022

Service / Injured Party	Chief Executives Office	Corporate	Education	F&P	H.C.B.S.	Operational Services	PED'R	Social Policy	Totals
Employee	1	1	282	2	21	71	0	44	422
Third Party	0	0	16	0	5	7	0	120	148
Pupil / Student	0	0	440	0	2	0	0	0	442

CUMULATIVE INCIDENTS by Cause 1 April 2022 to 30 November 2022

Incidents by Cause

Cause	Value
Contact with electricity	2
	3
Injured by an animal	4
	4
Injured whilst handling person	6
	6
Foreign body	10
	11
Fall from chair	12
	13
Contact with a hot surface	24
	25
Hit something fixed or stationary	31
	34
Contact with a sharp edge	37
	41
Bite	46
	60
Fall on the same level	63
	68
Tripped	78
	80
Assault	331
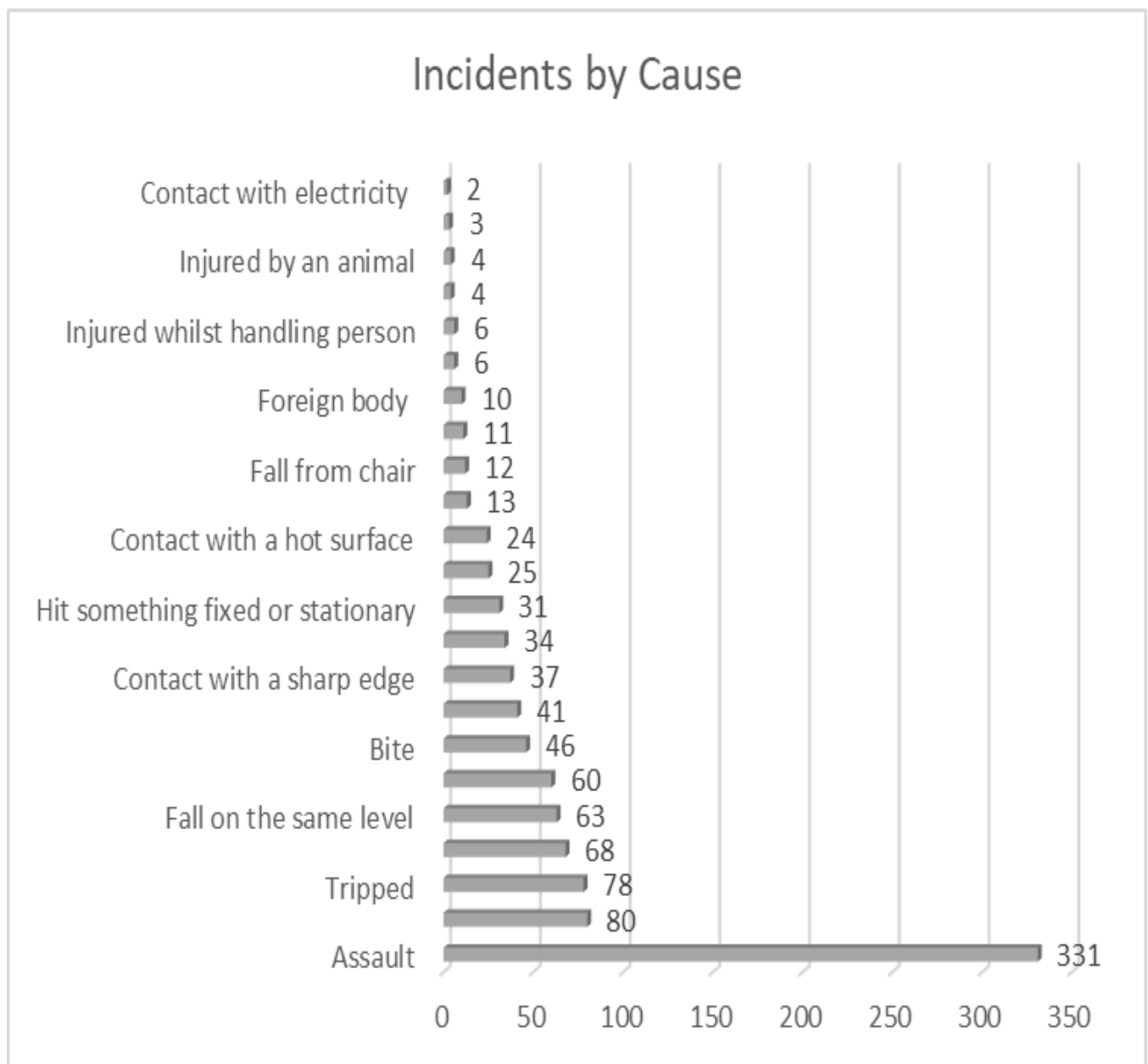
CUMULATIVE REPORTED ABUSE INCIDENTS – 1 April 2022 to 30 November 2022

	Chief Executives Office	Corporate	Education	F&P	H.C.B.S.	Operational Services	PED'R	Social Policy
April	0	1	3	0	7	1	0	3
May	0	1	9	0	22	1	0	1
June	0	0	6	1	17	2	0	2
July	0	0	0	2	11	2	0	2
August	0	0	5	0	12	0	0	3
September	0	0	13	1	3	0	0	2
October	0	0	15	2	8	1	0	2
November	0	1	17	0	15	1	0	2
2022/23	**0**	**3**	**68**	**6**	**95**	**8**	**0**	**17**
2021/22	**0**	**2**	**58**	**0**	**114**	**8**	**0**	**26**

Cumulative Abuse Incidents by Service
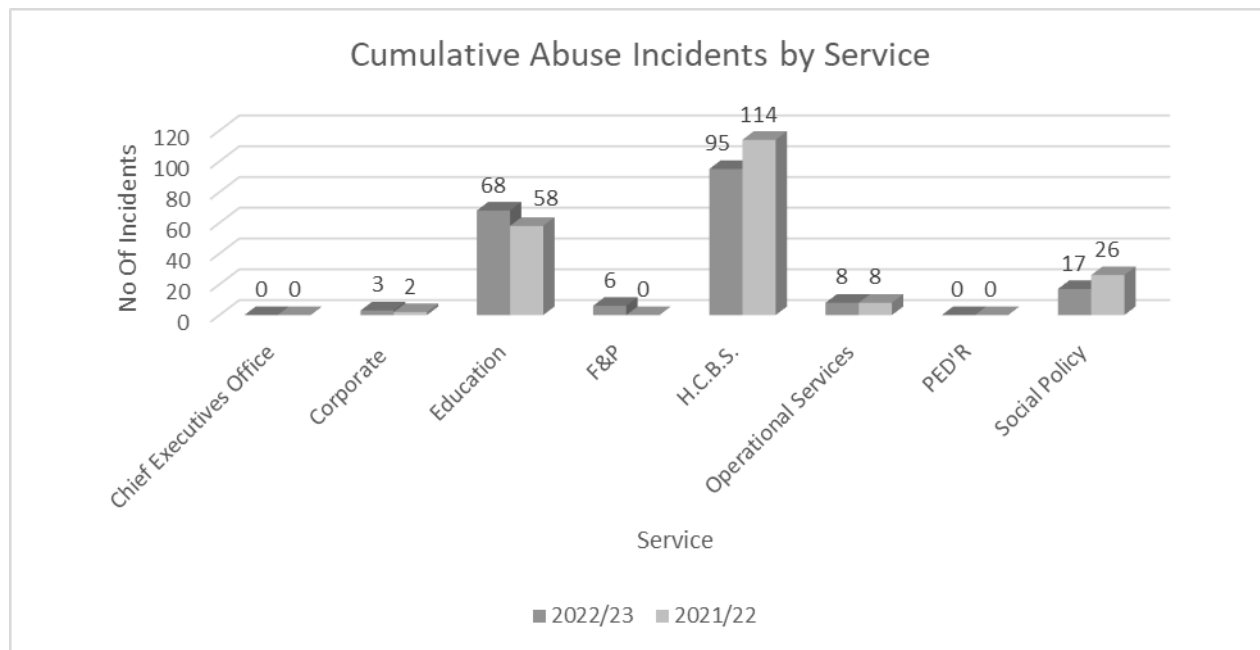
CUMULATIVE REPORTED ASSAULT INCIDENTS – 1 April 2022 to 30 November 2022

	Chief Executives Office	Corporate	Education	F&P	H.C.B.S.	Operational Services	PED'R	Social Policy
April	0	0	17	0	0	0	0	3
May	0	0	58	0	3	0	0	5
June	0	0	40	0	1	0	0	4
July	0	0	10	0	0	0	0	2
August	0	0	59	0	1	0	0	5
September	0	0	63	0	0	0	0	5
October	0	0	33	0	0	1	0	2
November	0	0	39	0	1	0	0	**4**
2022/23	**0**	**0**	**319**	**0**	**6**	**1**	**0**	**30**
2021/22	**0**	**0**	**378**	**0**	**0**	**1**	**0**	**31**

Cumulative Assault Incidents by Service
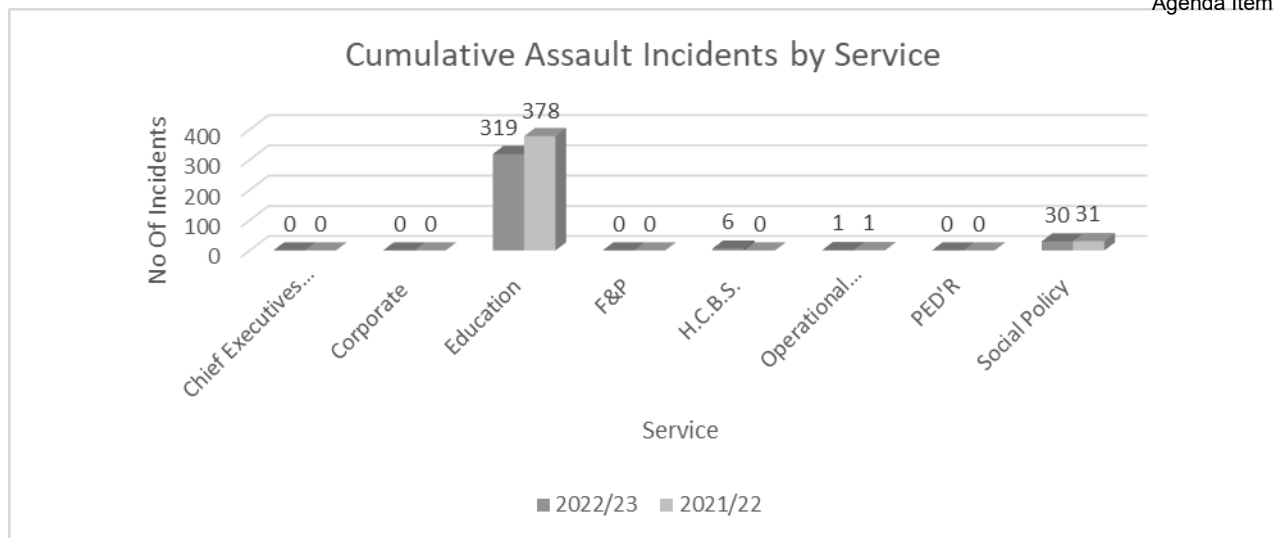
NEAR MISS INCIDENTS – 1 April 2022 to 30 November 2022

	Chief Executives Office	Corporate	Education	F&P	H.C.B.S.	Operational Services	PED'R	Social Policy
April	0	0	11	1	1	1	0	10
May	0	0	24	1	6	4	0	7
June	0	0	16	1	7	0	0	7
July	0	0	2	2	4	3	0	13
August	0	0	28	3	8	3	0	7
September	0	0	31	0	16	0	0	14
October	0	0	23	1	8	2	0	15
November	0	0	26	0	9	8	0	9
2021/22	**0**	**0**	**161**	**9**	**59**	**21**	**0**	**82**
2020/21	**0**	**0**	**187**	**8**	**38**	**27**	**0**	**58**

Cumulative Near Miss Incidents by Service
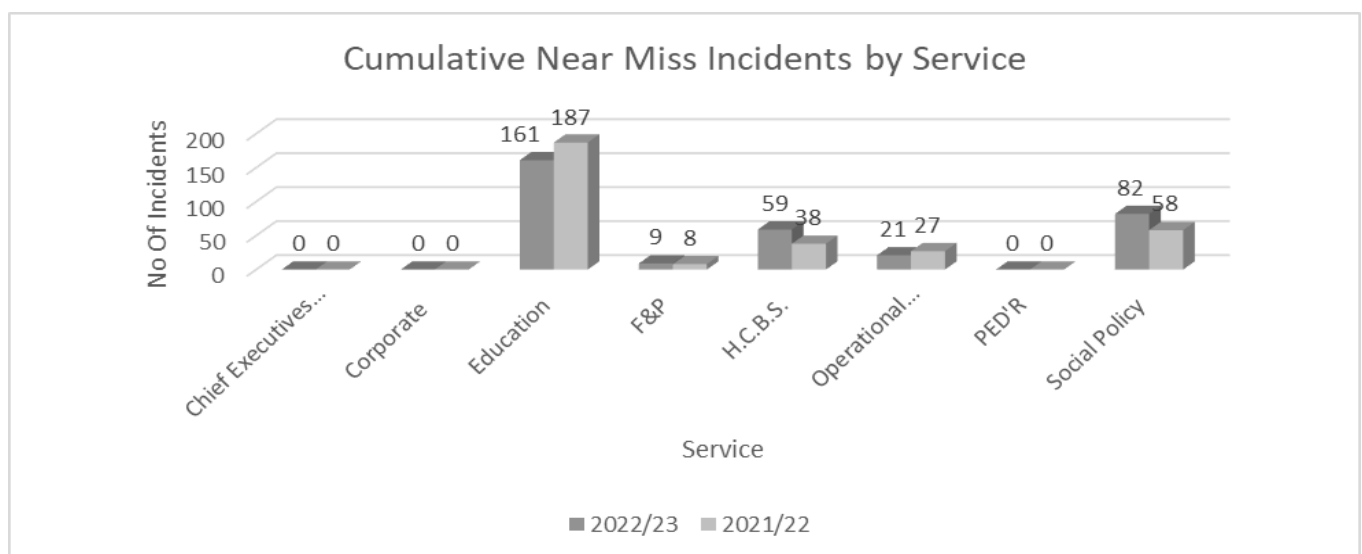
LONE WORKING DEVICE USAGE – October 2022 (Note November information was unavailable at the time of writing report)

Service	Number of Live Devices	Number of Active Devices	% of devices used in month
Education	51	25	49.02%
Elected Members	8	1	12.50%
F&P	24	16	66.67%
HCBS	177	130	73.45%
Operations	32	22	68.75%
PED'R	3	1	33.33%
Social Policy	523	354	67.69%

EMPLOYERS LIABILITY INSURANCE PAYMENTS – 1 April 2022 to 31 October 2022 (Note - November information was unavailable at the time of writing report)

Closures for 1 April – 31 October 2022 was at a total cost of £335,933.97.

WLDC/WLC

Accident year	Location	Service	Detail	Injury	Payment	Other costs	Total Claim	Cause	Incident Description
1984-96	Various		Disease-Asbestos Related	Pleural Plaques	2,110	2,615	4,726	Brach of statutory duty	Alleged exposure to asbestos materials in work environment.
1976-2020	Various		Disease - Asbestos Related	Pleural Plaques	14,280	3,460	17,740	Fault	Alleged exposure to asbestos materials in work environment.
				Payments:	16,390	6,075	22,466		
				Recovery:	-	-	-		
				Net:	16,390	6,075	22,466		

Operational Services

Accident year	Location	Service	Detail	Injury	Payment	Other costs	Total Claim	Cause	Incident Description
2016-17	Blackburn	Waste Services	Manual Handling-Unusual	Cuts/ laceration	40,000	31,608	71,608	Breach of statutory duty	Crushing injury resulting from use of compactor.
2020-21	Blackridge	Nets & Land Services	Manual Handling	Minor bruising/ grazing	0	275	275	Fault	Trapped fingers under equipment when unloading
2018-19	Bathgate	Nets & Land Services	Fall from height	Sprain/ Strain	2,000	9,235	1,235	Breach of statutory duty	Fall from raised platform. Knee/ Back Sprained

Accident year	Location	Service	Detail	Injury				Cause	Incident Description
2020-21	WCHS	Roads Operation	Manual Handling	Sprain/Strain	3,250	6,735	4,985	Breach of statutory duty	Hand trapped when moving apparatus with colleague
2019-20	West Lothian	Waste Services	Disease-Occupation	Sprain/Strain	5,000	8,279.50	33,279.5	Breach of statutory duty	Repetitive Strain Injury claimed resulting from work tasks
2016-17	East Calder	Refuse Collection	Slip/Trip	Knee Injury	40,000	19,539.90	59,539.90	Breach of statutory duty	Slipped on back of vehicle when he stood on spilt oil.
2017-18	Livingston	FM Services	Slip/Trip	Elbow Injury	10,000	18,033.50	28,033.50	Breach of statutory duty	Slipped on sawdust when cleaning toilet.
2017-18	Addiewell	FM Services	Manual Handling	Back injury	1, 800	7,712	9,512	Breach of statutory duty	Injured back when moving tables
				Payments:	**100.250**	**101,417.9**	**208,467.9**		
				Recovery:	**-**	**-**	**-**		
				Net:	**100.250**	**101,417.9**	**208,467.9**		

Housing Customer and Building Services

Accident year	Location	Service	Detail	Injury	Payment	Other costs	Total Claim	Cause	Incident Description
2021-22	Livingston	Building Services	Fall from height	Sprain/Strain	0	275	275	No Fault	Fall from roof to scaffold, no harness.
1996-97	West Lothian	Building Services	Disease-Asbestos Related	Pleural Plaques	0	0	0	No Fault	Joiner 1980-1997 Asbestos Exposure
2011-16	West Lothian	Building Services	Disease Noise	Industrial Deafness	2,244	30,896	33,140	Breach of statutory duty	Alleged exposure to excessive noise during employment.
2019-20	Livingston	Building Services	Use of machines/equipment	Cuts/lacerations	0	275	275	No Fault	Injured hand while using saw.

2018-19	Linlithgow	Building Services	Fall from height	Multiple - Other	25,000	24,892	49,892	Breach of statutory duty	Scaffolding failed. Fell resulting in multiple injuries.

			Payments:	27,244	56,388	83,582	
			Recovery:	-	-	-	
			Net:	27,244	56,388	83,582	

Education Services

Accident year	Location	Service	Detail	Injury	Payment	Other costs	Total Claim	Cause	Incident Description
2019- 20	Whitburn	Education Services	Assault	Multiple-Other	0	1,147	1,147	Pursued	Pupil struck employee with furniture. Injured knees
2021-22	East Calder	Education Services	Manual Handling - Unusual	Fracture	0	275	275	No Fault	Disruptive situation. Fell fracturing wrist.
1970	West Lothian	Education Services	Disease Noise	Industrial Deafness	0	288	288	No Fault	Alleged exposure to excessive noise during employment.

			Payments:	0	1,710	1,710
			Recovery:	-	-	-
			Net:	0	1710	1,710

Dec 2022

GOVERNANCE AND RISK COMMITTEE

APPENDIX 2 HEALTH AND SAFETY STATISTICS

The following is a comparison across the years 2020, 2021 and 2022 for the period 1 April to the 30 November 2022 for Physical and Verbal incidents against all incidents within Education by group for each respective year.

Analysis of both Physical and Verbal Incidents by Pupils against Staff and other Pupils						
Period 1st April 2022 to the 30th November 2022	**2020-21**		**2021-22**		**2022-23**	
	Employee	**Pupil**	**Employee**	**Pupil**	**Employee**	**Pupil**
Inclusion and Wellbeing						
% incidents of physical + verbal against all incidents	58%	33%	10%	3%	6%	1%
Primary and Early Years						
% incidents of physical + verbal against all incidents	43%	14%	18%	9%	13%	0.3%
Secondary Schools						
% incidents of physical + verbal against all incidents	18%	5%	17%	6%	10%	4%
All Education						
% incidents of physical + verbal against all incidents	46%	19%	18%	8%	12%	4%

ALL RIDDOR Reportable Incidents 1 April to the 30 November 2022
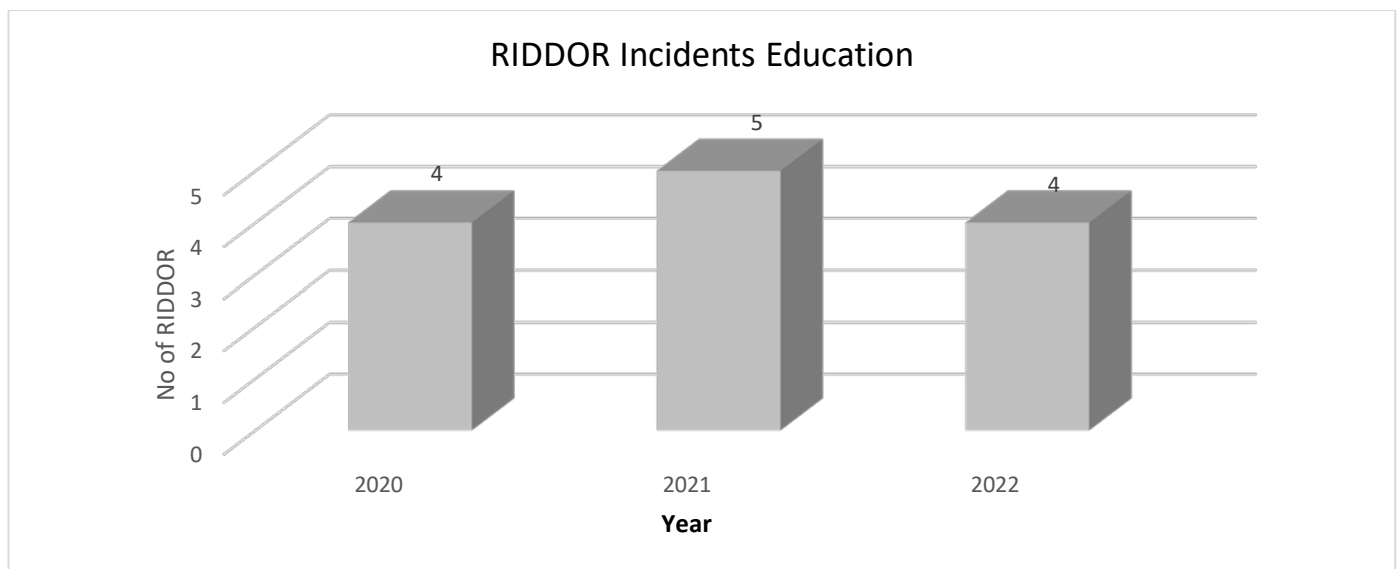
RIDDOR reported incidents 1 September to the 30 November 2022

There have been no RIDDOR reportable incidents within Education in this reporting period.

