

Governance Risk and Best Value Committee

10:00am, Tuesday, 28 November 2023

Corporate Leadership Team Risk Report as at 26 October 2023

Executive/routine
Wards

1. Recommendations

- 1.1 It is recommended that the Committee notes:
 - 1.1.1 The Council's risk profile as at 26 October 2023, the most significant risks facing the Council and the key actions being taken by the Council in response to those risks.
 - 1.1.2 The seven enterprise risks which currently exceed the Council's Risk Appetite levels and the measures being taken in these areas.
 - 1.1.3 Note the response to Council Motion in relation to the workforce and service delivery which were reported at critical in the last two updates and the response to the question on whether more motions, amendments and questions are being raised at committees.

Andrew Kerr

Chief Executive

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Corporate Leadership Team Risk Report

Corporate Leadership Team Risk Report as at 26 October 2023

2. Executive Summary

- 2.1 The purpose of this report is to present the Council's risk profile as at 26 October 2023, highlight the most significant risks facing the Council, and identify key actions being taken in response to those risks.
- 2.2 Risk assessments within this paper are based on management's view of the internal and external environments within which the City of Edinburgh Council operates, with subsequent actions considered in the context of the Council's risk appetite.
- 2.3 The Council's overall risk profile is set out in Section 4.4 of this report.
- 2.4 This report also presents the current assessment of the Workforce and Service Delivery risks which were previously reported as being outwith risk appetite and rated as "critical". Appendix 1 sets out the context around each of these risks and the current response which has resulted in a reduction of the rating from critical to high this quarter for both risk categories. This responds to the action allocated to the Chief Executive at Council on 1 June 2023 to bring a report back on these two items within two cycles and report to GRBV.
- 2.5 The report also responds to the motion 8.8 raised at Council in June 2023 with a request to report back within 2 cycles.

3. Background

- 3.1 This report is to provide the Governance, Risk and Best Value Committee with an update on the most significant risks the City of Edinburgh Council has identified and assessed as at 26 October 2023.

4. Main report

- 4.1 This report contains the most significant risks discussed at the CLT Risk Committee on 26 October 2023 and the risk assessment of the Council's thirteen enterprise risks. This is based on the aggregated risk scores from directorates, overlaid with council-wide risks.

- 4.2 The Council’s enterprise risk descriptions and potential impacts are set out within the Council’s Risk Appetite Statement. An overview of the Council’s current enterprise risk profile and trending overtime is set out in 4.4 below. The key drivers for current risk ratings and associated mitigations are set out in section 4.5.
- 4.3 Risk assessment within this paper are based on management’s view of the internal and external environments within which the Council operates, with subsequent actions considered in the context of the Council’s risk appetite.
- 4.4 The Council’s 13 enterprise risks have been rated as follows:

CEC Risk Profile	CLT risk ratings	
	Q3 2023	Risk Appetite
01 Strategic Delivery	Critical	Moderate
02 Financial and Budget Management	Critical	Moderate
03 Programme and Project Delivery	Moderate	Critical
04 Health & Safety	Moderate	Low
05 Resilience	Moderate	Moderate
06 Supplier, Contractor, and Partnerships Management	Moderate	Critical
07 Technology and Information	Critical	Moderate
08 Governance and Decision Making	Moderate	Low
9 Service Delivery	Critical	Critical
10 Workforce	Critical	Moderate
11 Regulatory and Legislative Compliance	Moderate	Low
12 Reputational Risk	Moderate	Moderate
13 Fraud and Serious Organised Crime	Moderate	Moderate



- 4.5 Since last quarter the Health and Safety risk has been increased from low risk to medium risk, the service delivery and workforce risks (previously both assessed as critical) have respectively been reduced to high risk. In response to the motion at Council in June, Appendix 1 sets out each of these risks, the current context and the response/mitigations at this time.
- 4.6 A summary of the drivers for being outwith risk appetite, actions being taken and timescales to bring risks back within risk appetite is set out in Appendix 1. The longer-term risk trend position across the council’s Enterprise risks is set out in Appendix 2.