Incidents Investigated

Graphs show percentage of Physical and Verbal Incidents recorded for the period 1 April to the 30 November 2022 across 2020, 2021 and 2022 where investigation has been completed on Sphera.

Inclusion and Wellbeing

Year	% of Incidents investigated
2020	94.09
2021	94.89
2022	90.32

April to January

Primary and Early Years

Year	% of Incidents investigated
2020	88.24
2021	91.85
2022	87.53

April to January
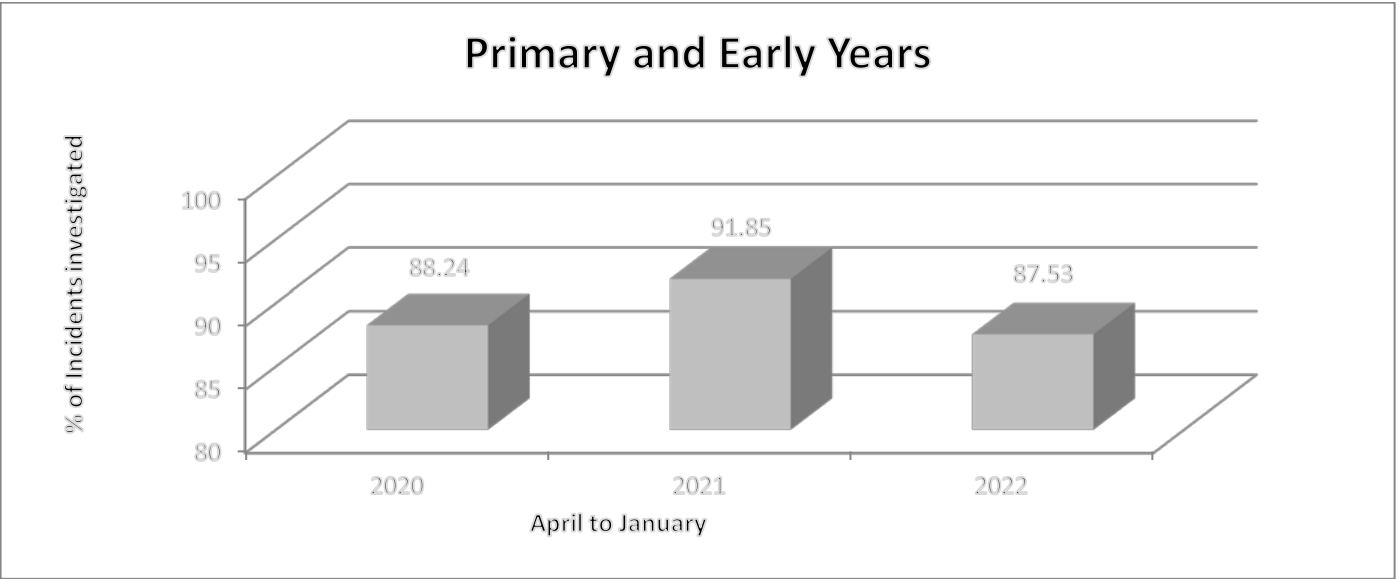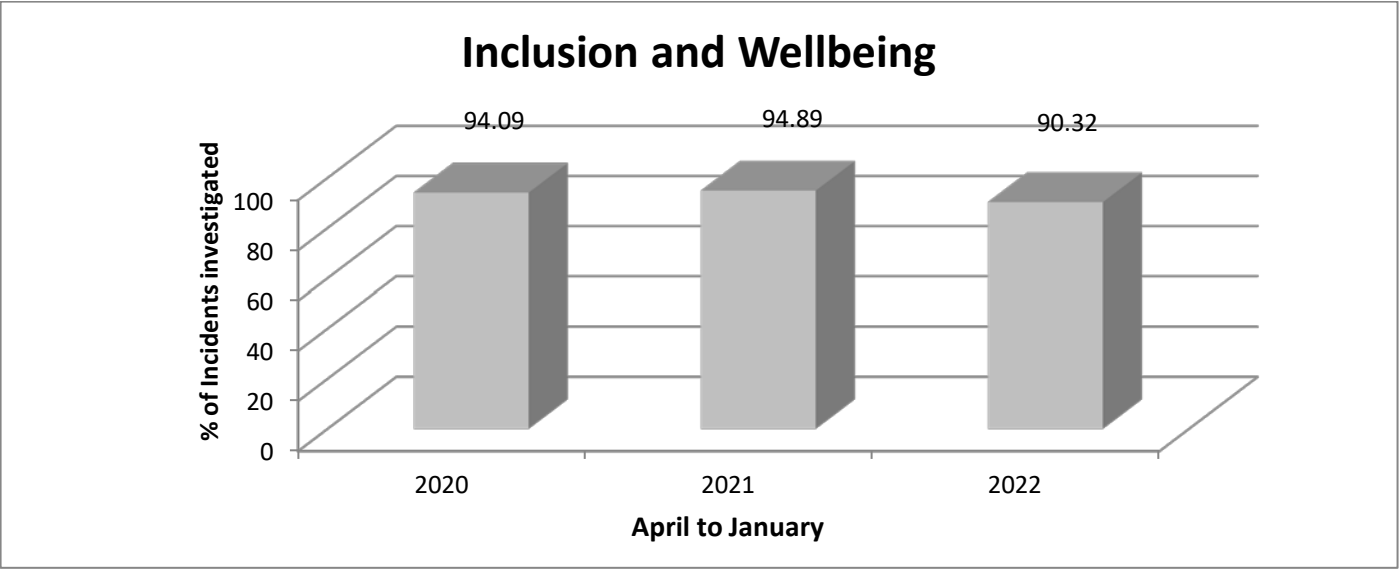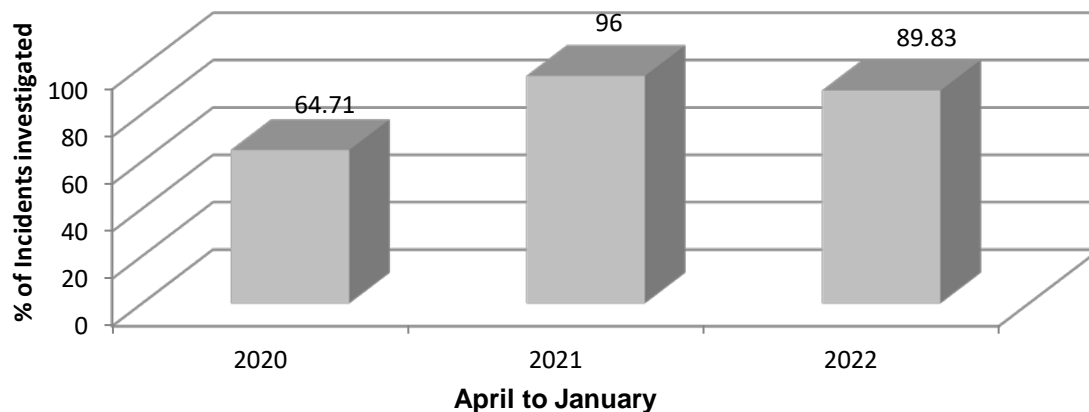
Secondary Schools

Comparison of Physical and Verbal incidents recorded on Sphera within Secondary Schools – 1 April to the 30 November 2021-22 and 2022-23.

Secondary Schools			
School Premise	**2021**	**2022**	**Difference in number of incidents reported over same period**
Armadale Academy PPP	1	10	+9
Bathgate Academy PPP	10	6	-4
Broxburn Academy PPP	3	6	+3
Deans Community High School	4	1	-3
Inveralmond Community High School	6	18	+12
Linlithgow Academy	3	3	No change
St Kentigern's Academy	9	3	-6
St Margaret's Academy	3	2	-1
The James Young Community High School	3	2	-1
West Calder High School	1	2	+1
Whitburn Academy PPP	5	6	+1
Winchburgh Academy	0	0	No change
Totals	**48**	**58**	**+10**

DATA LABEL: PUBLIC

West Lothian Council

GOVERNANCE AND RISK COMMITTEE

CORPORATE BUSINESS CONTINUITY PLAN

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A.   PURPOSE OF REPORT

To inform the Governance and Risk Committee of the council's Corporate Business Continuity Plan.

B.   RECOMMENDATION

It is recommended that the Governance and Risk Committee notes the Corporate Business Continuity Plan.

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)	Section 2(1)(c) of the Civil Contingencies Act 2004 requires the council to maintain plans for the purpose of ensuring, so far as is reasonably practicable, that if an emergency occurs it is able to continue to perform its functions.
		The Risk Management Policy requires the council to effectively mitigate threats to the achievement of its objectives.
		Covered by risks in the corporate risk register WLC005 "Disaster or incident - failure to maintain critical services"; risk WLC024 "Severe weather - failure to maintain critical services" and risk WLC014 "Cyber-attack".
III.	Implications for Scheme of Delegations to Officers	None.
IV.	Impact on performance and performance indicators	Failure to have effective business continuity arrangements in place could have a negative 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	Council officers as necessary for the purpose of reviewing and updating the plan. The plan was submitted to the Governance and Risk Board on 14 November 2022 and Corporate Management Team on 30 November 2022.

D. TERMS OF REPORT

The 2021/22 risk management annual report was submitted to the Governance and Risk Committee on 13 June 2022. Arising from that report the Committee asked for sight of the Corporate Business Continuity Plan, and this report fulfils that requirement.

There is a statutory requirement under the Civil Contingencies Act 2004 for the council to "maintain plans for the purpose of ensuring, so far as is reasonably practicable, that if an emergency occurs it is able to continue to perform its functions". An emergency may be severe weather, the loss of a major building, a pandemic, a cyber-attack, or some other occurrence that threatens our ability to deliver important services.

Co-ordination of business continuity planning rests with the council's Audit Risk and Counter Fraud Manager who is responsible for maintaining corporate guidance on business continuity matters and providing advice and information to services to enable them to prepare business continuity plans.

The Corporate Business Continuity Plan acts as a framework which enables the council to deal effectively with disruption to critical services. The Plan includes contact details for the corporate business continuity team and support team, and access arrangements for key council buildings. Paragraph 1.6 of the Plan defines activities for the purposes of business continuity planning and critical WLC1 activities are summarised in appendix 8 of the Plan. In the event of a successful cyber attack the Plan would be invoked in tandem with the council's Cyber Incident Response Plan (CIRP).

The Corporate Business Continuity Plan is subject to an annual review process including review by the Governance and Risk Board and approval by the Corporate Management Team.

E. CONCLUSION

The Corporate Business Continuity Plan acts as a framework for maintaining critical services in the event of an event such as severe weather, the loss of a major building, pandemic, or cyber-attack.

F. BACKGROUND REFERENCES

None.

Appendices/Attachments: (1) Corporate Business Continuity Plan

Contact Person: Kenneth Ribbons Kenneth.ribbons@westlothian.gov.uk Tel. no. 01506 281573

Donald Forrest
Head of Finance and Property Services
Date of meeting: 12 December 2022

Corporate
Business Continuity Plan

30 November 2022

Document Control Sheet

Author: **Kenneth Ribbons**

Title: **Audit, Risk and Counter Fraud Manager**

Document Title: **Corporate Business Continuity Plan**

Change History

Revision Date	Change Made By	Reason for Issue / Change	Version
10/11/16	K RIBBONS	Annual review	1.0
17/1/17	K RIBBONS	Feedback prior to 24/1/17 meeting	1.1
25/04/17	K RIBBONS	Changes arising from 24/1/17 meeting	1.2
15/5/17	K RIBBONS	Minor changes arising from further feedback	1.3
27/11/17	K RIBBONS	Annual review	2.0
20/2/18	K RIBBONS	Further changes post January CMT visit	2.1
23/4/18	K RIBBONS	Further changes post April CMT visit	2.2
6/11/18	K RIBBONS	Annual review	3.0
10/12/18	K RIBBONS	Further changes post CMT and G&RB visits to account for revised HCBS management arrangements	3.1
22/11/19	K RIBBONS	Annual review	4.0
11/2/20	K RIBBONS	Revised following CMT comments	4.1
19/11/20	K RIBBONS	Annual Review	5.0
6/5/21	K RIBBONS	Post Covid Working Group Review	6.0
13/7/21	K RIBBONS	Addition of IJB Chief Officer contact details	6.1
27/7/21	K RIBBONS	Addition of new HCBS HoS contact details	6.2
20/10/21	K RIBBONS	Removal of extraneous sentences in paragraph 1.6	6.3
22/11/21	K RIBBONS	Annual Review	7.0
19/1/22	K RIBBONS	Further amendments for staffing changes since November	7.1
24/11/22	K RIBBONS	Annual Review. Automated table of contents and inserted links to appendices in main body of the text.	8.0
30/11/22	K RIBBONS	As per CMT instruction added C Hatch as deputy to S McGarty	8.1

Approvals

This document requires the following approvals:

Title	Version Approved	Date of Approval
Corporate Management Team	2.0	31/1/18
Corporate Management Team	2.1	10/4/18
Corporate Management Team	3.0	28/11/18
Corporate Management Team	4.1	29/1/20
Corporate Management Team	6.0	26/5/21
Corporate Management Team	7.1	26/1/22
Corporate Management Team	8.1	30/11/22

Distribution

Title	Date of Issue	Version
Added to Pentana – accessible to Corporate Business Continuity Team, Deputies, and Business Continuity Support Team	26/2/18	2.1
Added to Pentana – accessible to Corporate Business Continuity Team, Deputies, and Business Continuity Support Team	10/12/18	3.1
Added to Pentana – accessible to Corporate Business Continuity Team, Deputies, and Business Continuity Support Team	2/12/19	4.0
Added to Pentana – accessible to Corporate Business Continuity Team, Deputies, and Business Continuity Support Team	11/2/20	4.1
Added to Pentana – accessible to Corporate Business Continuity Team, Deputies, and Business Continuity Support Team	13/7/21	6.1
Added to Pentana – accessible to Corporate Business Continuity Team, Deputies, and Business Continuity Support Team	27/7/21	6.2
Added to Pentana – accessible to Corporate Business Continuity Team, Deputies, and Business Continuity Support Team	20/10/21	6.3
Added to Pentana – accessible to Corporate Business Continuity Team, Deputies, and Business Continuity Support Team	26/1/22	7.1

Contents

1.   Introduction

1.1   Aim

The aim of this plan is to enable the council to deal effectively with disruption to critical council services by co-ordinating a response and ensuring a return to normal working conditions as quickly as possible. The term "event" is used in this plan as shorthand for such disruption.

The plan addresses events where recovery is beyond the capacity of individual services and includes:

- managing an event;

- recovery actions to ensure that services are restored in order of criticality and in line with corporate requirements.

An event may involve the loss of a building or buildings, the loss of IT, a power outage, severe weather, or a pandemic. This list is not considered exhaustive. Essentially however there are three main scenarios:

- loss of a building or buildings;

- loss of IT and /or communications;

- loss of staff.

Some events may involve more than one scenario at the same time, e.g. pandemic.

1.2   Responsibilities

This plan sets out responsibilities for business continuity and sets out the key actions which will be required in the event of an event. **Appendix 1 Corporate Business Continuity Team** sets out the members of the Corporate Business Continuity Team. **Appendix 2 Corporate Business Continuity Team Deputies** details the deputies to the Corporate Business Continuity Team. **Appendix 3 Business Continuity Support Team** details the members of the Business Continuity Support Team.

All individuals named in the plan can be contacted via the associated telephone numbers, which are a mobile phone number and /or a landline phone number. In the event IT is available, reference can also be made to the council's emergency telephone directory, which contains mobile and landline telephone numbers.

Members of the Business Continuity Support Team must ensure that their mobile phones are switched on at all times.

This plan is located on the Pentana business continuity document portal. All members of the Corporate Business Continuity Team, their deputies, and the Business Continuity Support Team and deputies, have access to the plan via the portal.

1.3   Trigger

The Chief Executive, or depute chair of the Corporate Business Continuity Team, may trigger the plan when one or more critical services is disrupted by an event, or where it is anticipated that this may happen. In taking a decision, they shall have regard to the nature and estimated duration of the event, the critical activities affected, and the timetables for recommencing service delivery.

The West Lothian Major Incident Plan may be invoked if a serious emergency or major incident occurs which threatens serious damage to a part of West Lothian. The Major Incident Plan may be invoked in tandem with the Corporate Business Continuity Plan if a major incident also threatens the delivery of critical council services.

In the event of severe weather, this plan should be invoked in tandem with the West Lothian Council Severe Weather Plan.

In the event of a successful cyber-attack, this plan may be invoked in tandem with the Cyber Incident Response Plan (CIRP).

1.4 Emergency Action

Section 9.2.2 of the council's Scheme of Delegation to Officers authorises the Chief Executive to undertake emergency action on behalf of the council, including the incurring of expenditure. The Chief Executive must report such action to the council at the earliest opportunity.

1.5 Location

The Corporate Business Continuity Team will meet at the following locations in order of priority below. If communications networks, including mobile phone networks, fail as part of an event, then this priority will be adhered to in determining where to meet.. If the first location is unavailable the meeting will default to the second location and so on.

1. The Civic Centre - Council Emergency Centre, 2nd Floor Annexe
2. West Lothian College
3. Whitehill Service Centre
4. Bathgate Partnership Centre

Civic Centre, West Lothian College, Whitehill Service Centre and Bathgate Partnership Centre out of hours access arrangements are set out in **Appendix 7 Civic Centre and Back-Up Sites Access Arrangements.**

In the event that communications networks remain operational the Corporate Business Continuity Team may elect to meet virtually using an appropriate business communications platform. The council's current corporate platform is MS Teams. The Chair, or Depute Chair in the chair's absence, will determine the meeting arrangements.

1.6 Critical Services

West Lothian Council activities are defined as follows.

WLC1 Activity

An activity which if not maintained would risk causing imminent loss of life or limb to customers, staff or members of the public.

WLC2 Activity

An activity which if not maintained would risk causing significant harm or hardship to the council's customers, staff or members of the public. Examples would be education (schools), health and safety, property compliance, domestic waste collection, Scottish welfare fund administration, housing benefit administration, etc.

WLC3 Activity

An activity which if not maintained for a period of thirty days would have a significant impact on the council's objectives.

Appendix 8 Critical Services - WLC1 Activities sets out all WLC1 activities which for the purpose of this document are considered to be critical services and summarises those activities which can be delivered via homeworking. **Appendix 9 Summary IT Recovery Order** summarises the WLC1 activities in IT recovery order.

2. Emergency Phase

2.1 Introduction

This is the process by which the immediate aftermath of an event is managed. In particular, it covers any circumstances where there is denial of access either in full or in part to key council premises.

2.2 Location

Following an event the Corporate Business Continuity Team should meet within **two hours.** Paragraph 1.5 sets out priority locations for meetings. Service business continuity teams shall convene at the locations detailed in their own individual plans. In the event that communications networks remain operational service business continuity teams may elect to meet virtually using an appropriate business communications platform. The Chair of the team, or Depute Chair in the chair's absence, will determine the meeting arrangements.

Decisions taken in the first 24 hours after an event are critical in maintaining the successful recovery of key council services.

In the event of loss of a building it may be necessary to retain a small on-site team to liaise with the emergency services and to relay information to the Corporate Business Continuity Team. The on-site team should have sufficient seniority to take any urgent decisions required at the time.

2.3 Responsibilities

During this period the Corporate Business Continuity Team will be responsible for managing the immediate consequences of an event and will lead the response. The Corporate Business Continuity Team will be supported by the Business Continuity Support Team. **Appendix 1 Corporate Business Continuity Team, Appendix 2 Corporate Business Continuity Team Deputies, and Appendix 3 Business Continuity Support Team**. The Corporate Business Continuity Team will link to the Business Continuity Support Team via the relevant head of service.

The Corporate Business Continuity Team may co-opt any other member of staff it considers necessary, for example in relation to specialist matters such as building standards (safety of the building), construction services (site recovery), occupational health and safety, legal, and procurement. **Appendix 4 Emergency Phase – Management Responsibilities in Relation to the Loss of Building** sets out key property related management tasks and Civic Centre responsibilities. **Appendix 5 Main Buildings and Responsibilities** and **Appendix 6 Schools** outline responsibilities for the main administrative buildings and schools.

2.4 Scope

The emergency phase covers the following activities, as appropriate:

- site evacuation procedures;

- relocation of staff either to other council properties or to home working;
- arrangements for managing the immediate after effects of an event;
- facilities management of the event site;
- liaison with insurers and loss adjusters;
- arrangements for initial management of the event and transfer of ongoing management to service business continuity teams where appropriate.

In the event of the need to evacuate the building in an emergency such as fire, staff will follow the procedure in place for that location.

2.5   Initial Meeting

The initial meeting of the Corporate Business Continuity Team should include the following items on the agenda:

- an initial assessment of the event and impact on council services;
- the arrangements for liaising with elected members and partners;
- the arrangements for continued service delivery ;
- consideration of any IT issues, including potential disruption to communication methods;
- the procedure for advising the public of any temporary arrangements for service delivery.

In relation to an event affecting specific buildings, the agenda should include:

- an assessment of any staff injuries and communication with next of kin;
- an assessment of site safety and security, including determining the extent of any damage and whether the building, or parts of it, can be safely reoccupied ;
- the arrangements for communicating with staff and partners, and arrangements for advising staff and partners regarding re-occupation of any affected buildings;
- based on pre-agreed damage limits, the notification of loss adjusters and insurers (must be notified as soon as possible);
- the arrangements for incurring and recording ad hoc expenditure;
- the use of council teams to preserve salvage when access is allowed to building.

2.6   Logging Information

The recording of all relevant information is vitally important. During Corporate Business Continuity Team meetings it will be the responsibility of the Administration Team (see 3.7) to record all agreed actions.

An example log sheet is included as **Appendix 10 Decision Log** .

3.   Main Recovery Phase and Responsibilities

3.1   Corporate Business Continuity Team

The Corporate Business Continuity Team will be responsible for:

- prioritising and managing the recovery of services based on previously identified critical services as set out in **Appendix 8 Critical Services - WLC1 Activities**
- liaison and communication with partners;
- maintaining appropriate health, safety and welfare measures for staff, including consideration of any pandemic related health and safety issues;
- ensuring ongoing communication with elected members, staff, customers, partners and tenants on the progress of the event and the recovery;
- managing the IT recovery response;
- managing the financial aspects of the event and subsequent recovery;
- ensuring all services involved maintain continuity of recovery;
- managing the media response;
- co-ordinating communication with next of kin in liaison with the police.

The Corporate Business Continuity Team will seek assistance as necessary from the Business Continuity Support Team. Membership of the team is set out in **Appendix 3 Business Continuity Support Team.** The responsibilities of the various members of the Business Continuity Support Team are set out below.

3.2   Alternate Site/Facilities Team

Where necessary each service has identified an alternative work location which has been agreed with the local manager, details of which are included in the individual service business continuity plans. For some services home working is an alternative.

Appendix 8 Critical Services - WLC1 Activities details all critical services, their location, and proposed alternative location. Where home working is considered to be appropriate that is set out in the schedule.

The Alternate Site/Facilities Team will be responsible for liaising with each service and facilitating the process of making ready and occupying alternative sites from where business operations will be recovered.

Services should ensure that they liaise with Property Services on proposed alternative locations to ensure arrangements are compatible with works programmes and that appropriate utilities and building infrastructure capacity exists. Services should contact Property Services on requirements and should the alternative location not be available ensure that any material changes are notified to Property Services to allow them to prepare options in advance, allowing them to react more effectively.

In the event that these sites are not available, Property Services will be asked to source sites which meet the specified requirements of the services affected. This may include the siting of temporary portacabins.

3.3   IT Recovery Team

The Civic Centre is the main communications and data centre for West Lothian Council.

- the majority of the council's 'critical' systems are served from this building and thus the highest cluster of servers is housed there;
- the Civic Centre is the hub for all external communications e.g. internet access and email;
- IT Services, providing support to services throughout the council, operates from this building;
- identified systems have disaster recovery provision at the council's DR Data Centre site within Whitehill Service Centre, Bathgate. (for contact details for Whitehill Service Centre see **Appendix 7 Civic Centre and Back-Up Sites Access Arrangements**.

The IT Recovery Team will be responsible for:

- providing the IT infrastructure required to enable alternative sites to become operational;
- commencing recovery in priority order in accordance with the agreed recovery order (see **Appendix 9 Summary IT Recovery Order**) or on the instruction of the Corporate Business Continuity Team;
- assisting service recovery in accordance with the provisions of the relevant service business continuity plan.

The recovery plan set out in the IT Services business continuity plan sets out the processes required for the recovery of:

- servers and communications;
- systems;
- service desk;
- desktop.

3.4   Financial Control Team

The Financial Control Team will be responsible for:

- making emergency payments;
- managing financial and budgetary implications;
- maintaining records of expenditure;
- submitting insurance claims;

The council's Corporate Procurement Unit must be consulted in relation to any emergency requirements to procure goods or services.

3.5   Human Resources Team

The Human Resources (HR) Team will be responsible for providing advice and assistance to the other business continuity teams and individual employees, where appropriate, on the following matters:

- employee relations: support and guidance relating to possible alternative roles and change of work location in the event of an event, including any liaison with trade unions;
- problems arising in connection with any pay related issues in relation to loss of payroll systems;
- staff welfare issues where an employee sustains an emotional or physical injury arising from an emergency situation;
- disputes arising from the interpretation of any council employment policies which may apply in an emergency situation.

3.6   Health and Safety Team

The Health and Safety Team will be responsible for providing advice and assistance to corporate and service business continuity teams, and individual service managers where appropriate, on health and safety related matters as follows:

- health and safety advice as appropriate, in relation to temporary changes in work places and working practices, infection control procedures, and risk assessments; investigating the cause and circumstances of serious accidents, incidents and near misses.

- where there is an immediate risk of serious personal injury, in consultation with those above, taking action requiring the immediate cessation of any activity.

- liaison with external agencies e.g. the Health and Safety Executive (HSE) as and where required. This will be carried out by other employees as required.

3.7   Administration Team

The Chief Executive's Office will provide administrative support to the Corporate Business Continuity Team at its designated emergency site and will be responsible for:

- recording actions and decisions taken by the Corporate Business Continuity Team (see **Appendix 10 Decision Log** for an example of a template);
- distributing relevant information to the Corporate Business Continuity Team and, where appropriate, the service teams;
- as required by the Corporate Business Continuity Team, communicating decisions taken and instructions given by the Corporate Business Continuity Team to the service teams;
- preparing an action note, minute or other record of the activities and operation of the Corporate Business Continuity Team.

3.8   Corporate Communications / Media Team

The council's communications team will provide the council with communications and media support in the event of an event developing and will be responsible for:

- organising off-site working arrangements and/or communications for key members of the council's communications team;
- establishing contact with corporate and service team leaders;
- establishing contact with lead agency media/comms manager;
- receiving, logging and co-ordinating all media enquiries;
- agreeing a holding response / statement with corporate and service team leaders and lead agency media/comms manager as appropriate;
- identifying and briefing a council spokesperson, who should be available to continue interviews throughout the period of media interest (as far as practical);
- as required, supporting the media/comms lead agency – potentially with organising a press conference or media briefing or setting up a holding area for media representatives and journalists;
- continuing to communicate with corporate and service leaders to plan and deliver co-ordinated internal and public communications and information;
- updating social media and website as required;
- maintaining a log of all media and communications activities.

3.9   Post Event Review

At the conclusion of an event a post event review shall be undertaken which will consider the council's response to an event which causes disruption and ensure that business continuity plans are revised for any lessons learned.

Appendix 1 Corporate Business Continuity Team

Team Member	Post	Telephone	Role	Key Tasks
Graham Hope	Chief Executive		Chair	• Ensure that effective emergency phase and business continuity arrangements are in place; • Consider recovery time objectives, review priorities in corporate plan / service plans and ensure that systems are recovered in accordance with agreed priorities; • Maintain recovery momentum; • Liaise with members; • Liaise with partners.
Graeme Struthers	Depute Chief Executive		Depute Chair	• Deputise for the chair in their absence; • Where applicable, act as the link with the Event Site Co-ordinator; • Undertake tasks delegated by chair as appropriate.
Elaine Cook	Depute Chief Executive		Member	• Deputise for chair or depute chair in their absence; • Undertake tasks delegated by chair as appropriate.
Alison White	Depute Chief Executive		Member	• Liaise with West Lothian Integration Joint Board (IJB) members and act as a link between the Corporate Business Continuity Team and the IJB; • Advise on the position re health services, and the impact this may have on recovery of council WLC1 activities.
Donald Forrest	Head of Service		Member	• Maintain an overview of, and advise on, the financial implications of recovery; • Oversee the activities of the Financial Control and Recovery Co-ordinator and the Alternative Site/ Facilities Co-ordinator.

Team Member	Post	Telephone	Role	Key Tasks
Lesley Henderson	Interim Head of Service		Member	• Maintain an overview of, and advise on, any legal, IT or human resources issues in relation to business recovery; • Act as a link with corporate health and safety; • Oversee the activities of the Media Co-ordinator, Administration Team Co-ordinator, IT Co-ordinator HR Co-ordinator and Health and Safety Co-ordinator; • Advise on procurement related issues as necessary and act as a link with the Corporate Procurement Unit.
Jim Jack	Head of Service		Member	• Act as link between the Corporate Business Continuity Team and recovery of Operational Services WLC1 activities.
Yvonne Lawton	Head of Health		Member	• Liaise with NHS Lothian; • Advise on implications of any disruption in relation joint working with NHS and the impact this may have on recovery of council WLC1 activities.; • Advise on the potential response by NHS side to an event.
Jo Macpherson	Head of Service		Member	• Act as link between the Corporate Business Continuity Team and recovery of Social Policy WLC1 activities; • Advise on any wider issues re the maintenance of services to vulnerable customers.

Team Member	Post	Telephone	Role	Key Tasks
Craig McCorriston	Head of Service		Member	• Act as link between the Corporate Business Continuity Team and recovery of Planning, Economic Development and Regeneration WLC1 activities.
Siobhan McGarty	Head of Service		Member	• Act as link between the Corporate Business Continuity Team and the recovery of the WLC1 safe arrival at school activity; • Advise on any implications in relation to school closures and the wider education service.
Greg Welsh	Head of Service		Member	• Advise on any implications in relation to primary school closures, early years, and the wider education service. • Act as link between the Corporate Business Continuity Team and the recovery of the WLC1 safe arrival at school activity;
Julie Whitelaw	Interim Head of Service		Member	• Act as link between the Corporate Business Continuity Team and recovery of Housing, Customer and Building Services WLC1 activities.

Appendix 2 Corporate Business Continuity Team Deputies

Team Member	Post	Role	Deputy	Deputy Telephone
Graham Hope	Chief Executive	Chair	Graeme Struthers	
Graeme Struthers	Depute Chief Executive	Depute Chair	Elaine Cook	
Elaine Cook	Depute Chief Executive	Member	Greg Welsh	
Alison White	Depute Chief Executive	Member	Yvonne Lawton	
Yvonne Lawton	Head of Health Services	Member	Linda Yule	
Donald Forrest	Head of Service	Member	Patrick Welsh	
Lesley Henderson	Interim Head of Service	Member	Carol Johnston	
Jim Jack	Head of Service	Member	Andy Johnston	
Jo Macpherson	Head of Service	Member	Robin Allen	
Craig McCorriston	Head of Service	Member	Alice Mitchell	
Siobhan McGarty	Head of Service	Member	Catrina Hatch	
Julie Whitelaw	Interim Head of Service	Member	Sarah Kelly	

Team Member	Post	Role	Deputy	Deputy Telephone
Greg Welsh	Head of Service	Member	Donna Adam	

Appendix 3 Business Continuity Support Team

Team Member	Post	Role	Key Tasks	Telephone	Depute	Telephone
Caroline Burton	Emergency Planning Officer	Emergency Event Co-ordinator	• Liaise with emergency services; • Secure transport and temporary accommodation where necessary during the emergency period; • Ensure that an appropriate officer with knowledge of the building attends on site (e.g. in the case of the Civic Centre, the Civic Centre Building Manager)		Caitlin Hirst	
Garry Heron	Corporate Communications Manager	Corporate Communications / Media Team Co-ordinator	• Manage the media response and liaise with the media; • Staff and public communications.		Ewen McNamee	

Team Member	Post	Role	Key Tasks	Telephone	Depute	Telephone
Patrick Welsh	Corporate Finance Manager	Financial Control Team	• Inform insurers; • Liaise with Corporate Procurement Unit to procure supplies and equipment; • Manage financial and budgetary implications; • Make payments and maintain records of expenditure; • Submit insurance claims.		Reta Wallace	
Carrie Heron	Executive Project Officer	Administration Team Co-ordinator	• Provide administrative support, Maintain a record of all decisions taken using decision log.		Caitlin Hirst	
Ian Forrest	IT Manager	IT Recovery Team Co-ordinator	• Advise on IT implications during emergency phase; • Procure IT equipment; • Recover IT systems / telephony in conjunction with agreed recovery priorities and service business continuity plans; • Decide on the personnel and resources required for IT recovery and allocate tasks.		Jennifer Ballantyne	

Team Member	Post	Role	Key Tasks	Telephone	Depute	Telephone
David Baird	Property Services Manager	Alternative Site / Facilities Team Co-ordinator	• Identify and organise alternative sites for critical council services.		Scott Hughes	
Claire Wallace	Interim HR & Support Services Manager	HR Team Co-ordinator	• Advise on human resources issues. • Consider staff welfare; • Facilitate communication with next of kin; • Pay salaries and wages.		Chris Keenan	
Kim Hardie	HR Manager (Health and Safety)	Health and Safety Team Co-ordinator	• Advise on health and safety issues		Brian Wilson	
Anna Brash	Customer Service Centre Co-ordinator	CSC Co-ordinator	• Liaise with corporate business continuity team in relation to customer contact and communication.		Valma McGraw	

Appendix 4 Emergency Phase –Management Responsibilities in Relation to the Loss of Building

Activity	Comments	Civic Centre Responsibility
Make building plans available to the Emergency Services.	Copies of the building plans should be kept offsite with the Business Continuity Plan.	Alan King, Facilities Manager and Derek O'Neill, Group Facilities Manager both hold copy plans off-site.
Identify areas of sensitivity: • Areas which may contain asbestos • Computer suites; • Areas where sensitive records are stored; • Areas where dangerous gases, chemicals, or other substances stored Advise Emergency Services of isolation points for electricity, gas, water.	Copy of asbestos register to be kept with Business Continuity Plan. Sensitive areas to be identified on building floor plans. These should be highlighted on building floor plans.	Not applicable to Civic Centre Alan King, Facilities Manager
Make area safe - cordon off with barriers etc.	In consultation with Emergency Services, Property Services, Building Standards and Building Services.	Alan King, Facilities Manager, Jim McGinley, Planning Services Manager and Grant Taylor, Building Services Manager.
Emergency Repairs	Consider and assess the extent to which emergency repairs are possible.	Alan King, Facilities Manager The external maintenance contractor for the Civic Centre is Atalian Servest. 24 hour contact number is.

Activity	Comments	Civic Centre Responsibility
		Callers to Servest should state their name, site name, location, nature of emergency, and contact telephone number.
Do not allow any evidence to be taken away or moved from site Where possible use a camera or video to record evidence at scene of event	This should be done as soon as circumstances safely allow. Retain and make safe any CCTV footage that may be available.	Alan King, Facilities Manager Alan King, Facilities Manager
Arrange security for site where appropriate. Control entry to the damaged building.	Arrange site perimeter security in liaison with police. Arrange for boarding up of ground and first floor windows if no perimeter fence. Entry to building should only be permitted on production of security pass. Passes will also be required for all contractors and other permitted visitors.	Alan King, Facilities Manager in collaboration with the emergency services Alan King, Facilities Manager liaising with Grant Taylor

Provide appropriate protective equipment
  - Hard hats
  - Footwear
  - Clothing
Provide escort to insurance and salvage teams.
		Alan King, Facilities Manager
		
		Alan King, Facilities Manager

Activity	Comments	Civic Centre Responsibility
Arrange reception area to provide information to staff, visitors, members of the public or contractors.	Consider hiring Portacabin for temporary accommodation.	Alan King, Facilities Manager

Appendix 5 Main Buildings and Responsibilities

Note: a key and an alarm code for the following buildings are kept behind the security desk at the Civic Centre:

- Arrochar House
- Bathgate Partnership Centre
- Blackburn Partnership Centre
- Linlithgow Partnership Centre
- St David House
- Strathbrock Partnership Centre

The main buildings below (with the exception of Blackburn Partnership Centre and Whitburn Partnership Centre) are part of the council Hard FM contract with Atalian Servest. Atalian Servest are responsible for maintenance at these sites. Issues can be escalated to the Hard FM Contract Monitoring Officer. Contact details for Atalian Servest are included in **Appendix 11 External Contacts**.

Building	Building Opening Officer	Telephone	Back Up Building Opening Officer	Telephone	Point of Contact / Hard FM Contract Monitoring Officer	Telephone
Civic Centre	The Civic Centre has 24 hour security cover – see **Appendix 7 Civic Centre and Back-Up Sites Access Arrangements** for access arrangements. If there is a requirement to contact a council officer, contact either Alan King or Derek O'Neill.				Alan King (Facilities Manager)	
Arrochar House	Derek O'Neill or Andrew Logan		Civic Centre Security and FMA's have keys for Arrochar		Marshall Shannon	

Building	Building Opening Officer	Telephone	Back Up Building Opening Officer	Telephone	Point of Contact / Hard FM Contract Monitoring Officer	Telephone
The Jim Walker Partnership Centre	Anne Marie Vance		Julie Walker John McMillan Steven Martin Colin McGeachie		Marshall Shannon	
Blackburn Partnership Centre	Anne Marie Vance		Fiona Paul Michael Glen Leanne Nicholson Kerri Kiloh		Gary Leitch (Maintenance Inspector)	
Fauldhouse Partnership Centre	Andrew Davidson		Alexis Hunter Aimee Fleming		Marshall Shannon	
Kirkton Service Centre	Building Services Stores Operative	or Contact via Customer Service Centre –	Out of Hours Key Holder – Stores Operative	or Contact via Customer Service Centre	Marshall Shannon	

Building	Building Opening Officer	Telephone	Back Up Building Opening Officer	Telephone	Point of Contact / Hard FM Contract Monitoring Officer	Telephone
Linlithgow Partnership Centre	Craig Smith or Derek O'Neill		Alex Erskine Ian McGregor		Marshall Shannon	
St. David House	Scott Reid		John McMillan Steven Martin Colin McGeachie		Marshall Shannon	
Strathbrock Partnership Centre	Dale Marsters Derek O'Neill		Edward Harper Tom Keddie Thomas Page Craig Bennett		Marshall Shannon	
Whitburn Partnership Centre	George Scott		Christine Brown (Temp-April 1st)		Gary Leitch (Maintenance Inspector)	

Building	Building Opening Officer	Telephone	Back Up Building Opening Officer	Telephone	Point of Contact / Hard FM Contract Monitoring Officer	Telephone
Whitehill Service Centre	Whitehill Servicer Centre has 24 hour security cover – see appendix 7 for access arrangements. If there is a requirement to contact a council officer, contact either Jim Jack; or Andy Johnston or John Mclernon Facilities Manager or Derek O'Neill.				Marshall Shannon	

Appendix 6 Schools

In the event that access is required to a school, contact in the following order:

Elaine Cook	**Depute Chief Executive**	Home: Mobile Personal mobile
Siobhan McGarty	**Head of Education (Secondary, ASN, Community Learning and Inclusion)**	Mobile:
Greg Welsh	**Head of Education (Early Years, Primary Schools, Quality Improvement and Resources)**	Mobile:

Pamela Bestwick or Laura Archibald (working hours only to access head teacher / depute head teacher numbers).

Access to Facilities Management can be obtained through Jamie Fisher, FM Service Manager, on.

Alternatively, FM Standby for all non PPP schools can be contacted 24/7 on.

Contact numbers for PPP schools:

PPP1 (Alpha Schools / Mears Helpdesk) –

PPP3 (HDM Schools / Bellrock Helpdesk) –

Appendix 7 Civic Centre and Back-Up Sites Access Arrangements

Civic Centre

Access to the council Emergency Centre located in the second floor annexe of the Civic Centre is normally available via the main entrance Monday to Friday from 07:00 to 19:00 hours. Outwith these times the building is subject to a lock down.

The Civic Centre has a 24 hour security presence. Staff attending the council Emergency Centre during lock down must enter the Civic Centre via the police station night entrance and report to security at reception. Staff may then access the Emergency Centre by using the main chamber stair or lift to the second floor.

Those who do not have passes for the Civic Centre should contact Civic Centre security on or alternatively the Customer Service Centre (CSC) on arrival.

West Lothian College

In the event of the Civic Centre being inaccessible the Corporate Business Continuity Team will convene at West Lothian College.

Access to West Lothian College may be obtained by contacting during working hours or out of hours.

Or alternatively contact   .

The Corporate Business Continuity Team should convene in the café area which is on the left once entering the main building. Accommodation will then be allocated as available.

Whitehill Service Centre

In the event of the Civic Centre and West Lothian College both being inaccessible the Corporate Business Continuity Team will convene at Whitehill Service Centre.

Whitehill Service Centre has a 24 hour security presence. After 16:00 hours the overnight security team can be contacted on .

If there is a requirement to contact a council officer, contact either Jim Jack; Andy Johnston ; John Mclernon Facilities Manager; or Derek O'Neill.

The Corporate Business Continuity Team may convene in the Almondell Room on the ground floor.

The Jim Walker Partnership Centre

In the event of the above locations being inaccessible the Corporate Business Continuity Team may convene in room 14/15 at the Partnership Centre.