- 4.7 The factors driving the current risk ratings and actions are not an exhaustive list of issues affecting, or which could affect, the City of Edinburgh Council. Those factors are often referenced and scrutinised within existing committees as part of business as usual activity e.g., budget management within Finance & Resources Committee. Section 10 of this report contains links to relevant committee report and references, which can be used for further contextual information and detail as required.
- 4.8 The Council's 2022/23 Internal Audit Annual Report and Opinion provides a wider detail appraisal of the current control environment, and was presented to GRBV Committee on 19 September 2023.
- 4.9 This quarter has seen a number of developments in relation to the Council's Risk Management approach. A risk management workshop was delivered to Elected Members to seek views on the quarterly risk reporting format and the approach to risk appetite within the Council. As a result a more detailed analysis of risks outwith risk appetite has been included in this report as Appendix 1.
- 4.10 The Policy and Sustainability Committee approved the Risk Management Policy and Risk Appetite Statement which had been reviewed. The policy now reflects more clearly the role the Governance Risk and Best Value Committee play in the Council's risk management approach. The Risk Appetite has been refreshed, including removing the increased appetite ratings applied during the pandemic.
- 4.11 Recruitment to the reviewed Risk Management Team has also progressed, with the recruitment of a Chief Risk Officer at conditional offer stage. Recruitment of the two Senior Risk Advisers, to support this important line two function is currently underway.
- 4.12 In addition to the risk reporting content within this report, there was a request at Council in June 2023 in Motion 8.8 for a report to be provided to GRBV on the number of motions, amendments and questions raised at Committees and whether there is a higher workload now. The table in Appendix 3 provides the detail on number of additional reports requested through Committees in relation to the motion reference above. This significant increase in report requests will have a corresponding impact on Officer time and capacity to undertake other activities on behalf of the City of Edinburgh Council.

5. Next Steps

- 5.1 Resultant actions from the risks identified in this report are being acted on as reported and will continue to be monitored within directorate and CLT risk committees and will be subject to further scrutiny by GRBV committee.

6. Financial impact

- 6.1 There are no direct financial impacts directly arising from this report, although there may be resource implications associated with managing individual risks. Effective management of risks is part of good financial management and failure to manage

them appropriately may have a range of financial consequences, including potentially serious negative financial consequences.

7. Equality and Poverty Impact

- 7.1 This report does not directly impact on equalities or poverty impact, although not suitably identifying and responding to these risks could cause an impact. This report and the approach to risk management more generally should support these important areas.

8. Climate and Nature Emergency Implications

- 8.1 This paper does not directly impact the climate or nature emergency, although not suitably identifying and responding to some risks would likely cause an impact. This Risk Management Policy and the approach to risk management more generally should support the effective management across these important areas.

9. Risk, policy, compliance, governance and community impact

- 9.1 This report highlights the Strategic risk for the City of Edinburgh Council, as it seeks to set out the current assessment of risk against the Enterprise Risk Categories and response specifically where risks are assessed as out-with appetite.

10. Background reading/external references

- 10.1 [Risk Management Policy](#)
- 10.2 [Risk Appetite Statement](#)
- 10.3 [Sustainable Capital Budget Strategy 2023-2033](#)
- 10.4 [Financial Strategy and Medium-Term Financial Plan](#)
- 10.5 [Adult Support and Protection and Social Work & Social Care Inspection Improvement plans](#)
- 10.6 [Sustainable Procurement Strategy Annual Report - 2023](#)
- 10.7 [Scotland's Labour market Trends June 2023](#)
- 10.8 [Workforce Dashboard.pdf \(edinburgh.gov.uk\)](#)
- 10.9 [Revenue Monitoring 2023-24 - Month Three Report update](#)
- 10.10 [MTFP and Financial Update.pdf \(edinburgh.gov.uk\)](#)
- 10.11 [2022-23 Internal Audit Annual Report and Opinion.pdf \(edinburgh.gov.uk\)](#)

11. Appendices

- 11.1 Appendix 1 – Enterprise Risk out with risk appetite – context and response/mitigations
- 11.2 Appendix 2 - Current Enterprise Risks status and risk trend
- 11.3 Appendix 3 – Review of the number of Motions/Amendments/Questions raised in Committees in response to item 7.5 raised at Council on 31 August 2023.