Out of hours access to the Partnership Centre may be obtained by contacting:

Anne-Marie Vance

Julie Walker   or John McMillan

Derek O'Neill

Appendix 8 Critical Services - WLC1 Activities

Activity	Description	Staff fte required	Location	Alternate Work Site (loss of property)	Home-working Y/N	Business Critical IT. Systems	Recovery Time	Contact	Telephone	Comment
Emergency Planning	The council supports the emergency services during the response phase of an incident. Emergency Planning provides a single communication channel for the emergency services to access council services and can offer a control centre to co-ordinate the council's activities.	2	Civic Centre	West Lothian College	N	None	n/a	Caroline Burton		No essential IT applications. Manual processes can be used to record actions and decisions. Telephony/Email/Teams - to support contact with partner agencies. But if these are not available: mobile telephones can be used; direct landline in the EP Room (and other locations; face to face meetings can take place with partners; Police Scotland who can provide limited access to Airwave Radio in an emergency; RAYNET can set up a communication channel between two or more locations.
Safe Arrival at School	To ensure that students are accounted for in the event of absence.	3	Schools	Another school or office - Groupcall is web based and can be accessed from any internet enabled location	N	SEEMIS Groupcall	14 days	Donna Adam		In the event of loss of IT schools would revert to a manual system for recording absence and would contact parents by phone if required. The fte noted is the estimated resource for each school.
Public Safety Non Housing Emergency Repairs	Carry out emergency repairs / safety inspections to council buildings (non-council housing).	13	Civic Centre	Kirkton Service Centre	Y	Lightbulb Concerto Objective	3 days	Ross Macdonald		Lightbulb is the database of asbestos records. Concerto is the database used to hold property and supplier information and to instruct contractors. Contractors can use the suppliers portal on Concerto to message Maintenance Inspectors and update progress with the works. Objective contains supplementary asbestos information.
Emergency Housing Repairs	Carry out emergency housing repairs.	39 (35 operatives and 4 planners)	4 planners at Kirkton Service Centre, 35 operatives working remotely	Arrochar House	Partly	Objective (asbestos database)	7 days	Grant Taylor		Based on 20% of staff complement.

Activity	Description	Staff fte required	Location	Alternate Work Site (loss of property)	Home-working Y/N	Business Critical IT. Systems	Recovery Time	Contact	Telephone	Comment
Provision of Accommodation for Homeless People	To assess need and provide emergency accommodation.	12	Civic Centre	Kirkton Service Centre (co-ordinating team) and housing options officers to Blackburn Homeless Unit, Strathbrock Family Centre and 6 Local Housing Offices	Partly	Open Housing Swift - AIS - ESCR	3 days 3 days	Sarah Kelly		Based on 20% of staff compliment.
CSC Careline	Emergency response team for telecare clients.	4	Civic Centre	Kirkton Service Centre	Y	PNC Careline Avaya workplace / softphone	15 minutes 3 days	Anna Brash		In the event of loss of IT calls are rerouted to 3rd party company Tunstall who will continue to provide cover until WLC staff are set up and working.
Arborist Team – Weather Emergency	Provide an emergency service for dangerous and fallen trees out of hours and during periods of adverse weather.	7	Beecraigs Country Park	Polkemmet Country Park	N	None	n/a	Andy Johnston		Requires mobile phone network to coordinate tasks and to communicate works to teams.
Cemeteries	Provision of cemeteries / bereavement services for West Lothian in a timely, safe and respectful manner.	16 + 4 supervision / admin staff	Whitehill Service Centre (management and admin staff) / Adambrae Cemetery / Blaeberryhill Cemetery	Blaeberryhill Cemetery / Adambrae Cemetery / Bathgate Cemetery	N	None	n/a	Andy Johnston		Requires mobile phone network to coordinate tasks and to communicate works to teams. Confirm is required after 14 days to back-up manual processes.
Street Light Emergency Maintenance – All Street Lights and Traffic Signals	Response to dangerous street lights and traffic signals to minimise the risk of personal injury.	1	Whitehill Service Centre	Civic Centre (but standby officer can deliver from standby vehicle / home)	Y	None	n/a	David Wilson		One electrically competent person required, on occasion additional operatives are required.

Activity	Description	Staff fte required	Location	Alternate Work Site (loss of property)	Home-working Y/N	Business Critical IT. Systems	Recovery Time	Contact	Telephone	Comment
Winter Service	The provision of a winter service for public roads and footpaths within West Lothian, taking such steps as considered reasonable to prevent snow and ice endangering the safe passage of pedestrians and vehicles.	72	Whitehill Service Centre	Nearest available appropriate premises – to be co-ordinated at the time with Property Services	N	MetDesk weather forecast and Viasala bureau	n/a	David Wilson		Winter management systems (MetDesk, Vaisala) available on internet connection with a phone, PC or tablet. These can be accessed from outwith the council network on personal devices if required.
Major Public Health Incident	Attend, and apply appropriate control measures, in relation to any suspected food or water-borne disease incident, or any other significant public health or safety incident which the service has legislative control over, to ensure that any risk to life is contained.	3	Linlithgow Partnership Centre	Civic Centre (note – the activities will be field based rather than office based).	Y	Civica Public Protection (APP) Email IPT telephony	1.5 days 1.5 days 1.5 days	Craig Smith		Staff must have access to mobile phones and transportation.
Dangerous Building Inspections	Investigating potentially dangerous buildings or structures and instructing works to the buildings or structures, including, where necessary, taking direct action by contacting appropriate parties, to remove any risk to users of the building and members of the public when the owner fails or is unable to carry out the required works.	2	Civic Centre	Linlithgow Partnership Centre (note – the activities will be field based rather than office based).	Y	None	n/a	Chris Rae		Staff require mobile phones and transport to attend the locus of the incident. Building Services, Kirkton Service Centre, Livingston will provide this service until Building Standards relocate or have adequate staff available. This has been agreed with Grant Taylor, Building Services Manager.

Activity	Description	Staff fte required	Location	Alternate Work Site (loss of property)	Home-working Y/N	Business Critical IT. Systems	Recovery Time	Contact	Telephone	Comment
Adult Social Care Enquiries Team (ASCET)	Front line telephone contact with public and other agencies.	4	Strathbrock Partnership Centre	Civic Centre	Y	Swift - AIS - ESCR Objective Equipment Loans Management System (ELMS) IPT telephony Email	3 days	Cameron Wilson		
Care Homes (Adults and Older People) and Housing with Care	Residential care homes and supported tenancies (housing with care).	54	Limecroft Craigmair Burngrange Whitdale Holmes Gardens Cunnigar House Colinsheil Court Rosemount Gardens Brucefield House Norvell Lodge Dickson Court Almondvale Gardens	Twinned site for each residential unit as detailed in the service business continuity plan.	N	Swift - AIS - ESCR Access – Medication Management Access – Care and Clinical	3 days	Karen Gracie		
Child Care & Protection (including Child Disability Service & Looked After Children)	Care and Support for vulnerable children and young people.	10	Arrochar House Whitburn Partnership Centre Strathbrock Partnership Centre	Civic Centre	Y	Swift - AIS - ESCR	3 days	Shona Waley		In a crisis situation a minimum requirement during normal office hours would be 1 fte team manager, 6 fte social workers. Provision in place for staff to work remotely

Activity	Description	Staff fte required	Location	Alternate Work Site (loss of property)	Home-working Y/N	Business Critical IT. Systems	Recovery Time	Contact	Telephone	Comment
Children's Residential Houses	Group accommodation for looked after children.	4	Torcroft Whitrigg	Arrangement in place where available capacity in other units utilised. Staff can work across both houses. Young people can return home where appropriate.	N	Swift - AIS - ESCR Objective	3 days	Pauline Cochrane		Torcroft and Whitrigg will require a minimum of 2 fte staff each.
Justice Services	Multi-agency public protection arrangements and services for high risk offenders. Statutory services required through legislation for the assessment, supervision and risk management of offenders, children and young people involved in the justice system.	34	Civic Centre	Unit 5, Fairbairn Road / Home	Y	Swift - AIS - ESCR LSCMI Criminal History System (CHS) Objective	3 days	Gillian Oghene		As per the business continuity plan full service required from 7+ days. Provision in place for majority of staff to work remotely other than community work order teams
Support at Home Services – Crisis Care Service & Home Safety	24/7 team who: respond to anyone who has fallen in West Lothian; respond to telecare alerts for assistance activated through Careline; provide short term care supports in order to prevent admission to hospital.	4	Rosemount Court / community based	Home / community based	Partly	PNC Careline Swift - AIS - ESCR Objective	15 minutes 3 days	Aileen Maguire		15 minute recovery relates to PNC careline, off site disaster recovery process in place with provider
Support at Home Service – Reablement and Domiciliary Care	Support (care tasks) with daily living activities provided in service users' own homes upon discharge from hospital, dip in health or change of circumstances (i.e. illness of main carer).	16 office + 110 community based	Strathbrock Partnership Centre / community based	Home / community based	Partly	CM2000 Swift - AIS - ESCR	1 day 3 days	Aileen Maguire		1 day recovery relates to CM2000 which is used for staff rotas
Mental Health Officer Team	Provision of statutory mental health officer service.	3	Arrochar House	Civic Centre	Y	Swift - AIS - ESCR	3 days	Mark Mcilwraith		

Activity	Description	Staff fte required	Location	Alternate Work Site (loss of property)	Home-working Y/N	Business Critical IT. Systems	Recovery Time	Contact	Telephone	Comment
Social Care Emergency Team (SCET)	Emergency out of hours cover.	3	Civic Centre	Strathbrock Homeless Unit	N	Swift - AIS - ESCR	3 days	Karen Lourens		
Adults and Older Peoples' Services – Assessment and Care Management (Including Adult Protection)	Adults Services - assessment and care management for individuals who are over 16 and under 65 and who have physical disabilities, mental health issues, learning disabilities or autism. Older Peoples' Services - assessment and care management for individuals who are over 65 years of age.	20	Adults Services: Arrochar House Older Peoples' Services: Linlithgow Partnership Centre / St John's Hospital/White hill Service Centre	Civic Centre / Strathbrock Partnership Centre	Y	Swift - AIS - ESCR eIRD Objective Email / Egress Elms	3 days (Swift, eIRD) 7 days	James Foley - Adults Stuart Bell - Older People		As per the business continuity plan full service required from 7+ days. Provision in place for staff to work remotely
Families Together	Intensive family support.	2	Strathbrock Homeless Unit	Home	Y	Swift - AIS - ESCR Objective Email	3 days	Karen Lourens		

Note: Homeworking arrangements are subject to the availability of power and home broadband, as well as appropriate council equipment for example laptop and swivel token.

Appendix 9 Summary IT Recovery Order

Note: The highlighted IT recovery time is the required recovery time being the shortest recovery requirement.

Business Critical IT Application	Service	Activity	IT recovery (max days)	Comment
PNC CARELINE	Housing, Customer and Building Services	CSC Careline	15 minutes	DR cover is provided by Tunstall.
	Social Policy	Support at Home Services – Crisis Care Service & Home Safety	As above	
CM2000	Social Policy	Support at Home Service – Reablement and Domiciliary Care	1	
IPT TELEPHONY	Housing, Customer and Building Services	Customer Service Centre	1	
	Planning Economic Development and Regeneration	Major Public Health Incident	1.5	
	Social Policy	Adult Social Care Enquiries Team	3	
CIVICA PUBLIC PROTECTION (APP)	Planning Economic Development and Regeneration	Major Public Health Incident	1.5	
EXCHANGE EMAIL	Planning Economic Development and Regeneration	Major Public Health Incident	1.5	

Business Critical IT Application	Service	Activity	IT recovery (max days)	Comment
	Social Policy	Adult Social Care Enquiries Team	3	
	Social Policy	Adults and Older Peoples' Services – Assessment and Care Management (Including Adult Protection)	7	
CRIMINAL HISTORY SYSTEM (CHS)	Social Policy	Justice Services	3	National criminal records database. This is externally hosted.
LEVEL OF SERVICE / CASE MANAGEMENT INVENTORY (LSCMI)	Social Policy	Justice Services	3	A risk assessment and management tool. This is externally hosted and only accessible from the internet for council managed devices using Forticlent VPN connectivity. Access is only possible across the PSN.
OBJECTIVE	Social Policy	Justice Services	3	
	Social Policy	Support at Home Services – Crisis Care Service & Home Safety	3	
	Social Policy	Adult Social Care Enquiries Team	3	
	Social Policy	Families Together	3	

Business Critical IT Application	Service	Activity	IT recovery (max days)	Comment
	Finance and Property Services	Public Safety Non Housing Emergency Repairs	3	Objective contains supplementary asbestos information.
	Social Policy	Adults and Older Peoples' Services – Assessment and Care Management (Including Adult Protection)	7	
	Housing, Customer and Building Services	Emergency Housing Repairs	7	Objective holds asbestos database.
SWIFT / AIS / ESCR	Social Policy	Adults and Older Peoples' Services – Assessment and Care Management (Including Adult Protection)	3	
	Social Policy	Justice Services	3	
	Social Policy	Support at Home Services – Crisis Care Service & Home Safety	3	
	Social Policy	Adult Social Care Enquiries Team	3	
	Social Policy	Care Homes (Adults and Older People) and Housing with Care	3	

Business Critical IT Application	Service	Activity	IT recovery (max days)	Comment
	Social Policy	Child Care & Protection (including Child Disability Service & Duty and Child Protection Team)	3	
	Social Policy	Children's Residential Houses	3	
	Social Policy	Support at Home Service – Reablement and Domiciliary Care	3	
	Social Policy	Mental Health Officer Team	3	
	Social Policy	Social Care Emergency Team (SCET)	3	
	Social Policy	Families Together	3	
	Housing, Customer and Building Services	Provision of Accommodation for Homeless People	3	
AVAYA IPT SOFTPHONE / WORKPLACE	Housing, Customer and Building Services	CSC Careline	3	This software is installed locally on a PC. Staff relocate to home working and/or alternative site location – Tunstall will continue to provide cover until staff are set up and working.
CONCERTO	Finance and Property Services	Public Safety Non Housing Emergency Repairs	3	

Business Critical IT Application	Service	Activity	IT recovery (max days)	Comment
EIRD (ELECTRONIC INTER-AGENCY REFERRAL DISCUSSIONS)	Social Policy	Adults and Older Peoples' Services – Assessment and Care Management (Including Adult Protection)	3	System is hosted by NHS and integrates into SWIFT. Only accessible from the internet for council managed devices using Forticlient VPN connectivity.
ELMS (EQUIPMENT LOAN AND MANAGEMENT SYSTEM)	Social Policy	Adult Social Care Enquiries Team	3	
	Social Policy	Adults and Older Peoples' Services – Assessment and Care Management (Including Adult Protection)	7	
LIGHTBULB	Finance and Property Services	Public Safety Non Housing Emergency Repairs	3	
OPEN HOUSING	Housing, Customer and Building Services	Provision of Accommodation for Homeless People	3	
GROUPCALL	Education Services	Safe Arrival at School	14	
SEEMIS	Education Services	Safe Arrival at School	14	

Appendix 10 Decision Log

To be completed by the Administration Team during any Business Continuity Event   **Page   of**

Date	Time	Recorded By	Event	Action	Owner	Status

Appendix 11 External Contacts

Organisation	Role	Contact	Contact Details
Police Scotland	Partner	Area Control Room Duty Inspector Duty Sergeant Duty Inspector Front Counter	
Scottish Court and Tribunal Service	Partner		
Crown Office and Procurator Fiscal Service	Partner		
Scottish Fire and Rescue Service	Partner		
Scottish Children's Reporter Administration	Partner		
Scottish Ambulance Service	Emergency Service	East Scotland Medical Dispatch Centre	
Crawfords	Loss Adjuster		
AIG	Property Insurers		
QBE	Liability Insurers		
AON	Insurance Broker		
Atalian Servest	Civic Centre and Arrochar Maintenance Contractor		

DATA LABEL: PUBLIC

![West Lothian Council logo]

GOVERNANCE & RISK COMMITTEE

MANAGING RISK WITHIN OPERATIONAL PROPERTIES

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To inform the Governance and Risk Committee of the approach to managing risk within operational buildings.

B. RECOMMENDATIONS

It is recommended that the Governance and Risk Committee:

1. notes the approach taken to manage risk within operational properties;

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)**	Health and Safety at Work Act 1974; The Control of Substance Hazardous to Health Regulations 2002; The Management of Health and Safety at Work Regulations 1999; Fire (Scotland) Act 2005; Fire Safety (Scotland) Regulations 2006; Practical Fire Safety Guidance; HSE Approved Code of Practice L8 – Control of Legionella in Water Systems; Gas Safety (Installation and Use) Regulations 1998 and amendment 2018; Asbestos Management Policy and Procedures; Control of Asbestos Regulations 2012; The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR); Construction Design and Management Regulations 2015; Provision and Use of Work Equipment Regulations 1998; Lifting Operations and Lifting Equipment Regulations 1998 (LOLER).
III	**Implications for Scheme of Delegations to Officers**	None.
IV	**Impact on performance and performance Indicators**	None
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)**	Capital and revenue property budgets contain provision for statutory compliance monitoring and associated work.
VII	**Consideration at PDSP**	None.
VIII	**Other consultations**	Health and Safety Manager Property Maintenance & Planned Improvements Manager

D.   TERMS OF REPORT

D1   Background

Property related statutory legislation requires the council to manage its properties safely and to ensure that employees and others using council premises are not at risk from property related risks. Policies and management plans are in place relating to property statutory compliance including fire safety, management of asbestos, legionella management and electrical safety. These sit within the umbrella of the Corporate Health and Safety Policy.

Property Compliance risks have been identified and are reviewed using the Pentana system. These risks are assessed regularly at the Property Services performance meeting. The internal controls for each are reviewed and amended where required or additional controls implemented.

D2   Property Compliance Risks

The risks identified and managed are representative of the range of activities delivered by Property Services. The risks are regularly reviewed by the Finance and Property Services service management team, Property Services management team, at individual team meetings and on a wider basis at the Governance and Risk Board.

The risk assessment and details of internal controls for the following risks can be found in Appendix 1.

WLC037 – Death or illness due to legionella outbreak in operational buildings.

Legionellosis is a collective term for diseases caused by naturally occurring legionella bacteria including the most serious Legionnaires' disease, as well as the similar but less serious conditions of Pontiac fever and Lochgoilhead fever. Legionnaires' disease is a potentially fatal form of pneumonia and everyone is susceptible to infection. The risks increase with age and pre-existing health conditions.

Water systems that have the certain environmental conditions may be a source for legionella bacteria growth. The disease is normally contracted by inhaling the Legionella bacteria, either in tiny droplets of water in the form of aerosols, or in droplet nuclei which are particles left after water containing the Legionella bacteria has evaporated.

Relevant legislation includes the Health and Safety at Work Act 1974, the Control of Substances Hazardous to Health Regulations 2002, the Management of Health and Safety at Work Regulations 1999 and the practical advice and guidance given in the Approved Code of Practice (L8).

Risks associated with Legionella are managed in line with the Legionella Policy and Management Plan. This Policy and Management plan was revised and approved at Council Executive in September 2021. Each operational property contains a risk

assessment which is updated every 30 months or following significant changes of occupancy and/or services installation that could affect the risk rating of the property.

Monthly monitoring is undertaken by a competent contractor and weekly flushing regime of little used waters outlets is carried out by Responsible Persons.

There have been no significant incidents within the period January 2022 to present.

WLC039 – Death or injury due to fire within operational buildings.

Fire presents a significant risk to businesses. It can kill or seriously injure employees or visitors and can also damage or destroy buildings, equipment or stock. The main causes of fire are associated with electrical faults, improper storage of combustible/flammable materials, lack of training or human error and arson.

Relevant legislation includes the Health and Safety at Work Act 1974, Fire (Scotland) Act 2005, Fire Safety (Scotland) Regulations 2006, Practical Fire Safety Guidance published by the Scottish government.

Fire Safety Risk Assessments (FSRA) are carried out by Property Services for all operational buildings on a five year cycle or where it is considered appropriate i.e. following a significant change in the use or design of the building or following a fire incident or changes in legislation. A review of the FSRA is carried out annually by the appropriate Responsible Officer for the building.
Following a risk assessment, all actions required to reduce or remove the risk are allocated to the appropriate person with a suitable timescale for completion. Details of the actions are entered onto Pentana where all FSRA and actions are monitored though performance indicators to ensure compliance.

All risks associated with Fire Safety are managed in line with the Fire Safety Policy and Management Plan which was revised and approved at Council Executive in September 2021.

The council aims to avoid unwanted fire alarm signals (UFAS) to reduce disruption to services and Scottish Fire and Rescue Service resources.

Advice and guidance has been circulated on the arrangements for reporting UFAS via the monthly Health and Safety report to CMT, communication with Heads of Service /Finance and Property Services management team and the Compliance Matters bulletin shared to staff.

The council has participated in a consultation with the Scottish Fire and Rescue Service (SFRS) on proposed options to reduce the number of false alarms from workplace automatic fire alarms. The SFRS board approved their proposal following the consultation and are currently reviewing the previously planned implementation date of April 2023.

A short life working group was set up to identify changes required to align with the SFRS proposals and this work is ongoing.

There have been no significant incidents within the period January 2022 to present.

WLC040 – Failure to effectively manage electrical systems in operational buildings.

The Electricity at Work Regulations 1989 applies wherever electricity may be encountered. The Regulations are primarily concerned with the prevention of danger from electric shock, electric burns, electrical explosion or arcing, or from fire or explosion initiated by electrical energy.

Periodic inspection of fixed electrical installations is carried out every five years but the period may be reduced depending upon the age/condition of the installation and/or the type of building in which the electrical system is installed.

Portable electrical appliances are checked annually by a competent contractor.

All risks associated with electrical safety are managed in line with the Electrical Safety Policy and Management Plan.

There have been no significant incidents within the period January 2022 to present.

WLC041 – Failure to effectively manage gas safety in operational buildings.

The use of gas appliances presents a significant risk. Gas leaks can result in injury to, or death of, council staff, customers, or members of the public due to carbon monoxide poisoning or explosion.

Relevant legislation includes Gas Safety (Installation and Use) Regulations 1998 and the Gas Safety (Installation and Use) (Amendment) Regulations 2018.

Property Services arranges for a competent contractor to carryout out annual safety inspection of gas appliances. Detection systems and emergency shut off systems are in place and checked quarterly. Gas soundness test are undertaken annually within science and economics classrooms. Gas schematics are held on site and a check included in the fire safety risk assessment.

A Gas Safety Policy and Management Plan is on the annual workplan for the Property Compliance Working Group.

There have been no significant incidents within the period January 2022 to present.

WLC042 - Accident or injury resulting from a building related defect within operational buildings

Inadequate building construction or maintenance leading to a defect or failure of the building fabric, fixtures, or services may result in injury to, or death of, council staff, customers, or members of the public.

A regular regime of recorded property inspections is carried out at all operational properties. This includes a review of fabric condition internally/externally and the assessment of new and completed works.

Property Services has PPP, Hard FM and planned preventative maintenance contracts in place for statutory and non-statutory inspection, testing and servicing. Council officers also undertake compliance checks, inspections and minor maintenance tasks.

There is a regular training/refresher course on the duties placed on Responsible Persons and procedures for reporting defects/health & safety issues. The property helpdesks fully track and audit reports made by all customers.

The council makes significant capital investment in planned improvement works. Property Services has a suite of project delivery procedures and supporting documents for new build and major projects.

There have been no incidents related to building related defects/ failures that have required to be reported to the HSE under the RIDDOR regulations within the period January 2022 to present.

WLC043 – Failure to effectively manage asbestos.

Asbestos is the common name used for a number of naturally occurring inorganic silicates. Asbestos can be found within numerous construction materials and has been extensively used within the construction industry. Construction materials containing asbestos are referred to as Asbestos Containing Materials (ACMs). Where ACMs are damaged or their condition deteriorates they may release asbestos fibres into the environment.

Once ACMs are released into the atmosphere they may be inhaled and may cause severe irritation leading to serious illness and death.

Relevant legislation includes the Health and Safety at Work Act 1974, the Control of Asbestos Regulations 2012, Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR), Construction Design and Management Regulations (CDM 2015) and approved codes of practise.

The risks associated with ACMs is managed through a combination of:

- Training,
- Assessment of contractor competence,
- Service communication plans to communicate and develop procedures for those at risk within each service,
- Asbestos risk assessments,
- Surveys conducted following review of risk to identify asbestos including management, refurbishment and demolition,
- Asbestos registers located on site for inspection and re-inspected annually,
- Management of asbestos controlled removals,
- Reporting and investigation of asbestos incidents and near misses.

All risks associated with asbestos are managed in line with the Asbestos Risk Policy and Management Plan which was revised and approved at Council Executive in September 2021.

Advice and guidance has been circulated on the requirements for asbestos awareness training via communication with Heads of Service /Finance and Property Services management team. The status of asbestos awareness training by services is reported via the monthly Health and Safety CMT report and annually to the Governance and Risk Board.

The number of cumulative asbestos related incidents with a narrative on incidents of note will be reported via the monthly Health and Safety CMT report. An annual report on asbestos related incidents is delivered to Executive Management Team. This report will include an analysis of asbestos related incidents, their nature, any trends and resultant actions within the previous financial year.

There is a comprehensive and positive reporting culture for asbestos related incidents which is reflective of how well established and effective asbestos management procedures and incident reporting procedures are within the council. There is an increased trend of incident reporting compared to historic years which is attributed to the proactive approach and monitoring by all council services areas including Health and Safety Advisers, Statutory Compliance Officers and Project Officers. It is indicative of a comprehensive safety management system, a significant capital programme of

investment and a general raised awareness across Council Services in relation to asbestos management procedures.

There have been no asbestos related incidents that have required to be reported to the HSE under the RIDDOR regulations within the period January 2022 to present.

WLC044 – Accident or injury resulting from a defect in fixed lifting equipment in operational buildings. (LOLER)

Fixed lifting equipment can pose serious risk to the person using by being crushed, trapped, struck or falling from the carrier. The legislation covering fixed lifting equipment includes the Health and Safety at Work Act 1974, the Provision and Use of Work Equipment Regulations 1998 and the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER).

Risk is managed through a regime of examinations and regular maintenance at frequencies determined in the LOLER regulations. Thorough examinations are carried out by external contractors.

Maintenance of the fixed lifting equipment is carried on passenger lifts every two months and disabled platform lifts every six months by a competent contractor. Records of all lifting equipment falling under the scope of LOLER are maintained within a central asset register.

There have been no significant incidents within the period January 2022 to present.

E   CONCLUSION

A suite of property compliance risk indicators has been developed using the Pentana Performance Management System. These indicators are monitored at Property Services management team meetings to review and identify control measures, monthly at the Finance and Property Services senior management team and annually at the Governance and Risk Board, and, in addition, are fully reviewed on an annual basis in January to ensure they reflect any new property compliance requirements within the Council.

F   BACKGROUND REFERENCES

None.

Appendices/Attachments: (1) Standard Report – Property Services

Contact person: Lauren McGuinness Statutory Compliance Manager

Donald Forrest
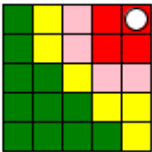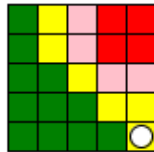**Head of Finance and Property Services**
Date: 12 December 2022

Appendix 1 – Finance and Property Services – Property Statutory Compliance

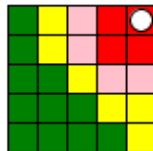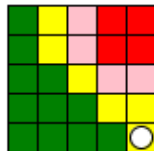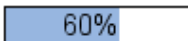Data Label : OFFICIAL

Report Author: Lesley McKinlay
Generated on: 04 December 2022 09:29
Report Layout: .. 10 (previously R09b) Original Score, Current Score, Internal Controls with linked Actions (outstanding only)

⚠	**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).
	Current Controls:	Legionella Policy and Management Plan in place. Work within HSE ACOP/L8 approved code of practice. Legionella Risk assessments reviewed regularly. Weekly flush by staff of little used outlets. Monthly temperature monitoring and legionella PPM carried out by contractor at each property. Water Log book for each property in place. Budget available for recommendations identified in risk assessments/monthly monitoring. Schools - Contractor appointed to complete full flush of system after summer holiday prior to school return. Development and review of Employer Design Requirements undertaken regularly to eliminate hazards and promote good design. Premises Management Handbook issued detailing responsibilities and tasks. List of Prohibited items maintained centrally by Property Services. Property Change Request procedure and form in place and on intranet for services to inform any changes.

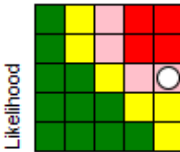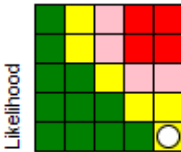| Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
25		5							

⚠	**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).
	Current Controls:	FSRA programme is maintained though COVID 19. Staff qualified to NEBOSH level to carry out fire safety risk assessments Fire risk assessment carried out by Property Services every five years or following notification of a significant change in the property. Fire risk assessment reviewed annually by Responsible Person at premises. Actions required as a result of fire risk assessment carried out and progress monitored through Pentana. Budget for recommendations identified in GS Capital Programme. Scottish Fire and Rescue Service (SFRS) conducts random inspections of risk assessments and action plans. Hot works notification process in place for reactive and minor works. Weekly fire alarm tests / six monthly evacuation carried out by Responsible Person at premises. Daily checks on operation of fire exits by Service users. Servicing of fire alarms, sprinkler systems and emergency lights carried out by competent contractors. Engagement with SFRS on fire safety issues. Premises Management Handbook issued detailing responsibilities and tasks. SPHERA in place to record incidents and investigation reports provided by H&S. This includes Unwanted Fire Alarm Signals.

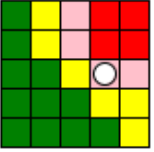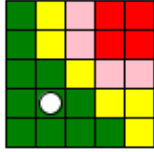| Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
25		5		▶	PS22001_A Fire Compartmentation	31-Mar-2021	31-Mar-2023	5%	Fire Compartmentation – Identify all compartments within WLC Care Homes and Sheltered accommodation.

	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.
Current Controls:		**General**

Asbestos policy and management plan in place and adhered to.
Asbestos database for operational premises in place and maintained.
Performance of contractors and consultants engaged in asbestos work is monitored and recorded via framework penalties.
Service emergency procedures in place and fully utilised for any near misses or incidents of unplanned release or discovery of asbestos.
Asbestos awareness training packages including elearning refreshers are in place for use by all Services.
Technical assessment of contractor carried out as part of tender/PQQ evaluation.
All staff on the asbestos team have minimum industry level qualification and competency standards.
Approved Health and Safety Executive guidance in place and advice given on asbestos management and risk assessment.
SPHERA in place to record incidents and investigation reports provided by Service area or H&S.
Operational Properties
Asbestos register in place for all properties.
Re-inspection programme in place and with ongoing monitoring of performance.
Surveys conducted prior to any planned work including school funded improvements.
Domestic Properties
Asbestos register in place for all common areas.
Surveys conducted prior to any planned work.
Surveys conducted of void housing premises.
Risk assessment by contractor prior to work.
Provision of asbestos information held by WLC prior to planned works.

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
25		5		▶	PSFE2103371 Asbestos Team Training	31-Jul-2022	30-Apr-2023	60%	The BOHS RP402 (Asbestos Surveying and Sampling Strategies for Asbestos in Buildings) was introduced formally in 2019. It shall be added to the team members 1 to 1's/ADR's and phased in over a 12- month period. None of the officers undertake asbestos surveying directly. This is delivered externally by similarly trained professionals. However, the benefits of officers having the same refresher training as industry professionals
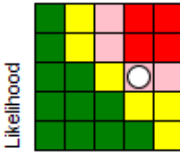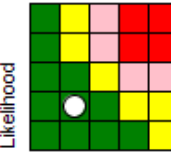
| | | | | | keeps team skills and knowledge up to date and relevant as they manage surveyors and surveying teams on behalf of the council. |

Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
▶	PSFE2103372 Asbestos Team Training	31-Jul-2022	30-Apr-2023	30%	The BOHS W504 training is being progressed and anticipated to complete by April 2023.
▶	PS20023_A Asset management system - Asbestos Module	31-Mar-2021	31-Mar-2023	60%	Develop and implement asbestos module within Property Asset Management System (PAMS) Out of the 51 developments required 44 have been completed, 7 are to be discussed in the future once all other developments are complete. Core development of the module is considered to be complete & migration testing is in progress
▶	PS22002_A Open Housing	31-Mar-2021	31-Mar-2023	70%	Open Housing – finalise acceptance testing and roll out of Open Housing Module for asbestos data in domestic premises.
▶	PSFE2103351 Asbestos Contractors Penalty Point Framework - guidance	31-Jul-2022	31-Mar-2023	50%	Framework for asbestos services is due to be retendered in 2022/23. The performance and penalty system shall be reviewed as part of this. Therefore, any staff guidance documents in support of the penalty system shall also be reviewed and updated on agreement of the revised system.
▶	PSFE2103391 Service Emergency Communication Procedures	31-Jul-2022	31-Dec-2022	80%	All services to review their asbestos emergency communication plan and as minimum add a version control and date to each, check the relevance to service area structure and arrangements. This can be reported through the Property Compliance Working Group and added to the

						groups 22/23 workplan. First drafts received, comments provided and updates made to most plans.
				Linked	**Risk Actions**	**Original Due Date**	**Due Date**	**Progress**	**Description**

				Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
				▶	PSFE2103393 Service Emergency Communication Procedures	31-Jul-2022	31-Dec-2022	50%	The site-specific asbestos management plan template shall be updated to reflect the new arrangements. Will be amended when all plans received.
				▶	PSFE2103394 Service Emergency Communication Procedures	31-Jul-2022	31-Dec-2022	50%	The intranet page shall be updated to reflect the new arrangements when all plans are received.

⚠	**WLC041 Failure to effectively manage gas safety in operational buildings**	Failure of internal control systems in relation to gas safety, leading to gas leak. Resulting in injury to, or death of, council staff, customers, or members of the public due to carbon monoxide poisoning or explosion. This risk relates to operational buildings including PPP and Hard FM sites.
	Current Controls:	**Gas network Controls - local gas network fails (from meter to point of use) causing explosion** Gas soundness testing undertaken in all secondary school science labs and home economics classes. Gas soundness testing of pipework carried out as part of annual safety inspection Schematic diagram of gas pipework held on site. **Heating equipment Controls** Annual service of gas appliances (boilers, gas cookers & CHP plant) carried out by Gas Safe Registered contractor. Gas Safety Certificate provided. CO detection in place in boiler houses and science labs Fire detection in place in boiler houses- shut off and alarm Gas emergency shut off in production kitchens. Landlord gas certificates issued for all TNRP lettings as required. Employer Design Requirements regularly reviewed to eliminate hazards and promote good design. Premises Management Handbook issued detailing responsibilities and tasks. SPHERA in place to report incidents and near misses.

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
20		5							

	WLC040 Failure to effectively manage electrical systems in operational buildings	Failure of internal control systems in relation to electrical safety, leading to an electrical malfunction. Resulting in injury to, or death of, council staff, customers, or members of the public due to fire or electrocution. This risk relates to operational buildings (non-housing).
	Current Controls:	Inspection and testing of fixed wiring conducted every five years by competent contractor coordinated through Risk & Insurance Services Property Services receive fixed wiring test and inspection reports and carry out C1 and C2 recommendations and C3 recommendations where further investigation is required Competent contractor appointed to undertake annual Portable Appliance Tests RCD protection in majority of buildings - tested annually by competent contractor. Periodic inspections carried out as part of defects liability period for major project works. Property Helpdesk in place to report electrical defects/repairs. Employer Design Requirements reviewed regularly to eliminate hazards and promote good design. Electrical upgrade works included in capital programme. Premises Management Handbook issued detailing responsibilities and tasks. WLC Electrical Safety Policy and Management Plan in place. SPHERA in place to record incidents and near misses.

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
15		5							

	WLC042 Accident or injury resulting from a building related defect within operational buildings	Inadequate building construction or maintenance leading to a defect or failure of the building fabric, fixtures, or services within the curtilage of the premises. Resulting in injury to, or death of, council staff, customers, or members of the public. This risk relates to operational buildings (non-housing) including PPP and Hard FM properties.
	Current Controls:	- Regular and recorded property inspections carried out at all operational properties including review of fabric condition internally/externally and the assessment of new and completed works. - Compliance checks undertaken of each operational property by Maintenance Inspectors, PPP contractor or Hard FM contractor. - Regular training/refresher courses on the duties placed on Responsible Persons and procedures for reporting defects/H&S issues. - Significant capital investment in planned improvement works - PPP, Hard FM and Property Services Helpdesks to fully track and audit defects or H&S issues raised by customers - Employer Design Requirements in place for new build and major projects. Reviewed regularly to eliminate hazards and promote good design. - PPP, Hard FM and Property Services PPM and planned maintenance contracts in place for statutory and non-statutory inspection, testing and servicing. - Implementation of inspection regime/minor maintenance for all caretaking staff/responsible persons- - Practical completion H&S checklist in use by Project Officers prior to occupation of facilities following major work. - SPHERA in place to record incidents and near misses and reports provided by H&S to facilitate investigation and carryout remedial works where required.

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
12		4		▶	PS20033_A Siporex surveys and reviews.	31-Mar-2021	31-Mar-2023	40%	Siporex surveys and reviews.

	WLC044 Accident or injury resulting from a defect in fixed lifting equipment in operational buildings (LOLER)	Failure to properly maintain fixed lifting equipment (within the building) in operational buildings leading to a failure of the equipment. Resulting in injury to, or death of, council staff or customers. This risk relates to operational buildings (non-housing).
	Current Controls:	Six monthly LOLER independent thorough examination and testing carried out of fixed lifting equipment (passenger lifts, disabled access platform lifts and fixed hoists) by competent person (Risk and Insurance) Property Services receive LOLER independent thorough examination reports for fixed lifting equipment (passenger lifts, disabled access platform lifts and fixed hoists) and take action when required. Budget in place to undertake works identified. Term maintenance contractor appointed to carry out inspection and servicing of fixed lifting equipment (passenger lifts every 2 months, disabled access platform lifts every 6 months and fixed hoists annually). Fully comprehensive maintenance package in place for passenger lifts and disabled access platform lifts. Property Helpdesk in place to report faults and defects with fixed lifting equipment. Premises Management Handbook issued detailing responsibilities and tasks. SPHERA in place to report incidents and near misses.

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
12		4							

DATA LABEL: PUBLIC

![West Lothian Council logo]

GOVERNANCE AND RISK COMMITTEE

INSURANCE RISKS

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A.   PURPOSE OF REPORT

To inform the Governance and Risk Committee of the current insurance arrangements the council has in place.

B.   RECOMMENDATIONS

It is recommended that the Governance and Risk Committee notes the approach taken to managing the council's insurable 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)**	None.
III.	**Implications for Scheme of Delegations to Officers**	The Head of Finance and Property Services has delegated authority in relation to insurance.
IV.	**Impact on performance and performance indicators**	The insurance arrangements contribute to effective management of risk and assist services in delivering good performance.
V.	**Relevance to Single Outcome Agreement**	None.
VI.	**Resources (Financial, Staffing and Property)**	The insurance arrangements impact on service expenditure and the operational efficiency of the council.
VII.	**Consideration at PDSP**	None.
VIII.	**Other consultations**	None.

D.   TERMS OF REPORT

D.1   Global Insurance Market Update

Against the backdrop of high capacity within a competitive market, recent years environmental and socioeconomic catastrophes have had significant impact on re-insurance organisations.

Re-insurance premium rates increased substantially across the 2020-22 period. Early market indicators suggest rate increases of between mid to high single digits continuing into 2023. Rate increases within the re-insurance market will have a direct impact on customers as these costs will ultimately be passed on by insurers.

The 2023/24 renewal programme and tender exercise will be undertaken within hard market conditions. Inflation, continued issues in the supply chain and labour markets will have an impact on premium rates available.

D.2   Current Insurance Programme

At present the council insures against a number of different risks through a variety of insurance policies. All major insurance policies are subject, at a minimum, to quinquennial tendering in order to maintain Best Value.

In addition, policies are reviewed annually in advance of each renewal and strategically assessed to determine whether significant changes are required to ensure the council receives the maximum benefit from the covers provided.

Some examples of current policies held are:

Public / Employers Liability

Third party property damage, personal injury, official's indemnity, libel and slander.
Deductible/Excess - £250,000

Property Damage & Business Interruption

Material damage to assets and increased cost of working.
Deductible/Excess - £500,000

Terrorism

Terrorism related material damage and increased cost of working.
Deductible/Excess - Nil

Fidelity Guarantee

Financial crime.
Deductible/Excess - £250,000

Motor Fleet

Comprehensive motor vehicle insurance.
Deductible/Excess - £5,000

In the vast majority of cases an insurance policy will carry a deductible or excess for which the council is responsible and requires self-funding. For each claim received the Insurance Fund is held to pay for the self-funded element of that claim.

For some policies, such as Property Damage and Liability insurance, it has also been possible to limit the council's overall exposure by agreeing a self-funded limit. This limit is known as a Stop Loss and once this stop loss is reached the risk effectively transfers to the insurer.

For 2022/23 the total insurance premium expenditure, including claims reserve, was £3.5 million. Where advantageous, and after consideration of the risk and exposure, the council has increased the amount of the policy deductible/excess to help to reduce the cost of external insurance.

D.3   Insurance Fund

All insurance related costs including premium, claims and historic liabilities are managed through the Insurance Fund. The Insurance Fund is intended to allow a sum of money to be established as a provision against future claims liabilities and the cost of insurance premiums.

Primary legislation provides the basis for the operation of insurance funds by local authorities. The ability to create an insurance fund was granted under Schedule 3 to the Local Government (Scotland) Act 1975 and subsequently amended by the Local Government (Scotland) Act 1994.

The operation of an insurance fund enables the council to determine the most cost-effective method of managing and financing risk. Council services contribute to the fund which then meets the costs in respect of all insurance related claims.

Where an insurance fund is operated, it is good practice to obtain a regular independent valuation of the cumulative value of the fund relative to its known claims, outstanding liabilities and projection of incidents incurred but not yet reported.

The fund value is subject to review on a triennial basis by an independent actuary. An updated actuarial valuation of the council's insurance fund was received in 2022.

The Insurance Fund balance as 31 March 2022 was £7.3 million.

Provision within Fund	Insurance Fund at Actuarial Review 2022 £ million	Fund Balance at 31 October 2022 £ million
Asbestos Related Claims	1.5	1.5
Abuse Related Claims	1.0	1.0
Pollution Related Claims	0.75	0.75
Municipal Mutual Insurance (MMI) clawback	0.75	0.75
Current Claims with outstanding Liabilities	3.3	3.3
Total Fund	**7.3**	**7.3**

The Actuary based his 2022 valuation on the following assumptions:

Asbestos related claims

The actuary has assumed that a minimum of five claim liabilities will require to be met from the fund. If we assume that the estimated fund liability is consistent with the actuary's estimate a future reserve of £1.5 million is required.

Abuse related claims

Taking account of the impact of the Limitation (Childhood Abuse)(Scotland) Act 2017, the actuary has assumed a cost of £1.0 million in light of the potential long tail effect and high profile of abuse claims as public inquiries continue.

Pollution related claims

No pollution related claims have been received in the period 1996/97 to date. There is documented evidence of various issues within the West Lothian boundary going back through the service periods of various predecessor authorities. The reserve has been reduced to £750,000 on the basis of a perceived diminishing risk from old polluted sites.

Municipal Mutual Insurance (MMI) Clawback

This liability is for claims in relation to MMI. The liability has increased slightly following the actuary's review of the MMI Final Accounts as part of the 2022 Triennial Revaluation of the Fund. The provision relates to the liabilities of West Lothian District Council, Lothian Regional Council and Livingston Development Corporation. The provision will be required until all claims reported to MMI in respect of predecessor authorities have been settled.

Fund claims

The estimate of these claims correlates with current outstanding claims as at 31 March 2022 on our claims handling system. It should be noted that the estimates are based on likely settlements from the fund at a singular point in time but are reviewed regularly for accuracy.