Appendix 1

Enterprise Risk outwith risk appetite – context and response/mitigations

High Rated Risks

Workforce

Context

The Scottish Government 'Scotland's Labour Market Trends June 2023 [report](#) highlights the estimated unemployment rate in Scotland is low (3.1%) by historical standards, there has been a significant increase in the estimated economically inactive in Scotland (22.9%) following the COVID-19 pandemic. The estimated employment rate for people aged 16 to 64 years in Scotland was 74.6% in February to April 2023. This is 0.7 percentage points down on December 2019 to February 2020 (pre-pandemic). This backdrop of low unemployment and higher rate of economically inactive has an impact on the number of people actively within the jobs market.

Against this backdrop a wide range of Council Services have been reporting workforce as a high to critical risk arising from difficulties recruiting to vacancies.

Response/mitigations

The strategic approach to tackle the recruitment challenges faced by the Council to ensure that we have the right people, with the right skills and in the right place will be the focus of the next People Strategy and Strategic Workforce Plan for 2024-2027.

A report was approved by the Policy and Sustainability Committee on 22 August 2023 which detailed the timeline and process for the development of the refreshed Strategy, including the communication and engagement plans. Alongside the development of the People Strategy, the Council's Workforce Plan will also be reviewed. This will be supported by the implementation of the new HR/Payroll system, which will provide effective data to inform this more effectively and set out areas for action and focus to ensure a resilient and competent future workforce. The current Workforce Plan is available to view on the Council [Orb](#).

In response to the immediate recruitment challenges, the Council has adapted the way we engage with potential recruits. The approach of advertising through the national public sector recruitment portal myjobscotland has in the past provided suitable recruitment pools from which to make appointments. Recognising this alone is no longer providing the number and quality of applicants necessary, officers have extended this to include focused targeted recruitment campaigns using different forms of engagement, such as face to face open days, extensive social media and app communications as well as local promotion such as lamppost wraps and posters in community venues.

This has been captured in a campaign toolkit which will allow this to be used across the Council. This is now available to all recruiting managers. The outcome of this type of initiative within Facilities Management, for example, led to the filling of 64% of vacancies across all locations where this was previously around 10%. Other examples of recruitment approaches being adopted successfully are set out in the '[Workforce Deep](#)

[Dive -Hard to Fill Roles report](#) presented to the Finance and Resource Committee on 20 June 2023.

As part of the Workforce Deep Dive report, the report acknowledges the need to revisit the planned review of terms and conditions of employment which was put on hold during the pandemic – ‘Your Total Reward’. This piece of work, together with the Workforce Plan, will include analysis and benchmarking of pay against other local authorities and the private sector to consider what changes may be required to tackle problems of workforce retention and recruitment.

The Partnership has engaged Capital City Partnership to support more localised recruitment events for social care roles. Work has also been undertaken to look at processes to allow recruitment applications for roles to be completed on the day as part of recruitment events and making the application process as simple as possible. Work has started on looking at implementing rolling adverts for social work and social care and nursing roles. More flexible working patterns are now in place within the Homecare service to attract suitable candidates.

The Finance and Resources Committee currently receives quarterly Workforce Dashboard reports. The [report](#) presented to Committee on 21 September 2023 shows, the level of vacancies advertised over the quarter was 2,873 which is an increase from previous quarter of 458 as outlined below:

- 43% Children, Education and Justice Directorate
- 38% Place
- 10% Edinburgh Health and Social Care Partnership
- 8% Corporate Services

Of the 992 colleagues onboarded within the quarter, 45% were internal and 55% were external candidates. Over the quarter 153 apprentices were supported. This is against a backdrop of 310 leavers during the period.

The report also reflected a reduction in sickness absence for the same period amounting to 7,688 days.

This risk was previously rated as critical, given the progress made in recruitment across a wide range of areas this risk has been reduced from critical to high. Its recognised the rating of high risk is still out-with risk appetite and that further progress on recruiting to vacancies is required, making full use of the measures outlined above.