As at 31 March 2022 – the actuary concluded that the fund was sufficient, in his professional opinion, to meet all perceived liabilities.

D.4   Insurance Claims Management

All insurance claims are received and monitored by the Insurance Services team functioning within the Financial Management Unit.

Subject to the terms of the liability insurance contract, third party claims are dealt with by a claim handling agent appointed on behalf of the council and its insurers. There is no automatic right to compensation and these types of claim require evidence of negligence or a failure on the part of the council to be proven.

All other claims, where the cost is below the excess and a service is due reimbursement from the Insurance Fund are dealt with internally.

The present position in relation to the claim exposures across the main classes of insurance are outlined below.

Public Liability:

The table below provides some wider context to the causation behind the claims contributing to the Public Liability statistics.

|	2018	2019	2020	2021	2022	% Total
Accidental	22	10	10	2	-	3
Damp/Condensation	6	5	5	5	1	1
Debris/spillage	6	1	9	9	-	2
Grass Mowing	5	10	1	7	3	2
Ice/snow	3	12	10	2	-	2
Not WLC Responsibility	11	5	3	-	-	1
Road/other Works	12	9	18	6	8	3
Highways	154	147	147	172	56	44
Water Plumbing	19	16	37	11	1	5
Workmanship Faulty/late	57	71	63	105	51	23

Employers Liability:

The table below provides some wider context to the causation behind the claims contributing to the Employers Liability statistics.

	2018	2019	2020	2021	2022	% Total
Assault	1	3	3	3	2	19%
Disease Asbestos Related	2	1	-	-	-	5%
Disease Other Occupational	1	1	1	1	-	6%
Fall from Height	2	-	1	-	-	5%
Manual Handling	2	5	4	4	1	25%
Slip/trip	9	3	3	3	1	30%
Use of Machines/Equipment	1	3	-	-	-	8%

Motor Vehicle / RTA:
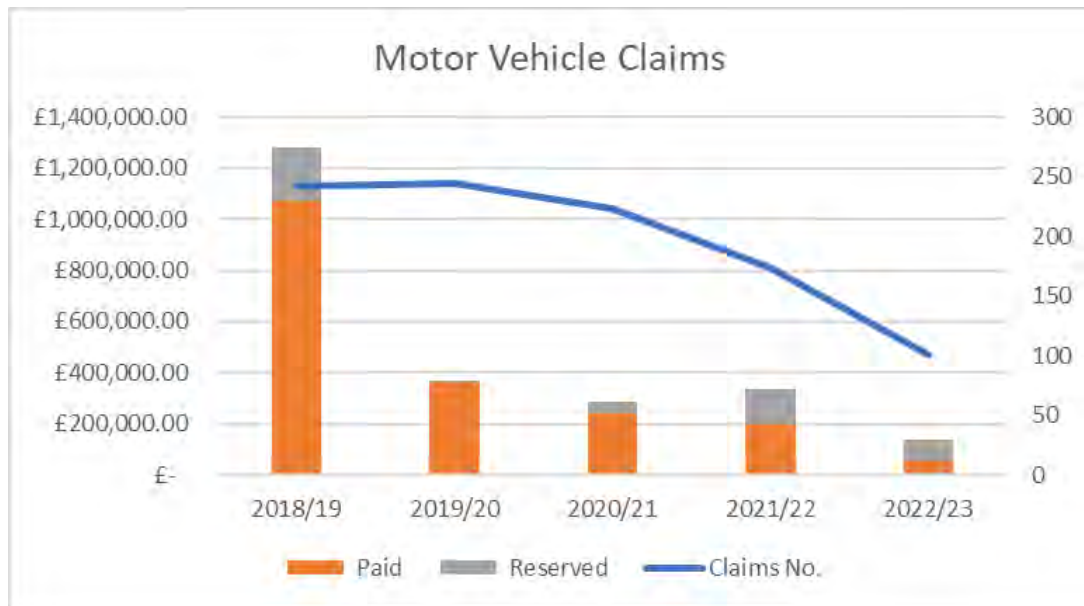
There has been a continuing downward trend in terms of motor vehicle accidents registered. This trend can be attributed in part due to the introduction of the council's Driving at Work Policy. Figures during 2020/21 and 2021/22 are impacted by the Scottish Government imposed restrictions on movement due to the Covid-19 pandemic.

The table below provides wider context in regards to the services contributing towards the motor vehicle accident statistics.

	2018	2019	2020	2021	2022	% Total
Building Services	62	66	63	59	21	28%
Social Policy	25	29	11	9	8	8%
Waste Management	55	69	87	49	24	29%
Road Services	18	19	19	10	8	8%
Fleet/Community Transport	35	30	19	17	14	12%
NETS and Land Services	33	18	14	25	18	11%

Property Damage/Business Interruption:

The high value of claims in 2020/21 was the result of a number of serious fires within the housing stock.

In summary over the last five years the council has processed approximately 645 claims per year. The average total annual cost of claims over the same period has been £1.28 million.

D.5   Benchmarking

Opportunities for benchmarking are limited due to the varying nature of approach taken to insurable risk by local authorities.

However, the volume/ratio of claims received is monitored as part of the CIPFA Scottish Directors of Finance Performance Indicators. The latest published figures are as outlined below.

Employers liability claims per FTE			
	2018/19	**2019/20**	**2020/21**
West Lothian	1:334	1:217	1:404
Scotland Average	1:405	1:432	1:573

Public liability claims per head of population			
	2018/19	**2019/20**	**2020/21**
West Lothian	1:515	1:547	1:525
Scotland Average	1:555	1:552	1:637

Motor accident claims per vehicle			
	2018/19	**2019/20**	**2020/21**
West Lothian	1:3.9	1:3.7	1:4.2
Scotland Average	1:3.6	1:3.7	1:5.1

The defensibility rate for highways liability claims is also monitored by the council's insurers managing agent, Risk Management Partners. The 2020/21 results published in January 2022 reaffirmed the council's defence rate at 87%, a 2% increase on 2019/20. This rate reflects well against our insurers other UK public sector clients. West Lothian Council was joint third Scottish authority and joint third in the wider UK listing.

	Highway Authority - Scotland	Defence Rate	Average Cost - £
1	***	90%	3,354
-	***	90%	404
3	***	87%	1,226
-	West Lothian Council	87%	1,251
5	***	86%	1,133
6	***	84%	1,456
7	***	82%	505
8	***	81%	943
9	***	78%	310
10	***	78%	599

- UK Average 76%

D.6 **Insurance – Delegated Authority**

The Head of Finance and Property Services has delegated authority in relation to insurance. This is outlined in the Scheme of Delegation to Officers and the Standing Orders under Financial Regulations Section B5.

E. **CONCLUSION**

The council has comprehensive insurance arrangements in place in relation to the council's risks.

G. **BACKGROUND REFERENCES**

All claims information referenced is recorded within the council's insurance claims database, JCAD LACHS.

Appendices/Attachments: None

Contact Person: Kenneth Howley, Insurance Officer
Email: kenneth.howley@westlothian.gov.uk Tel 01506 281901

Donald Forrest
Head of Finance and Property Services
12 December 2022

DATA LABEL: PUBLIC

GOVERNANCE AND RISK COMMITTEE

RISK MANAGEMENT IN HOUSING, CUSTOMER AND BUILDING SERVICES

REPORT BY INTERIM HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES

A.   PURPOSE OF REPORT

The purpose of this report is to advise the Governance and Risk Committee of the approach to risk management within Housing, Customer and Building Services.

B.   RECOMMENDATION

It is recommended that the Governance and Risk Committee note the approach taken by Housing, Customer and Building Services.

C.   SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; 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	The report itself does not adversely impact on performance indicators. The activities covered by the risks and risk actions are generally covered by performance indicators.
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)	Management of risk is a core function and the costs of doing so are built into core revenue budgets.
VII	Consideration at PDSP	N/A
VIII	Other consultations	None

D.   **TERMS OF REPORT**

D.1   Service Overview

Housing, Customer and Building Services provides a wide range of both front line and supporting strategic services to council housing tenants, people who are homeless or threatened with homelessness, private tenants/landlords, and the wider public when accessing council services. We provide direct services and advice/assistance on a range of housing, community safety, financial and social issues. We work closely with customers in enabling sustainable communities, and services to meet their needs. We have a large workforce fulfilling varied roles, and we work in partnership with other services and external agencies in delivering services for our customers.

The service comprises seven individual WLAM areas, as follows:-

- Housing Operations, including Community Safety

- Housing Strategy and Development

- Performance and Change

- Building Services

- Housing Need

- Customer and Community Services

- Customer Contact Centre

D.2   Service approach to Risk Management

In accordance with corporate requirements, Housing, Customer and Building Services (HCBS) maintain a risk register in the Pentana Performance Management System, the Council's corporate risk management tool. The risks set out within Pentana represent the key risks to the Service achieving objectives.

HCBS risks are kept under continuous review. Each risk is reviewed monthly by the relevant Service Manager in discussion with the Performance and Change Manager to ensure the risk commentary reflects any arising issues or variance from the original assessment. This is completed in preparation for the routine service wide review of performance and risk conducted each month by the senior management team. The SMT ongoing monitoring of all risks considers if the risk score requires to be revised, if the current controls are still operating effectively and whether there are any additional risk to be added. Any updates are added to Pentana and monitored at future meetings.

The Housing Strategy and Development Manager is the service representative on the Governance and Risk Board. The role on this Corporate Board is not only to engage in review and monitoring of corporate risk issues but to report on issues from HCBS areas which may be of relevance to other Council Services.

D.3 **Housing, Customer and Building Services Risks**

HCBS currently has 24 risks which are summarised in Appendix 1. Of these risks, two are considered to be high.

The high risks are:

• Overspend of allocated Housing Need budgets, and

• Breach of Statutory Homeless Duty

The detail of both these risks is included within Appendix 2. There are a number of mitigating measures by means of linked actions in place in relation to these linked risks, including weekly monitoring of bed and breakfast spend, the number of people in temporary homeless accommodation, ongoing monitoring of the type and length of stay in temporary accommodation and increasing the housing stock to relieve pressure on temporary accommodation and expedite throughput of those staying in this type of accommodation.

Risks are reported to the service management team on a monthly basis in the format as set out in Appendices 1 and 2. The risks are discussed, changes are made to the risks or their scores, and new risks are added, as considered necessary. In reviewing risks the service management team considers external influences such as any continuing impact of Covid, the economic position, the council's overall funding position, and changes in legislation and regulation.

E. **CONCLUSION**

The report sets out the identified risks in Housing, Customer and Building Services and details the approach to risk management. The service has implemented robust and ongoing risk management processes with the aim of ensuring that risks to the achievement of key objectives are mitigated as far as possible.

F. **BACKGROUND REFERENCES**

None

Appendices/Attachments: 3

Appendix 1- HCBS All Risks

Appendix 2 - HCBS High Risks

Appendix 3 - Risk Assessment Methodology

Julie whitelaw

 Interim Head of Housing, Customer and Building Services

12 December 2022

Housing, Customer and Building Services Risks

Generated on: 01 December 2022 11:10
Report Layout: .. 02 Original Risk Score and Current Risk Score with Description and Assigned to

Traffic Light: Red 2 Amber 13 Green 9

Risk Title	Risk Description	Original Risk Score	Traffic Light Icon	Current Impact	Current Likely	Current Risk Score	Traffic Light Icon	Assigned To
HCBS004 Overspend of allocated Housing Need budgets	Increased demand for homeless services. This may also result in an overspend of allocated budgets.	20	🔴	4	5	20	🔴	Sarah Kelly
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.	20	🔴	4	5	20	🔴	Sarah Kelly
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	🔺	Alison Smith; Grant Taylor
HCBS001 Death or injury to tenant, employee or member of the public	Failure to undertake or review health and safety risk assessments and method statements, or failure to properly implement them, leading to unsafe working practices and resulting in injury or death of tenant, employee, or member of the public.	20	🔴	5	2	10	🔺	Grant Taylor

Risk Title	Risk Description	Original Risk Score	Traffic Light Icon	Current Impact	Current Likely	Current Risk Score	Traffic Light Icon	Assigned To
HCBS002 Increase in rent arrears as a result of external factors	UK Government led Welfare reforms may result in an increase in arrears unless the council can effectively mitigate the impact on those on low incomes. Other external factors such as cost of living price increases and energy poverty can also impact on the ability to pay for our tenants.	25		3	3	9		Alison Smith; Kirsty Weir
HCBS008 Housing Capital Programme - delivery of housing repairs and capital programme	Increase in construction costs and resultant impact on ability to deliver the repairs and investment programme due to national shortage of trained staff/competent contractors, and supply chain. Material pricing is being negatively impacted with increases in some areas between 5% and 50% dependent on material types. Increased risk of increased contractor insolvencies This could lead to additional costs and delays in relation to the Housing Repairs and Capital Investment Programme.	12		3	3	9		Marjory Mackie

Risk Title	Risk Description	Original Risk Score	Traffic Light Icon	Current Impact	Current Likely	Current Risk Score	Traffic Light Icon	Assigned To
HCBS014 Failure of contractor to deliver on time resulting in time delays/additional costs re new build housing	Ineffective performance of external contractors managed by Housing Strategy and Development in delivery of the new build housing, leading to time delays, additional pressure due to failure to allocate secondary lets, increasing waiting list time and numbers, and reputational damage due to additional costs and allocation delays	12	🔴	3	3	9	⚠️	Marjory Mackie
COF001 Loss of Community Centre Management Committee's Charitable status	The risk of community centre management committees losing their charitable status would have an impact on council domestic rates relief	9	⚠️	3	3	9	⚠️	Ralph Bell
BUS003 Failure to complete gas safety check requirements	Failure to meet the council legal responsibility to complete annual safety check within the anniversary period, resulting in possible health & safety breaches and reputational damage.	20	🛑	4	2	8	⚠️	Grant Taylor
BUS006 Industrial action over pay issues by craft workers	Failure to agree a negotiated pay award with trade unions representing craft workers leading to industrial action and disruption to services.	16	🛑	4	2	8	⚠️	Grant Taylor
BUS004 Failure to comply with electrical testing requirements	Failure to meet the council timescale for completion of cyclical electrical testing on housing properties, resulting in the council not meeting recommendation of BS7671 and reputational damage.	12	🔴	2	4	8	⚠️	Grant Taylor

Risk Title	Risk Description	Original Risk Score	Traffic Light Icon	Current Impact	Current Likely	Current Risk Score	Traffic Light Icon	Assigned To
HCBS005 Physical or verbal abuse of staff, including lone working employees	Risk of physical or verbal abuse to employees who may work by themselves without close or direct supervision.	12	🔴	2	4	8	🔺	Julia Laidlaw
HCBS020 Failure to prepare and agree a long term Housing Capital Investment Plan 2023/24 to 2027/28	Failure to prepare and agree a long term Housing Capital Investment Plan could lead to impacts on the condition of housing assets and service delivery across key services, particularly homelessness and housing repairs. The impact of a potential rent freeze or rent caps beyond 31 March 2023 along with combined risks in the wider economy are increasing financial risks and uncertainty for future years. This may result in a failure to meet statutory compliance relating to Scottish Housing Quality Standards and a potential lack of a future council house building programme, resulting in negative impacts on homelessness.	12	🔴	4	2	8	🔺	Marjory Mackie
CSC001 Failure to maintain Customer Service Centre, including Careline	Explosion, fire, flood, technical fault, severe weather or pandemic leading to loss of property, power, IT. or staff and resulting in an inability to maintain CSC telephony service and /or Careline.	12	🔴	3	2	6	✅	Anna Brash

Risk Title	Risk Description	Original Risk Score	Traffic Light Icon	Current Impact	Current Likely	Current Risk Score	Traffic Light Icon	Assigned To
HCBS003 Failure to comply with allocations policy	Failure to comply with allocations policy as a result of fraud, error or external pressure, resulting in a person receiving tenancy to which they are not entitled.	12	🔴	3	2	6	✅	Sarah Kelly
HCBS009 Theft, fraud and corruption	Failures in internal control result in fraud or theft and resultant financial losses and reputational damage.	12	🔴	2	3	6	✅	.Head of Housing, Customer and Building Services (Julie Whitelaw)
LIB001 Damage to, or theft of, records and museum collections and objects	Failure of security measures leading to damage and possible theft of museum collections and objects.	12	🔴	3	2	6	✅	Anne-Marie Vance
HCBS006 Failure to maintain services in the event of an emergency / disaster	Major event such as explosion, fire, flood, severe weather or pandemic leading to loss of property, IT. or staff and resulting in an inability to maintain key services, including designated WLC1 activities.	12	🔴	3	2	6	✅	Ralph Bell; Sarah Kelly; Marjory Mackie; Alison Smith; Grant Taylor; Kirsty Weir
BUS002 Driver risk - injury or death to member of the public	Driver error, negligence or medical issue resulting in an incident causing injury or death to members of the public or council staff.	15	🔴	5	1	5	⚠️	Grant Taylor
COF002 Death of a customer using swimming facilities within Fauldhouse Partnership Centre.	The risk is of reputational damage and other consequences should a customer die while using the swimming facilities in Fauldhouse Partnership Centre.	15	🔴	5	1	5	⚠️	Ralph Bell

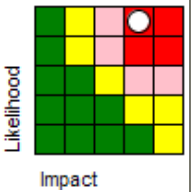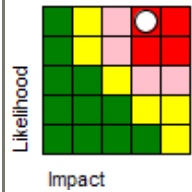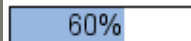| Risk Title	Risk Description	Original Risk Score	Traffic Light Icon	Current Impact	Current Likely	Current Risk Score	Traffic Light Icon	Assigned To
HCBS010 Loss of sensitive personal information	Non-compliance with internal policies and procedures leading to unauthorised release of information, which may be sensitive, and resulting in harm to customers, reputational damage and financial penalties.	16	🛑	4	1	4	✅	Kirsty Weir
BUS005 Loss of, or damage to, Kirkton Service Centre	Failure to deliver a service from a core location. The service holds the disaster recovery arrangements within their business continuity plan.	12	🔶	2	2	4	✅	Grant Taylor
HCBS013 Covid-19 impact on staff and key service provision	The impact of staff contracting Covid-19 on their health and wellbeing, and the associated effect this may have on the service ability to deliver key services if the virus is transmitted across teams/areas.	8	🔺	2	2	4	✅	Ralph Bell; Sarah Kelly; Marjory Mackie; Alison Smith; Grant Taylor; Kirsty Weir
BUS001 Works contracts - non-compliance with procurement legislation or council standing orders	Errors or omissions by council staff leading to non-compliance with procurement legislation, or council standing orders or procedures, in relation to works contracts. May result in contract set aside, liquidated damages, fines, reputational damage and /or delays to projects.	16	🛑	2	1	2	✅	Grant Taylor

Housing, Customer and Building Services High Risks
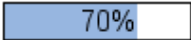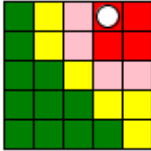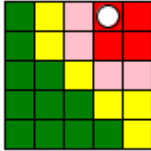
Report Author: Kenneth Ribbons
Generated on: 01 December 2022 10:23
Report Layout: .. 10 (previously R09b) Original Score, Current Score, Internal Controls with linked Actions (outstanding only)

🛑	**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 5 Year West Lothian Rapid Rehousing Plan a number of controls are in place aimed at reducing demand through prevention and increasing temporary accommodation to meet demand. There was a slight reduction in demand for homeless services for 2019/20, but during 2020/21 the demand for homeless services increased due to the pandemic . In 2021/22 the services has experienced a decrease in homeless presentations of 19 % when compared with the same position in 2020/21. This trend continues in 2022/23 with a 12% reduction to date. This is due to the implementation of the new allocations policy in March 2021 with a policy shift to awarding higher levels of housing needs points to applicants at risk of homelessness therefore assisting in the prevention of homelessness. There continues however, to be a high backlog of homeless applicants where the council has a statutory duty to secure a permanent outcome. As of 31 March 2022 the backlog of open homeless cases was 1, 362. This along with the high demand for temporary accommodation and the low supply of available permanent lets across the social rented sector has reduced turnover in suitable temporary accommodation stock and subsequently causing an ongoing reliance on the use of B&B Accommodation to meet the council's statutory homeless duties.

The West Lothian RRTP has been updated with the outturn position for 2022/23 and the action plan has been reviewed to ensure priorities are targeting the current position. The updated RRTP for 2022/23 will be reported to Council Executive on the 21 June 2022 seeking approval to be submitted to the Scottish Government for the end of June 2022. The Acton Plans has been refreshed with more focus on early intervention and prevention with resources targeted at a wide range of actions, including Education, Health and Social Care and third sector solutions aimed at homeless prevention. A number of additional controls are in place as follows:

RRTP update seeking approval to the agreement between the council and the four main providers of social rented housing in West Lothian to allocate an average of 65% of social rented lets to homeless applicants requiring permanent accommodation for 2022/23.
Reduce use of B&B accommodation through increasing the number and capacity of temporary tenancies through Private Sector Leasing to 110 units and sharing accommodation to 30 spaces.
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 the introduction of Personal Housing Plans as part of the implementation of the Allocations Policy review. More targeted approach to achieve sustainable housing options in the private rented sector Targeted educational support for young people at risk of homelessness Piloting a Youth Housing Team Continuing the provision of Housing First service for young people and people with mental health/addictions issues Implement and evaluate a crisis intervention service for young people provided by Acton for children Expand the Night stop service provided by Rock Trust. Deliver new build supported accommodation unit for young people Employment of addictions workers to support homeless people and also to assist people with addictions sustain their tenancies.				

Risk Score	Original Risk Matrix	Risk Score	Current Risk Matrix	Linked	Risk Actions	Original Due Date	Due Date	Progress	Description
20	Likelihood / Impact	20	Likelihood / Impact	▶	HQSRRTP4 Overspend of Allocated Housing Need Budget - RRTP Homeless Prevention and Supply	30-Mar-2024	31-Mar-2024	60%	Through actions within the Rapid Rehousing Transition Plan (RRTP) reduce the number of people presenting as homeless through shifting to a wider prevention approach and through 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 to 69% and then decreasing to 55% in 2021/22 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 to ensure a minimum of 300 affordable homes be completed each year.

| | | | | | HQSRRTP5 Overspend of Allocated Homeless Budget Support | 31-Mar-2024 | 31-Mar-2024 | 70% | 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 of allocation of 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 successful move to permanent accommodation, and delivery of the new build unit and temporary accommodation for younger people. |

	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:	The council and its partners aim to increase the though put in temporary accommodation by agreeing target lets to homeless which reduce the back log of homeless people waiting in temporary accommodation and generate through put in temporary accommodation stock. The council and its partners are finalising the target lets to homeless for 2022/23 with a proposed target of 65%. There are a range of other actions in place to assist with reducing the council's use of B&B accommodation and subsequent breaches of the unsuitable accommodation order. These are: Increase number of private sector leases to 110 by October 2022 Increase number of council temporary sharing spaces to 30 by October 2022 Introduce the use of rapid access accommodation Implement the Crisis intervention service for young people to avoid the use of hotel accommodation Expand the use of Night Stop to avoid the use of B&B for young people Monitor numbers of homeless households placed 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. Develop new build supported and dispersed temporary accommodation for 28 young people

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	33%	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 Accommodation Order to all homeless people as of 1 October 2021 and mapping out current provision and future needs to comply.

RISK ASSESSMENT METHODOLOGY

RISK MATRIX

LIKELIHOOD		Insignificant 1	Minor 2	Significant 3	Major 4	Catastrophic 5
	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				

LIKELIHOOD 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 likelihood consider a three year time horizon and use your knowledge and experience of previous issues, both within the council and elsewhere.

IMPACT TABLE

Each risk is scored 1-5 for impact. In assessing impact each column is independent. Use the highest score.

Hazard / Impact of Risk	Personal safety	Property loss or damage	Regulatory, statutory or contractual	Financial loss, penalties, or costs	Impact on service delivery	Personal privacy infringement	Community / environmental	Impact on Reputation
Insignificant 1	Minor injury or discomfort to an individual	Negligible property damage	Breaches contained within the service	Less than £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 in one incident	Minor damage to one property	Breaches reported within the council no external action	£10k to £100k	Minimal disruption to services	Non special category personal information for one individual revealed or lost	Impact on an individual or small group	Contained within service
Significant 3	Major injury or harm to an individual	Significant damage to small building or minor damage to several properties from one source	Adverse comment or censure by government, courts, auditors, or regulators	More than £100k to £500k	Noticeable impact on service performance.	Non special category personal information for several individuals revealed or lost	Impact on a local community	Local social media or press interest
Major 4	Major injury or harm to several people in one incident	Major damage to critical building or serious damage to several properties from one source	Government, court or regulator sanction, including action which impairs our ability to deliver a service	More than £500k to £2m	Serious disruption to service performance	Special category personal information for one individual revealed or lost	Impact on several communities	National social media or press interest
Catastrophic 5	Death of one or more people	Total loss of critical building	Government, court or regulator action resulting in an inability to deliver key services	More than £2m	Non achievement of key corporate objectives	Special category personal information for several individuals revealed or lost	Impact on the whole of West Lothian or permanent damage to site of special scientific interest	Officers and/or members dismissed, sent to prison or forced to resign

Risk Management

Housing Customer and Building Services

Julie Whitelaw
Interim Head of Housing, Customer and Building Services

West Lothian Council

Overview

- Definition of Risk

- Corporate Arrangements

- Summary of Service Risks

- Management Review Process

- High and Medium Risks

West Lothian Council

Risk

- The effect of uncertainty on our objectives

Corporate Arrangements

- Risks are held in the Pentana Performance system

- Assessed as a score, being the combination of impact x likelihood

- Include "original risk" score and "current risk" score
- Include ownership details

- Include details of key controls and mitigating risk actions

Scoring Matrix

Management Review

- Monthly - overview of all risks

- Monthly - detailed review of high risks

- Monthly - review of risk actions

- Annual - review of key controls

- Evidenced by agendas, reports, action notes

- Evidenced by changes recorded in Pentana, including new risks, risk scores, risk actions and notes

High Risks

HCBS high risks are:

- HCBS004 - Overspend of allocated Housing Need
- Budgets
- HCBS012 - Breach of Statutory Homeless Duty

West Lothian Council

Medium Risks

- HCBS manage 13 medium risks, as follows:-
  - Death or injury due to house fire
  - Death or injury to tenant, employee or member of the public
  - Increase in rent arrears as a result of external factors
  - Housing Capital Programme – delivery of housing repairs and capital programme
  - Failure of contractor to deliver on time resulting in tome delays/additional costs re new build housing
  - Loss of community centre Management Committee's charitable status
  - Failure to complete gas safety check requirements

Medium Risks

- Industrial action over pay issues by craft workers
- Failure to comply with electrical testing requirements
- Physial or verbal abuse of staff, including lone working employees
- Failure to prepare and agree a long term Housing Capital Investment plan 2023/24 to 2027/28
- Driver risk – injury or death to member of the public
- Death of a customer using swimming facilities within Fauldhouse Partnership Centre

West Lothian Council

Conclusion

- Housing, Customer and Building Services has implemented a robust approach to identifying and managing its risks
- Risks are regularly reviewed at the Senior Management Team
- Complete audit trail of the review process and changes

Questions?

West Lothian Council

DATA LABEL: PUBLIC

West Lothian Council

GOVERNANCE AND RISK COMMITTEE

CORPORATE STRATEGY ANNUAL UPDATE – RISK MANAGEMENT STRATEGY

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A.   PURPOSE OF REPORT

The report provides the Governance and Risk Committee with an update on the Risk Management Strategy 2018/23, including performance to date and progress against the planned actions.

B.   RECOMMENDATIONS

It is recommended that the Governance and Risk Committee:

1. notes the performance against the outcomes;

2. notes the progress made in implementing the planned actions.

C.   SUMMARY OF IMPLICATIONS

I.	**Council Values**	Being honest, open and accountable, making best use of our resources
II.	**Policy and Legal**	The council's policy is to mitigate risks to the achievement of its objectives by implementing risk management strategies and procedures which enable managers to effectively identify, assess, and mitigate risk.
III.	**Implications for Scheme of Delegations to Officers**	None.
IV.	**Impact on performance and performance indicators**	A performance scorecard has been developed to support the delivery of the strategy outcomes. This will be used to track and monitor performance of key indicators throughout the period of the strategy and reported publicly.
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.

1

VII.	Consideration at PDSP	None.

VIII.	Other consultations	The strategy was developed through consultation with the key stakeholders, Corporate Management Team, and the Partnership and Resources PDSP. The strategy was approved at Council Executive on 12 June 2018.

D. TERMS OF REPORT

D.1 Background

The council has a clear mission, values and strategic outcomes. These influence every part of the way that we operate but also how we evaluate our success as an organisation. The council has also developed a set of integrated corporate strategies for the period 2018/19 to 2022/23 that will help to improve the quality and value of our services and drive a culture of performance and transformation at all levels of the organisation.

There are two features that allow tracking of progress in the strategy outcomes and measurable achievement:

- performance indicators that are linked to the strategy outcomes and key activities;
- action plans comprising actions with defined outcomes, timescales and responsible officers.

In line with monitoring and reporting requirements for corporate strategies, this report provides an update for 2021/22 on the performance on strategy outcomes and progress on the action plan.

D.2 Strategy Outcomes

Risk may be defined as those threats or unexpected events that may affect the council's ability to achieve its corporate objectives. Risk management is therefore a key component of the council's corporate governance arrangements.

The Risk Management Strategy indirectly supports all of the eight priorities in the council's Corporate Plan 2018/23. It also directly contributes to the enablers in relation to corporate governance and risk, and modernisation and improvement.

The strategy has one outcome: effective risk management arrangements which enable corporate, service, and project risks to be properly identified, assessed, and managed.

D.3 Performance Scorecard

The strategy scorecard is a reporting tool that is used to monitor progress in the performance indicators in each strategy outcome. Achievement in the key activities can be tracked and it also allows the council to identify areas for improvement.

The scorecard provides a snapshot of performance to date across the whole strategy and is included in Appendix 1.

2

A total of four performance indicators are contained in the scorecard and this is managed using the council's performance management system, Pentana. At present, the status of those indicators is as follows:

Summary of Performance Indicator status (RAG)	
Status (against target)	Number of PIs
✅ Green	3
⚠️ Amber	0
🔴 Red	1
❓ Unknown	0

The red performance indicator relates to the percentage of risk actions outstanding after their due date. There has been ongoing engagement with service management teams during 2022/23 to ensure that risk actions are being progressed promptly and are being completed. In addition outstanding audit and inspection risk actions are reported to the Audit Committee every six months. It is anticipated that this performance indicator will show an improvement when progress for 2022/23 is reported.

D.4   Strategy Actions

There were two actions to support the delivery of the Risk Management Strategy outcomes during 2021/22. At present, the status of those actions are as follows:

Summary of Action status (RAG)	
Status (against target)	Number of Actions
✅ Completed	2
▶️ In Progress	0
⚠️ Approaching due date	0
🔴 Overdue	0
❌ Cancelled	0

The 2020/21 Risk Management strategy included a cancelled risk action relating to a desk top test of the council's Corporate Business Continuity Plan, which was not considered necessary or appropriate in the context of the council's ongoing response to the Covid pandemic. Subsequently on 12 August 2021, a desk top test was undertaken of the business continuity arrangements at Whitehill Service Centre, and on 29 April 2022 a desk top test was undertaken of the council's ability to continue to deliver services in the event of a successful cyber-attack. The results of these exercises were reported to the Governance and Risk Committee on 26 September 2022.

E.   CONCLUSION

Progress continues to be made in relation to the Risk Management Strategy 2018/23.

F.   BACKGROUND REFERENCES

West Lothian Council Corporate Plan 2018/23

3

West Lothian Council Risk Management Strategy 2018/23

Appendices/Attachments:

Appendix 1: Risk Management Strategy Scorecard

Appendix 2: Risk Management Strategy Action Plan Update

Contact Person: Kenneth Ribbons
E mail: kenneth.ribbons@westlothian.gov.uk Phone 01506 281573

Donald Forrest
Head of Finance and Property Services
Date of meeting: 12 December 2022

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APPENDIX 1

Risk Management Strategy Scorecard

Outcome 1 - Effective risk management arrangements.

Status	Performance Indicator	Last Update	Current Value	Current Target	Lead officer(s)
✅	P:IA020_6a.7 Percentage of customers who rated the overall quality of risk management advice as good or excellent.	2021/22	100%	100%	.Head of Finance and Property Services (D Forrest)
✅	P:IA021_9b.1a Percentage of risks subject to annual documented risk assessment in Pentana.	2021/22	100%	100%	.Head of Finance and Property Services (D Forrest)
🛑	P:IA022_9a.3 Percentage of risk actions outstanding after their original due date.	2021/22	11%	0%	.Head of Finance and Property Services (D Forrest)
✅	P:IA025_9b.1a Percentage of WLC1 activities with an up to date Business Continuity Plan.	2021/22	100%	100%	.Head of Finance and Property Services (D Forrest)

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APPENDIX 2

Risk Management Strategy Action Plan Update

Status	Action Title	Code	Assigned To	Progress Bar	Latest Update
✅	Annual review of risk management procedures	IA21002_Ar	Kenneth Ribbons	100%	Completed.
✅	Annual review of business continuity procedures	IA21003_Ar	Kenneth Ribbons	100%	Completed.

6

DATA LABEL: PUBLIC

GOVERNANCE & RISK COMMITTEE

PROGRESS ON GOVERNANCE ISSUES 2022/23

REPORT BY GOVERNANCE MANAGER

A.   PURPOSE OF REPORT

To note the progress to date on outstanding governance issues

B.   RECOMMENDATIONS

To note the progress made in relation to the governance issues identified in the annual governance statement 2021/22 (Appendix 1)

C.   SUMMARY OF IMPLICATIONS

I	**Council Values**	Being honest, open and accountable
II	**Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)**	Local Government (Scotland) Act 1973; Local Authority (Accounts) Regulations 2014; Local Code of Corporate Governance
III	**Implications for Scheme of Delegations to Officers**	None
IV	**Impact on performance and performance Indicators**	Good governance leads to good decision-making and improved outcomes
V	**Relevance to Single Outcome Agreement**	Good governance leads to good decision-making and improved outcomes
VI	**Resources - (Financial, Staffing and Property)**	Within existing resources
VII	**Consideration at PDSP**	Not required
VIII	**Other consultations**	Responsible officers; Governance & Risk Board

D. TERMS OF REPORT

1 Governance & Risk Committee approves an annual governance statement for inclusion in the council's accounts. The annual governance statement is informed by the review of the system of internal control, annual compliance statements, the updated Local Code of Corporate Governance, and work carried out to progress governance issues identified in previous years' reporting. The statement each year identifies significant governance issues to be addressed and progressed in the following reporting year. Progress is reported via the Governance & Risk Board to committee at its summer and winter meetings.

2 The appendix (Table 1) shows the governance issues, their status when reported to committee on 13 June 2022, and the present position for each. Those where all work has been concluded or where the initial governance concern has been addressed and control assumed elsewhere are marked as "completed". Those where further work is required are shown as "ongoing".

3 The Code of Corporate Governance requires a regular review of significant corporate governance documents, policies and procedures. The minimum review frequency is once per administrative term, meaning that the review processes should be undertaken and reported where appropriate before the council elections in May 2027. "Review" means reported to members unless determined to the contrary. The appendix (Table 2) includes a list of those subjects, a note of the present position and when reviews should be completed. Progress will be monitored through the Board and reported to committee in June 2023. Progress will also be reflected in annual compliance statements and the annual governance statement for 2022/23.

E. CONCLUSION

Consideration of the governance issues covered by the report will assist in ensuring compliance with the principles in the Local Code of Corporate Governance and will inform the annual governance statement for 2022/23.

F. BACKGROUND REFERENCES

1 Governance & Risk Committee, 13 June 2022

2 Governance & Risk Board, 14 November 2022

Appendices/Attachments: 1. Progress on governance issues

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

Date of meeting: 12 December 2022

APPENDIX

GOVERNANCE ISSUES 2022/23

TABLE 1

ISSUE		GOVERNANCE & RISK COMMITTEE 13 JUNE 2022	GOVERNANCE & RISK COMMITTEE, 12 DECEMBER 2022
10/2020 01/2021 01/2022	Root and branch review of relationship with West Lothian Leisure and the ALEO model, per Scheme of Administration for WLLAC (Annual Governance Statements 2019/20, 14.8; 2020/21, 16.1; 2021/22,)	Ongoing

The necessary evidence gathering and stakeholder engagement for stage one of the review is progressing and an update will be reported to the West Lothian Leisure Advisory Committee meeting scheduled for 23 June 2022. Review stage one is planned for completion during the summer recess and the required reporting when the committee cycle resumes.

(Depute Chief Executive - EC) | Ongoing

WLLAC, 23 June 2022 – first stage progressing in line with the Best Value Framework approved by Council Executive in March 2022. evidence gathering and stakeholder engagement is scheduled to complete during the summer recess and the outcome, along with recommended improvement actions, will be reported to elected members when the committee cycle resumes. Further information on the second stage will also be reported at that time. Options appraisal work has been programmed for the Autumn, and final reporting of officer recommendations scheduled for December 2022.

November 2022 - staffing resources have been prioritised towards concluding review stage one and undertaking necessary reporting to Council Executive by 17 January 2023. Preliminary reporting on stage one is tracking to WLL Advisory Committee on 7 December 2022, following conclusion of related |

ISSUE	GOVERNANCE & RISK COMMITTEE 13 JUNE 2022	GOVERNANCE & RISK COMMITTEE, 12 DECEMBER 2022
		engagement with WLL management scheduled for 25 November. Consideration of the interdependencies and constraints between the proposed WL2028 savings measures relating to WLL and the approach to progressing stage two of the review is ongoing
02/2021	Significant concerns arising from the annual compliance statements, in particular breaches of the law identified by the Monitoring Officer, will be pursued and remedial action taken (8.5 and 16.2)	Ongoing Investigation revealed a historic issue of legal compliance in relation to leases for nominal sums to community education centre management committees. In a number of cases those leases have been found not to have complied with the legislative requirements around disposing of property at less than market value. Legal advice has been given and actions have been designed to address the issue identified (Head of Finance & Property Services)	Ongoing, but paused Community education centres may be affected by budget savings measures and the review of the council's operational estate. Standardisation and modernisation of leases will be addressed after relevant decisions are made in February 2023. Risk has been assessed as low
03/2022	Post-election changes to decision-making structure and member induction and training (16.3)	Ongoing Following the elections in May 2022 the transition to a new administration will bring challenges in addressing desired changes to the decision-making structure and arrangements. All councillors will require support and training, especially those in positions of additional responsibility such as	Completed 27 June 2022 – preparations for induction programme and post-election council meetings completed by mid-April 2022. First meeting and follow-up successfully navigated and changes made to SoA (PDSPs). Induction programme delivered as planned. Evaluation via members and officers. See

ISSUE		GOVERNANCE & RISK COMMITTEE 13 JUNE 2022	GOVERNANCE & RISK COMMITTEE, 12 DECEMBER 2022
		chairs and Executive Councillors (Governance Manager)	also 11/2022, below, for future work
04/2022	The concerns highlighted in the internal audit of Corporate Procurement reported to Audit Committee in January 2022 will be addressed (16.4)	New The most significant one remaining, from a governance perspective, is an absence for a protracted period of time of formal corporate procurement procedures. Those are required by Contracts Standing Orders to complement them, to guide officers in their work on tenders and contracts, and to help them and the council comply with legal obligations and procedures. (Head of Corporate Services)	Completed 31 October 2022 - Procedures rewritten and cascaded to all officers by universal email on 2 November with information on Standing Orders, Procurement Toolkit, Procurement E-learning, etc. Procedures available on intranet
05/2022	A new corporate plan is due to be developed and approved in early 2023. The new plan, the prior public engagement and the identification of corporate priorities will be a major piece of work and will inform the council's planning and service delivery for many years. (16.5)	New The governance arrangements around it, such as the approval of corporate strategies and progress and performance reporting, will be monitored. Related to that will be the ongoing work with community planning partners on the Local Outcomes Improvement Plan (Depute Chief Executive – GS)	Ongoing Council Executive, 21 June 2022 – approval of planned phased public consultation and engagement exercise and reporting arrangements Council Executive, 4 October 2022 – results of Phase 1 reported, Phase 2 to commence, public consultation launched, timescales for reporting back all agreed

	ISSUE	GOVERNANCE & RISK COMMITTEE 13 JUNE 2022	GOVERNANCE & RISK COMMITTEE, 12 DECEMBER 2022
06/2022	There are likely to be consequences for the council flowing from the long-running Scottish Government/COSLA Review of Local Governance (16.6)	New The details remain to be established but the indication is for devolution of decision-making and control in some service areas to a tier sitting below local authorities with some regional collaboration on strategic matters such as spatial planning and public transport (Governance Manager)	Not started, dependent on third party Awaiting firm proposals from Scottish Government, following brief and unspecific undertakings to "conclude the Local Governance Review at the earliest possible date" and introduce a Local Democracy Bill within this Parliament" (Programme for Government 2021/22)
07/2022	The further development and the implementation of community empowerment measures (16.7)	New The further development and the implementation of community empowerment measures will be significant (especially Community Choices) as well as the linkage between the community empowerment themes and the newer community wealth-building agenda (Depute Chief Executive – EC)	Completed Council Executive, 21 June 2022 –update on community choices programme. Areas for further development identified. Further progress report to Council Executive in or before December 2022 Full council, 22 June 2022 – community empowerment measures in list of issues on strengthening democracy to be progressed by officers and reported back to PDSP post-recess ECE&WB PDSP, 13 September and 7 November 2022 - the development of an approach to Community Wealth building in West Lothian is being taken forward by officers. Community Wealth Building will support community empowerment measures.