Service Delivery	
<p>Context</p> <p>This risk relating to service delivery is inextricably linked to having appropriate staffing resource to be able to deliver the services the citizens of Edinburgh rely on the Council for.</p> <p>The Service Delivery risk had a further dimension, which resulted in it being rated as critical, when assessed in June 2023. This related to the outcome of a <u>Joint inspection of adult support and protection in the city of Edinburgh partnership</u>.</p> <p>There is a potential significant shortfall in Scottish Government funding to implement the new <i>Scottish Recommended Allowance</i> for children in kinship and foster care.</p> <p>Foster Carers with settled children in placements are being offered better rates by independent fostering agencies. This can lead to an impact for children in the care of the City of Edinburgh Council and increased costs.</p> <p>No recourse to public funds and unaccompanied asylum seekers which are two risks where demand is high, with limits on supply accommodation to support young people and families.</p>	
<p>Response/mitigations</p> <p>In response to this element, the Edinburgh Integration Joint Board has developed and approved <u>Adult Support and Protection and Social Work & Social Care Inspection Improvement plans</u>.</p> <p>There are several strands of work to address the findings from the Adult Social Work and Social Care inspection and the Adult Support and Protection Inspection and this has been contained with the report to <u>Policy and Sustainability Committee</u>. The key strands undernoted, when implemented, will start to have a positive impact on the current high service delivery risk include:</p>	
Action	Update
<p>Improve access for people at the point of contact through a focus on Social Care Direct, ensuring people at risk of harm are identified with the right actions taken quickly.</p>	<p>An early-intervention approach has been delivered through a 'test of change' (ToC) which saw additional resource at the first point of contact with Social Care Direct. This has been focussed on the North East locality and evidence shows that this has reduced the number of referrals being passed to the North East for screening. An immediate and longer-term plan to implement the model in all four localities is currently being developed.</p>
<p>Increase capacity through an agency Social Work team to undertake assessments and reviews of people in receipt of services to ensure needs are being met -</p>	<p>The temporary team consisting of agency staff to undertake reviews and assessments has been approved, and whilst recruitment into posts has commenced by the agency this has been slower than expected. The project team have identified an initial cohort of service users across a spectrum of cases requiring a review. The team will undertake reviews/ assessments using a strengths-based approach with a focus on ensuring right sizing of any care and</p>

	<p>support provision that promotes independence. In each review, the team will be considering both the quality of service delivery and any identified risks to individuals. Weekly meetings between the Partnership and the team are ensuring close oversight of performance and learning.</p>
<p>Undertake a strategic commissioning exercise to ensure that the Edinburgh Integration Joint Board (EIJB) has a clear understanding of bed-based services (including dementia, nursing, intermediate care) to meet people's needs</p>	<p>A Lead Commissioner started 31 August 2023 and has undertaken a analysis of demand and cost for residential and care at home; reviewed trends in waiting-times for service, including people in hospital. Some early opportunities identified to manage cost while maintaining quality:</p> <ol style="list-style-type: none"> 1. negotiate fee rates in 8th and 9th decile nearer to standard rates, 2. with reviewing teams, taper intensive packages for people leaving hospital by active review after discharge, 3. estimate costs and benefits, plan reviews. <p>October 2023 - with commissioners and programme lead:</p> <ol style="list-style-type: none"> 1. begin reviews. 2. analyse demand and cost for self-directed support and other budget blocks. 3. find causes of scarcity, plan practical remedial measures. 4. with NHS Lothian's bed-modelling programme, estimate medium- and long-term demand in residential care; prepare capacity plan. 5. develop the Older People's pathway for residential care, including internal services, Intermediate Care and HBCCC. 6. create list of short/medium term commissioning intentions to shape market. 7. understand where new entrants to the market are needed. <p>Winter and Spring 2024:</p> <ol style="list-style-type: none"> 1. Meet people who use services and care providers. 2. Work with commissioners on social care general strategy and plan, aligned to MTFS. 3. Align medium- and long-term commissioning plans to the Strategy. 4. Agree plans for future frameworks and blocks.
<p>Continue with One Edinburgh programme, increasing capacity for people requiring a package</p>	<p>Totalmobile: stabilised in North West and successful roll-out at South West, preparations underway for South East/North East/Over Night Service, with a</p>