ISSUE	GOVERNANCE & RISK COMMITTEE 13 JUNE 2022	GOVERNANCE & RISK COMMITTEE, 12 DECEMBER 2022
		Options to be presented at the relevant PDSPs in January 2023
08/2022	The citizen led inspection programme was suspended during the pandemic. It features in the Code of Corporate Governance as an item of evidence relied on to demonstrate compliance. (16.8) New A decision should be made about refreshing the programme or its replacement (Head of Corporate Services)	Ongoing but paused November 2022 – based on a lack of engagement with the Citizen Led Inspection Programme prior to the pandemic, restarting the programme has been paused. Revised arrangements for consulting and engaging with West Lothian citizens and service users are required. Arrangements to determine the most suitable approaches to doing this will be picked up as part of the corporate planning process, through one of the new round of corporate strategies to be developed in early 2023. Relaunching or reforming the CLI programme may be considered along with the other methods of engagement
09/2022	Similarly, the Citizens' Panel features in the Code of Corporate Governance as an item of evidence relied on to demonstrate compliance. Work on the refresh of the Citizens Panel has not progressed for some time and that should be taken forward alongside work on a public New A decision should be made about refreshing the programme or its replacement (Depute Chief Executive – EC)	Ongoing Full council, 22 June 2022 – Citizens' Panel included in list of issues on strengthening democracy to be progressed by officers and reported back to PDSP post-recess November 2022 - the procurement process has been undertaken to refresh the Citizens' Panel. A contactor has been appointed and has begun to the process. This will be

ISSUE	GOVERNANCE & RISK COMMITTEE 13 JUNE 2022	GOVERNANCE & RISK COMMITTEE, 12 DECEMBER 2022
engagement strategy (16.8)		undertaken by the end of March 2023, with ongoing refreshing of the membership planned over the next two years. An update of the Citizens' Panel refresh will be reported at the Community Planning Partnership Board on 21 November 2022
10/2022 The schedule of significant corporate policies, procedures and controls prepared and monitored in 2021/22 to ensure their review in each administrative term (16.10)	Ongoing A schedule of significant corporate policies, procedures and controls has been prepared to ensure their review before the end of the administrative term in May 2022. Substantial completion was reported in 2021/22. It will be maintained and monitored as part of the checks on progress on governance issues. Those outstanding will be carried forward as individual items of governance concern (Governance Manager)	Ongoing See Table 2.
11/2022 The Officer Working Group on members' training and support will continue to meet. The successful completion of the induction programme will be important in ensuring that all councillors have the awareness and skills they need to ensure the council	New The success of the post-elections Induction Programme will be assessed and lessons earned for future programmes. (Head of Corporate Services, Governance Manager)	Completed Evaluation survey to all members in w/c 27 June 2022. Meeting with group representatives held. Induction Programme evaluated through member and officers. Future member involvement to continue in their training and development. Arrangements in hand for induction of councillor elected in by-election on 1 December 2022

ISSUE		GOVERNANCE & RISK COMMITTEE 13 JUNE 2022	GOVERNANCE & RISK COMMITTEE, 12 DECEMBER 2022
	continues its successes and continues to deliver best value (16.11)		
12/2022	Following the Feeley Report in January 2021 and the Scottish Government's plans for a national care service, there will be impacts on the council corporately, on its services and on its staff. (16.12)	Ongoing Developments will be kept under review and actions designed and taken as required (DCE – AW)	Ongoing Bill introduced in Holyrood. Pre-legislative scrutiny ongoing via a number of places and committees. COSLA have provided written submissions to the proposals as has the council and the IJB. Not possible to clarify what the outcome of this first stage will be
13/2022	The Scottish Government has not advanced remedial legislation in relation to its incorporation of the UN Convention of the Rights of the Child but intends to do so (16.13)	Ongoing Preparatory work has started and will continue to ensure the council is able to meet its expected legal duties successfully (Head of Social Policy)	Ongoing Scottish Government plans for amended legislation announced in June 2022. Cross-service Children's Rights and Participation Working Group established reporting through the multi-agency Children and Families Strategic Planning Group. Annual report for 2017-2020 presented at the Group and to be presented to CPPB on 21 November for approval for publishing and presentation to Scottish Government. Working group to focus on next annual report, following progress of the Bill and developing a coordinated approach for implementation
14/2022	The conduct of meetings through hybrid	Will require training for members and officers and the design and implementation of	Ongoing

ISSUE	GOVERNANCE & RISK COMMITTEE 13 JUNE 2022	GOVERNANCE & RISK COMMITTEE, 12 DECEMBER 2022
arrangements, from May 2022 (16.14)	guidance and protocols to ensure the effective conduct of business (Head of Corporate Services)	Full council, 24 May 2022 – commencement date postponed until 16 August 2022. Work underway on guidance and protocols and arrangements to be made for training of members and officers November 2022 – training completed, system in regular use, final versions of guides for members, officers and the public are being finalised
15/2022	The triennial inspection of the council's arrangements to secure compliance with its duties under the Regulation of Investigatory Powers (Scotland) Act 2000 (16.15)	Inspection will take place in September 2022. Arrangements will be made to ensure the actions identified in the previous inspection have all been addressed and that the council is fully compliant (Depute Chief Executive – GS)	Ongoing November 2022 – inspection took place on 21 November, report (positive) received 22 November. Action plan being developed for small number of technical recommendations. Outcome will be reported to public & Community Safety PDSP

TABLE 2

DOCUMENTS, POLICIES AND PROCEDURES FOR (AT LEAST) TERMLY REVIEW

	Item	Officer	Last review, down to and including G&RC on 13 June 2022	Governance & Risk Board, 14 November 2022
01	Appointed Members of Education Executive	CORP	Education Executive, 16 November 2021 - approved via PDSP	WLC, 24 May 2022 – six members appointed, one replaced on 27 September 2022. Power delegated on 27 September 2022 to enable DCE to appoint to vacancies arising during the administrative term Review of appointments in November 2026
02	Anti-Fraud & Corruption	F&PS	Revised document to P&R PDSP on 14 June 2021, approved at Council Executive on 22 June 2020	Review required before May 2027, ideally by June 2025
03	Anti-Money Laundering Policy	F&PS	Approved by Council Executive, 10 September 2019	Review required before May 2027, ideally by September 2024
04	Best Value Regime	F&PS	P&R PDSP on 4 February 2022 then Council Executive on 22 February 2022 - approved the updated Best Value framework and agreed this should be used to assess compliance with Best Value from 2021/22	Review required before May 2027, ideally by February 2026
05	Contracts Standing Orders	CORP	Council Executive, 6 October 2020. Full review carried out	Review required before May 2027, ideally by October 2025

	Item	Officer	Last review, down to and including G&RC on 13 June 2022	Governance & Risk Board, 14 November 2022
06	Corporate Complaints Procedure	CORP	Revised Procedure considered at P&R PDSP on 23 April 2021, approved at Council Executive on 18 May 2021	Review required before May 2027, ideally by May 2026
07	Councillor Complaints Internal Procedure	MO	Reviewed and revised in accordance with Action Plan via Audit Committee 2018/19. No further action required unless as a result of new Code of Conduct	New Code of Conduct required no changes. Will be reviewed in 2022/23 when ESC Investigations Manual is finalised
08	Discipline, Grievance, Bullying & Harassment	CORP	Reviewed as part of ongoing policy and review schedule of HR policies over a five year period. Review was administrative in nature and no significant changes or improvements were identified. Officers considered there was no requirement to go to committee	Review and report to Council Executive required before May 2027. Date of last review not clear, should be established and next review timed accordingly
09	Employee Code of Conduct	CORP	Updated and revised Code of Conduct agreed via PDSP at Council Executive on 22 February 2022	Review required before May 2027, ideally by February 2027
10	Financial Regulations	F&PS	Council Executive, 6 February 2018. Full review carried out Then again for FM Code (September 2021) and again for Internal Audit report on IJB budgeting provision (June 2022)	Council Executive, 21 June 2022 – amendments for IJB budgeting Review required before May 2027, ideally by September 2026
11	Information Governance	CORP	Approved at Council Executive in June 2019. Policy is reviewed annually by officers, with any proposed significant changes brought to P&R PDSP and then to Council Executive for approval, as necessary	Review required before May 2027, ideally by June 2024

	Item	Officer	Last review, down to and including G&RC on 13 June 2022	Governance & Risk Board, 14 November 2022
12	Internal Audit Charter	F&PS	Last approved by Audit Committee on 8 October 2018	Review required before May 2027, ideally by October 2023
13	Local Code of Corporate Governance	JM	Due for full review by 2023/24 at the latest. No further action required	Review required before June 2024
14	Member Role Descriptions	JM	Revised version considered at P&R PDSP on 3 December 2021 and approved at Council Executive on 21 December 2021. Included in post-election Induction Pack.	Review required before May 2027, ideally by December 2026
15	Members' Involvement in Financial Planning	F&PS	Completed as an action from Best Value Assurance Report. Completed in June 2018 (Council Executive). Review as part of process of adoption of new Corporate Plan in next term. No further action required	Council Executive, 15 February 2022, 21 June 2022 and 4 October 2022, and in other reports – process covered and reaffirmed in reports on budget and corporate plan
16	Members' Register of Interests Procedure	JM	Reviewed and revised in accordance with Action Plan via Audit Committee 2018/19. No further action required unless as a result of new Code of Conduct	Reviewed following introduction of new Code of Conduct and in March 2022 as part of the Induction preparations

Review required before May 2027, ideally before March 2027 |

	Item	Officer	Last review, down to and including G&RC on 13 June 2022	Governance & Risk Board, 14 November 2022
17	Members' Use of Council Facilities	JM	Review and revision carried out in December 2021 and January 2022. Elected members involved off-line and at P&R PDSP on 4 February 2022. Revised versions approved at Council Executive on 22 February 2022. Included in post-election Induction Pack	Review required before May 2027, ideally by February 2027
18	Occupational Health & Safety	CORP	Revised Policy presented to P & R PDSP December 2020 and to Council Executive on 19 January 2021	Review required before May 2027, ideally by January 2026
19	Officer/Member Protocol	JM	Review and revision carried out in December 2021 and January 2022. Elected members involved off-line and at P&R PDSP on 4 February 2022. Revised versions approved at Council Executive on 22 February 2022. Included in post-election Induction Pack	Review required before May 2027, ideally by February 2027
20	PVG	CORP	Policy and procedure reviewed and approved via P&R PDSP on 5 February 2021 at Council Executive on 23 February 2021. Other actions agreed at Audit Committee in March 2021 to be followed up by internal audit and at Audit Committee	Review required before May 2027, ideally by February 2026

	Item	Officer	Last review, down to and including G&RC on 13 June 2022	Governance & Risk Board, 14 November 2022
21	Report template	JM	Work delayed due to other priorities, mainly conduct of elections in May 2022. Existing template and guidance considered to still be adequate and no material risk is identified by delays. To be reviewed and refreshed alongside new corporate plan	November 2022 - benchmarking carried out, draft revised template circulated to relevant officers, reported to G&RB on 14 November 2022 and to CMT on 30 November 2022
22	Risk Management	F&PS	Reviewed and reported to Council Executive on 6 October 2020	Review required before May 2027, ideally by October 2025
23	Scheme of Administration	JM	WLC, 28 September 2021 – miscellaneous changes and improvements added along with hybrid meeting changes, nothing more planned Full council, 24 May and 22 June 2022 – further changes affecting PDSPs	Full council, 27 September 2022 – minor changes made following consideration of report on vacancies on committees and outside bodies Review required before May 2027, ideally by December 2026
24	Scheme of Delegations	JM	Quarterly updates continued. Scheme checked for completeness in December 2021 and January 2022. No significant issues identified. Review completed, existing procedure for updating will continue	November 2022 - Statutory Officer role descriptions under review, to be updated and potentially with added roles for Data Protection Officer, Chief Planner and Chief Education Officer Full review by December 2026
25	Scheme of Members' Remuneration and Allowances	CORP	Currently reviewed and reported annually. Annual periodicity is not a statutory requirement. Could be moved to a termly review? Last to Council Executive in March 2022	Next review due in March 2023

	Item	Officer	Last review, down to and including G&RC on 13 June 2022	Governance & Risk Board, 14 November 2022
26	Standing Orders for the Regulation of Meetings	JM	WLC, 28 September 2021 – miscellaneous changes and improvements added along with hybrid meeting changes, nothing more planned	Review required before May 2027, ideally by December 2026
27	Treasury Management	F&PS	Last reported to full council on 24/11/20. Bi-annual reports timetabled. No additional action required	Review required before May 2027, ideally by November 2025
28	Unacceptable Actions Policy	CORP	Review in 2020 concluded that administrative changes only were required. SPSO jurisdiction continues alongside corporate complaints procedure. Implementation of the procedure is monitored via the Governance & Risk Board. Officers concluded that a report to elected members was not required	Review and report to committee required before May 2027, ideally before the end of calendar year 2025
29	Whistle-Blowing	CORP	Policy reviewed by officers in January 2021, no changes proposed or reported to committee	Review required before May 2027, ideally by January 2026
30	Corporate Procurement Procedures	CORP	Added in response to adverse finding in Internal Audit report in 2020 and annual governance statement for 2021/22	Revised procedures imp[lamented form 1 November 2022. Review arrangements to be finalised but likely to be carried out alongside termly review of Contracts Standing Orders
31	RIPSA Policy and Procedure	JM	Added to reflect significance, risk and triennial regulatory inspection	Statutory inspection due in November 2022, review and update planned for 2022/23 to reflect any changes recommended by the Inspector

	Item	Officer	Last review, down to and including G&RC on 13 June 2022	Governance & Risk Board, 14 November 2022
32	PREVENT Policy and Procedure	GS	Added to reflect new statutory regime and additional legal duties	Consideration required to need for policy and/or procedure and staff training and awareness-raising
33	Integration Scheme	AW	Added to reflect statutory duty for quinquennial review. Draft revised Scheme approved at Council Executive on 22 April 2022. To be submitted to Scottish Ministers in June 2022	Submitted to Ministers in August 2022. Feedback incorporated and resubmitted in November 2022. Next review will be due 5 years after approval by Ministers, likely not to happen due to introduction of National Care Service

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![West Lothian Council logo]

GOVERNANCE & RISK COMMITTEE

EXTERNAL AUDIT REPORT 2021/22

REPORT BY GOVERNANCE MANAGER

A. PURPOSE OF REPORT

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

B. RECOMMENDATIONS

1. To note the following significant findings and comments in the 2021/22 Annual Audit Report which was reported to council on 27 September 2022:-

    a) The auditor's unqualified audit opinion on the council and group financial statements

    b) Its "green" assessment of the Governance & Transparency element of the wider-scope audit, with the key features of good governance found to be in place and operating effectively

    c) The council responded quickly to ensure governance arrangements were appropriate and operating effectively during the changing circumstances of the past three years

    d) There were no recommendations for actions plan to deal with issues in the Board's remit

2. To note the summary in Part D of matters in the auditor's report which are relevant to the remit of the committee

C. SUMMARY OF IMPLICATIONS

I	**Council Values**	Being honest, open and accountable
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, at least directly
V	**Relevance to Single**	Good governance arrangements assist, support

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	Outcome Agreement	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**	None

D. TERMS OF REPORT

1 Background

1.1 EY's audit report for 2021/22 was considered by council on 27 September 2022 when the audited accounts were approved for signature. The report was further considered at Audit Committee on 21 October 2022. The audit includes the annual governance statement reported via the Governance & Risk Board to the committee on 13 June 2022 when it was approved.

1.2 EY's report has not been produced in full but there is a hyperlink to the report in Part F. It deals first with the audit of the council's financial statements. It then deals with the wider scope audit covering four dimensions – Financial Sustainability; Financial Management; Governance and Transparency; and Value for Money. The third area of the wider scope audit (Governance and Transparency) is the most relevant to the remit of the committee. The significant relevant elements of those, and EY's assessment, are as follows.

2 Governance and Transparency (page 31)

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. Overall, EY has given a green assessment of this dimension (page 4) and states that:-

- the key features of good governance remain in place at the council

- as noted in its prior year consideration, the council responded quickly to ensure governance arrangements were appropriate and operating effectively during the changing circumstances of the past three years

- the council has arrangements in place to appropriately scrutinise activities across its Group (an accounting term which apparently relates to closely-connected outside bodies), in particular where financial support is being provided to entities in financial difficulty (i.e., perennially, West Lothian Leisure)

2.2 The report considers Governance and Transparency under several headings. These are the three most significant aspects of each.

2.3 Local Code of Corporate Governance (page 31):-

- EY reviewed the annual governance statement against the CIPFA/SOLACE guidance (including additional COVID-19 guidance) and was satisfied that it was consistent with both the governance framework and key findings from relevant audit activity
- EY reported that the statement reported a high level of compliance with the code, and outlines where the council has updated its arrangements in

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response to findings in the Best Value Audit Report or legislative and code changes from the prior year

- It also notes the inclusion of areas of non-compliance and areas for improvement with legislative requirements, including the cause of non-compliance, mitigations and future action to avoid repetition.

2.4   COVID-19 Governance Arrangements (page 32) and Concurrent Risks (page 33):-

- In line with previous years' conclusions, EY considered that the council had responded quickly to ensure governance arrangements were appropriate and operating effectively during the changing circumstances of the past three years
- It noted the arrangements for monitoring and reporting concurrent risks through officer groups to the Governance & Risk Committee as a standing item, and It also noted the incorporation of the separate pandemic and EU withdrawal risks into the corporate risk register
- It reported that updates significant remaining risks will continue to be provided as part of the quarterly horizon scan update report to Partnership and Resources PDSP (now the Corporate Policy and Resources PDSP)

2.5   Internal Audit Work and Annual Assurance Statement (page 32):-

- EY noted that the internal audit work planned for 2021/22 was mostly completed by 31 March 2022 and that the delayed 2020/21 work has been subsequently completed as part of the 2021/22 work plan
- It reported that no internal audit reports concluded that arrangements were unsound, that six reviews required improvement and that the majority of reviews were concluded as either satisfactory or effective, similar to 2020/21
- Based on the work completed in the year, the council's Audit, Risk and Counter Fraud Manager concluded that "the framework of governance, risk management and control is sound."

2.6   Openness and transparency (page 33):-

- The council was found to have clear arrangements to ensure meetings are open to the public and that agendas and papers are available in advance of each meeting
- EY also found that those arrangements were maintained during the pandemic through remote-access and audio-webcast meetings. It noted the (now fulfilled intention) to move to talking pictures in August 2022
- Based on attendance at Audit Committee meetings, a review of reports and minutes, and the annual self-assessment survey by Governance & Risk Committee, EY concluded that governance arrangements were continuing to operate as planned, including evidence of scrutiny and challenge of officers

3   Recommendations, actions (page 48) and future audit work (page 38)

3.1   Two actions were identified, relating to accounting practices (accounting for assets subject to revaluation, and the statutory override in respect of infrastructure assets). Those will be monitored through Audit Committee.

3.2   EY chairs and participates with other scrutiny bodies (including Education Scotland and the Care Inspectorate) in the Local Area Network (LAN) to identify any risks requiring external scrutiny and to agree the council's local scrutiny plan (LSP). The LAN determined that no separate scrutiny plan was necessary in 2021/22.

3. 3   This was the last year of EY's appointment. It concentrated on completing its

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programme of review of the council's compliance with its best value duty to allow it to hand over to the successor auditor (now confirmed to be Audit Scotland). Its specific areas of focus were the approach to sustainability and community responsiveness. Its overall assessment of best value compliance was green.

E.   CONCLUSION

Consideration of EY's annual report will assist the committee in its scrutiny and monitoring of the council's governance and risk arrangements.

F.   BACKGROUND REFERENCES

1   West Lothian Council, 27 September 2022

2   2021/22 Audited Annual Accounts for West Lothian Council

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

4   Corporate Governance Annual Report

Appendices/Attachments: None

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

Date of meeting: 12 December 2022

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GOVERNANCE & RISK COMMITTEE

WORKPLAN, 12 DECEMBER 2022

12 December 2022		
Corporate high risks	Standing item	Kenneth Ribbons and Donald Forrest
Health & Safety Statistics	Standing item – stats and issues underlying risk register	Lesley Henderson
Governance Issues – Progress Report	Bi-annual update on progress of work on governance issues brought out through annual governance statement	James Millar
Business Continuity Planning – Corporate business Continuity Plan (Non-Service Risk)	From Risk Management Annual Report, instructed by G&RC on 13 June 2022	Kenneth Ribbons
Service presentations on management of risk – Housing, Customer and Building Services	Cycle of service presentations following approach approved at G&RC on 23 August 2021	Julie Whitelaw, supported by Kenneth Ribbons
Insurance risks	Following report in January 2021, present as an annual report	Donald Forrest
Property compliance risks	Following report in January 2021, present as an annual report	Donald Forrest
IT risks	Introduced as an annual report, per recommendation by G&RB in February 2021	Lesley Henderson
Risk Management Strategy	Update on progress towards outcomes in corporate strategy	Donald Forrest and Kenneth Ribbons
Governance Aspects of EY's Annual Audit Report	Annual reference of external audit report for scrutiny on wider aspect audit following full council on 27 September	James Millar
Corporate Health & Safety Policy and Health & Safety Risks	Annual report agreed by G&RB in February 2022	Lesley Henderson, supported by Kenneth Ribbons

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6 March 2023		
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	Lesley Henderson
Risk Management Annual Plan	Annual plan for committee approval	Kenneth Ribbons
Self-assessment questionnaire	Annual survey – agreement of questions and to proceed	James Millar
Service presentations on management of risk – Education Services	Cycle of service presentations following approach approved at G&RC on 23 August 2021	Siobhan McGarty and Greg Welsh, supported by Kenneth Ribbons
Non-service risks - TBC	Reporting on risks in register but not allocated to specific service area (from G&RC meeting on 14 June 2021)	Risk owner, supported by Kenneth Ribbons TBC
Gallagher Bassett - Employers Liability Health Check Review	In line with previous practice, reporting advice from external advisers/claims handlers	Kenneth Ribbons, Kenneth Howley
12 June 2023		
Corporate high risks	Standing item	Kenneth Ribbons and Donald Forrest
Health & Safety Statistics	Standing item – stats and issues underlying risk register	Lesley Henderson
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, Local Code, etc.	Annual governance statement for approval together with populated Code of Corporate Governance, annual compliance statements and update on governance issues	James Millar

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Non-service risks - TBC	Reporting on risks in register but not allocated to specific service area (from G&RC meeting on 14 June 2021)	Risk owner, supported by Kenneth Ribbons TBC
Risk Management Annual Report	End-of-year report on completion on annual plan	Kenneth Ribbons
Service presentations on management of risk – TBC	Cycle of service presentations following approach approved at G&RC on 23 August 2021. Services all appeared by March 2023 – to be restarted?	Head of Service, supported by Kenneth Ribbons
Autumn 2023, date to be confirmed		
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	Lesley Henderson
Service presentations on management of risk - TBC	Cycle of service presentations following approach approved at G&RC on 23 August 2021	Head of service, supported by Kenneth Ribbons
Non-service risks - TBC	Reporting on risks in register but not allocated to specific service area (from G&RC meeting on 14 June 2021)	Risk owner, supported by Kenneth Ribbons
Self-assessment questionnaire	Reporting results of survey of members	James Millar

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