<p>of care to live at home independently</p>	<p>slightly adjusted plan to meet Over Night Service needs.</p> <p>Internal Redesign/External Commissioning: Development sessions held with IJB (20th June; 26th July). Submitted and approval agreed at Sept Edinburgh Integration Joint Board. Coproduction with providers will be planned once outcome agreed. Finance lead updating savings target associated with reablement.</p> <p>Care at Home brokerage: Successfully recruited 2 out of 4 brokerage officer posts and readvertised to fill final 2 brokerage officer posts.</p>
<p>Introduce new ASP Investigation processes with specific chronologies and risk assessment.-</p>	<p>New process designed and implemented in June 2023. New process addresses 3-point criteria for ASP, risk assessment, as well as chronologies.</p>
<p>Replace SWIFT with a system that improves processes and creates service capacity, efficiency and safety.</p>	<ol style="list-style-type: none"> 1. SWIFT replacement has been agreed by Corporate Leadership Team (CLT) and the overall governance of the project sits within City of Edinburgh Council. CGI are leading the project with input from the Partnership, Criminal Justice and Children's services. 2. In planning for migration to a new system, data quality issues within the Partnership need to be addressed. Paper going to CLT to request decisions to support this activity. 3. In medium term, work needs to focus on Partnership aligning the project with other SRO's projects to ensure we can specify our business requirements on a new system e.g. conversations.
<p>Alongside, the actions identified as part of the Adult Social Care and Social Work inspection programme, there are several improvement and change programmes that are also being managed through the Partnership's change programme and is undernoted:</p> <ul style="list-style-type: none"> • Discharge without Delay continues to be implemented as part of our Home First approach. • A range of commissioning pathways for Older People's, Mental Health and Learning Disabilities are being designed. • Formal adoption of the new Scotland Excel shared Alarm Receiving Centre. • Edinburgh are a pathfinder for GIRFE (Getting it Right for Everyone) which will help shape the national framework and practice model for adult services. <p>There are a range of workstreams ongoing which will drive service improvements and improve delivery of services. As these workstreams are at various stages of completion, it is prudent for the service delivery risk to remain at high currently. However, it should be noted that there are several services that are regulated with the Care Inspectorate and are subject to a regular inspection regime. There have been a number of inspections carried out within care homes and internal Homecare and Reablement services which have had been graded as 5 - very good / major strengths highlighting</p>	

that the Partnership does continue to deliver high quality services whilst carrying the current high service delivery risk.

The delivery of the Adult Support and Protection and Adult Social Work and Social Care improvement plan and the implementation of actions will be monitored by Policy and Sustainability Committee and Edinburgh Integration Joint Board (EIJB) Performance and Delivery Committee on a six monthly basis.

Improvement and Voids Plans

Continue to engage with the market via the Flexible Purchasing System seeking additional accommodation.

Continue to develop innovative models of accommodation as set out in Rapid Rehousing Transition Plan.

Children, Education and Justice have increased fees and allowances for Foster Carers by 5% in mitigation of the higher rates being offered by independent foster agencies to encourage and support retention of carers. The Council will continue to monitor the Scottish Government National recommended allowances, monitor number of carers and review fees and allowances in comparison with other Local Authorities. Backdated payment being planned, however, given challenges with SWIFT there is likely to be an added administrative burden to apply this.

Following a review of the overall risk at CLT Risk Committee on 26 October 2023 this risk has been reassessed at high risk, reducing from the critical rating last quarter. While this rating is on risk appetite work continues to further manage elements linked to this enterprise risk category.

Strategic Delivery

Context

The Strategic Delivery risk across all Directorates has an element of interdependency related to finance and the Council's financial risk position.

The Edinburgh Integrated Joint Board Strategic Plan will be influenced by the current operating environment in terms of the current financial position and the recommendations from the two inspection reports (Adult Support and Protection and Adult Social Care and Social Work). Challenges remain regarding workforce and the ability to manage demands within the available capacity. This is impacting the ability to deliver on strategic objectives linked to Programme and Project Delivery.

The [End Poverty in Edinburgh Annual report](#) was presented to the October 2023 Policy and Sustainability Committee. This highlighted the good work being undertaken by the Council in relation to poverty. However as shown by the cost of living crisis this is not enough. A poverty prevention team could progress more quickly if it had dedicated programme management support.

Delivering on the ambitious 2030 climate target will require significant capital investment as well as additional resource across all service areas. Financial prioritisation will be key to enable further emissions reductions. The [Council Emissions reduction plan – Annual Progress report](#) was presented to Policy and Sustainability Committee together with [the public bodies Climate Change Duties report 2022/23](#)

Response/Mitigation

The production of the EIJB strategic plan has been delayed to March 2024 to ensure alignment with the current operating environment – response to recent social care inspections and budget savings proposals.

Development of one overarching change programme and creation of Change Board that that will help support the move to an early intervention and prevention model.

The provision of resourcing in support of the poverty prevention programme will be considered as part of the Medium-Term Financial Plan. Other controls include, work with Partners to deliver poverty and prevention actions through community planning structures. Seek opportunities for external funding for poverty and prevention actions. Work with Partners to share responsibilities for implementing the Climate Strategy City Programme. Reframe the Council programme governance and Council delivery plans for Sustainability to focus on fewer priorities.

Three new posts have been filled in Corporate Climate and Sustainability team; two Senior Policy Officers and a Partnerships and Programme Manager. A further officer is being recruited to lead on Communications and Engagement and is expected to be in post by January 2024.

A review of the Council's Emission Reduction Plan (CERP) actions will be undertaken to enable prioritisation of actions to support investment decisions.

Financial and budget

Context

This risk has two dimensions one is the in year budget position which is managed at a Service level.

A more detailed analysis of the drivers behind these in year budget pressures are set out in the [Revenue Monitoring Report](#) presented to Finance and Resource Committee on 23 October 2023. Further in year budget pressure risks include uncertainty on the Employee Pay award (2023/24), Inflationary pressures, Brunstane Primary School – investigation works and decant, Reinforced Autoclave Aerated Concrete (RAAC) Panel – remedial costs and 2023/24 Savings delivery

Failure to break-even in 2023/24 would increase the savings requirement in 2024/25. Current planning assumptions identify significant incremental funding gaps exist in subsequent years, £36.7m in 2024/25, £92.8m in 2026/27, with indicative annual gaps of around £30m thereafter. This is detailed in the [Financial Strategy and Medium-Term Financial Plan \(MTFP\)](#) reported to Finance and Resource Committee on 20 June 2023.

Response/Mitigations

Executive Directors and the Chief Officer of the Edinburgh Health and Social Care Partnership are actively managing pressures, risks and savings delivery shortfalls within their respective core budgets and review all discretionary expenditure to ensure a balanced position is achieved by year end.

The financial strategy that underpins the Medium Term Financial Plan (MTFP) recognises that there is no single panacea to addressing the financial challenges the Council faces. The strategy is therefore based on a combination of savings initiatives that collectively close the gap in 2024/25 and over the three-year MTFP period. It also recognises that a mix of short- term and longer-term initiatives will be required, some of which will not deliver early benefits because they require longer lead times. Finally, to deliver the financial strategy will require a Change Programme to deliver the longer term, cross-cutting and structural initiatives. This is detailed in the [Financial Strategy and Medium-Term Financial Plan \(MTFP\)](#)

Technology and Information

Context

The National Cyber Security Centre report that over the last year, the cyber security threat to the UK has evolved significantly. The threat from ransomware was ever present – and remains a major challenge to businesses and public services in the UK. This year, 18 ransomware incidents required a nationally co-ordinated response, including attacks on a supplier to NHS 111, and a water utility company, South Staffordshire Water. Evolving state threats and the proliferation and commercial availability of cyber capabilities continued and is likely to expand the threat to the UK. It is expected that further malicious and disruptive cyber tools will be available to a wider range of state and non-state actors, and will be deployed with greater frequency and less predictability.

This rating reflects reliance on essential legacy systems, including but not limited to iTrent and SWIFT, and the continued risk of cyber-threats which set out in detail by National Cyber Security Centre and Scottish Gov Cyber Resilience.

Response/Mitigations

The Cyber threat is real and consideration to future investment in systems should be high on members' agenda, in order to ensure the organisations data is protected and we have the most up to date and secure systems. Consideration should be given to an annual investment as part of the Capital programme. Mitigation in relation to loss of data is also being considered. Completion rates of mandatory cyber-security training are monitored on a regular basis, with non-compliance highlighted to services by the Cyber and Information Security Steering Group (CISSG). Service responsiveness to a successful cyber attack is scheduled to be reviewed as part of the 2023/2024 audit plan, and is expected to have business continuity oversight from the Council Resilience Group. It is likely this risk will remain out-with appetite until all necessary systems have adequate funding and have been successfully implemented. Further details can be found within the GRBV Digital Services Quarterly Status Update.

The acquisition of a new HR system has been approved by Council, and is scheduled to be implemented by April 2025. A replacement for the SWIFT, with the aim to set up a project and to commence a 2 year deployment from January 2024.

Medium Rated Risks

Health and Safety

Context

Following incidents involving reinforced autoclaved aerated concrete (RAAC) the Department for Education and Local government Association made building owners aware of potential component failures. This was widely reported in the media in August 2023 as schools in England were due to return after the summer break and where the DfE had taken the decision some schools and parts of schools could not open given the risk associated with the buildings. Similar potential risks were applicable in Scottish schools.

The City of Edinburgh Council have an obligation under the Fire (Scotland) Act 2005 to assess fire risk within facilities it operates (relevant premises). These assessments have been carried out by Duty Holders previously, however, following an action arising from the Life Safety Audit carried out in 2020 it was agreed that an exercise should be carried out to have Fire Risk Assessments carried out by specialist fire risk assessors.

The City of Edinburgh hosts a large number of public events with significant numbers of people gathering to enjoy a range of events and activities. There is a known risk relating to hostile vehicle attacks arising from a number of high-profile incidents in the UK and abroad.

Response/Mitigations

The City of Edinburgh Council through its Sustainable Development Division have led and co-ordinated a programme of building assessments to assess where RAAC may have been used and then to determine appropriate remedial action. This has resulted in areas being taken out of use in some school sites, library and a community facility. Details are reported and updated on the [Council's website](#) to inform the citizens of Edinburgh.

Council facilities have been subject to assessment by specialist fire risk assessors with the support of Mitie and Skanska. These assessments are now being reported on. Following a quality assurance process these assessments are being provided to Duty Holders as the current record of fire risk assessment, with actions arising from these allocated to Duty Holders and Property Facilities Management as appropriate.

The Council are continuing to make provision for stakeholder advice in relation to the hostile vehicle threat and mitigation advice also included as part of the Event Planning and Operations Group (EPOG) process.

Governance and Decision Making

Context

Given the wide range of health and safety statutory obligations placed on the Council, greater clarity is required on how these regulatory requirements are to be met and monitored.

Legal Services not always engaged early enough in decision making process; Legal advice and potential risks not made fully clear to decision makers by services.

Workforce pressures has been a contributing factor to the embedding of these frameworks as is unplanned demands for officer time, while balancing competing priorities.

Motions and amendments creating capacity demands.

Response/Mitigations

Review opportunities to embed consideration of Legal & Regulatory impacts within CLT decision making, through internal promotion of support available, and safeguarding of decisions through standardised risk reporting.

New Health and Safety Strategy with work plan to refresh current policy and guidance material with a consistent framework to guide and measure performance against.

Areas for development have been identified within the Governance team with the purpose of supporting decision making from officers which may have regulatory compliance or legal implications.

The Resilience framework requires further embedding throughout 2023, and the need to strengthen governance over the Council's Arm's Length External Organisations (ALEOs) has been recognised.

Enhanced elected member engagement where possible

Regulatory and Legislative Compliance

Context

Education and Facilities Management plan for potential business disruption each year, which would cause a regulatory compliance impact in relation to the statutory provision of Education. In advance of this years winter period Education and Facilities Management have planned for the response to a heating breakdown, as part of ready for winter contingency planning.

The use of temporary accommodation in response to the Ukraine crisis continues to be reviewed under the statutory Unsuitable Accommodation Order. Performance reporting of statutory care and education services is being monitored closely due to workforce pressures versus demand.

The Council identified the need for remedial work on some heating plant to facilitate the inspection of equipment.

School accomodation pupil capacity,potential not to clear waiting lists to provide education in the event of insufficient pupil places.

Response/Mitigations

Education have a key dependency on Facilities Management for operational breakdowns, however, following a recent breakdown of a secondary school heating system the response from Facilities Management, with support from external contractor resulted in heaters being provided to the school within an hour and the school back to operating temperature for the following day. While this interdependency response was successful further lessons learnt are being taken from this.

It is hoped that further forbearance will be granted under the Unsuitable Accommodation Order while demand for accommodation continues to be high. The work to review and develop clear guidance on work equipment is expected to be completed in quarter 2 of 2023.

Work has been undertaken to develop more prescriptive arrangements on the management of work equipment, in particular around performance reporting to give organisational oversight and confidence going forward. The new arrangements have been consulted on with the trade unions and are due to be reported on to CLT in November.

Revised operating model for school capacity, Secondary School Placements Project including capacity and timetabling. Digital Consortia, timetable flexibilities, Learning Estates Board reinstated

Audit of Placements Process and procurement of new digital placements app for parents and carers.

Appendix 2 - Current Enterprise Risks status and risk trend

The Council's 13 enterprise risks have been rated as follows:

CEC Risk Profile	trending					CLT risk ratings	
	Q1 2022	Q2 2022	Q3 2022	Q4 2022	Q2 2023	Q3 2023	Risk Appetite
01 Strategic Delivery	Yellow	Yellow	Red	Red	Red	Red	Yellow
02 Financial and Budget Management	Yellow	Yellow	Red	Red	Red	Red	Yellow
03 Programme and Project Delivery	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Red
04 Health & Safety	Yellow	Yellow	Yellow	Yellow	Green	Yellow	Green
05 Resilience	Red	Red	Red	Yellow	Yellow	Yellow	Yellow
06 Supplier, Contractor, and Partnerships Management	Red	Yellow	Yellow	Yellow	Yellow	Yellow	Red
07 Technology and Information	Yellow	Red	Red	Red	Red	Red	Yellow
08 Governance and Decision Making	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Green
9 Service Delivery	Red	Red	Red	Black	Black	Red	Red
10 Workforce	Red	Red	Red	Black	Black	Red	Yellow
11 Regulatory and Legislative Compliance	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Green
12 Reputational Risk	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow
13 Fraud and Serious Organised Crime	Yellow	Green	Green	Yellow	Yellow	Yellow	Yellow

Critical	High	Moderate	Low
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Appendix 3 response to item 7.5 raised at Council on 31 August 2023

The table below provides a comparison of the number of Motions/Amendments/Questions raised at Council Committees between May 2020 – May 2022 and May 2022 – September 2023.

	May 17/May 18		May 20/May 22		May 22/Sept 23
Council Committee	Count of additional reports		Count of additional reports		Count of additional reports
Finance and Resources Committee	5		2		10
Transport and Environment Committee	9		17		26
Education Children and Families Committee	3		3		16
Governance Risk and Best Value Committee			1		4
Council	8		13		24
Policy and Sustainability Committee	8		19		27
Housing, Homelessness and Fair Work Committee	5		5		9
Culture and Communities Committee	3		1		20
Planning Committee			2		6
Regulatory Committee			1		5
Pentland Hills Regional Park Joint Committee					1
Licensing Committee			*1		1
Relevant Committee/no direction	10				2
Total	51		65		151

*Licensing Board

The average time taken to respond to additional questions was half a day.