CORPORATE RISK REGISTER – UPDATE ON RISKS

APPENDIX A

Dept./ Function	CRR Risk No	Risk Description	Current Risk Score (incl. changes)	Update Based on risks discussed at department's management teams during December 2021	** Direction of Travel (Residual Risk Score over the next 12 months)
Coronavi	rus – CC	VID-19			
All	1	If the Council does not on an ongoing basis plan for, prepare and respond to current and future consequences of the COVID 19 pandemic, the Council and its communities could suffer long lasting economic, environmental, societal, technological challenges and missed opportunities.	20 I5/L4	The level of risk is continually monitored by the Resilience Planning Group (RPG) and Corporate Resources to assess risk to staff and customers and reported to the Council's Crisis Management Group (CMG). New variants have elevated sickness and isolation absences, services are asked to provide regular updates on staffing levels and where required the response to this is addressed through business continuity plans and reviewed regularly at RPG meetings. The Council provides regular service updates on its website but at the time of this report two waste sites were closed until further notice due to staffing and driver shortages, some home to school and special educational needs transport services were unavailable and staff absence in the customer service centre led to delays in answering queries. Through the LLR Strategic Coordinating Group the impact of new variants is assessed and where appropriate multi-agency collaboration has occurred in order to identify mitigating actions The proposals to make COVID-19 vaccination mandatory for the wider frontline health and social care sector has now passed through parliament and will be a requirement from 1 April. Workers in scope are obliged to have their first vaccination by 3 February. The national guidance with detail on scope and application is awaited. Risk thresholds for the new requirement are being determined across LLR, taking into account wider factors such as provider leadership, package hours held, intention of staff to be vaccinated, as well as vaccination take up. RAG ratings will prioritise oversight and support to higher risk providers	Expected to remain red/high

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1. Me	edium Te	erm Financial Strategy			
All	1.1	Risk around the MTFS including the ability to deliver savings through service redesign and Transformation as required in the MTFS, impact of the living wage, legal challenges, and importantly demand/cost pressures especially those arising in Adults and Children's Social Care.	25 I5/L5	 Work on developing additional savings will continue High level assumptions agreed for the MTFS 2022-26 Resources for on-going impact to services affected by withdrawal of Covid-19 funding allocated through the MTFS Capital Programme Improvements - Growth allocated to E&T, Finance and Procurement. Formal programme to be established with external support. F20 Group has been formed to campaign for improvements to the distribution of local government funding. Adult Social Care has received £5m in-year funding support allocation from NHS and is presenting a business case for recurrent funding. 	Expected to remain high/red
C&FS	1.5	Social Care: If the number of high cost social care placements (e.g. external fostering, residential and 16+ supported accommodation) increases (especially in relation to behavioural and CSE issues) then there may be significant pressures on the children's social care placement budget, which funds the care of vulnerable children.	25 I5/L5	 Children in care figures remain volatile having increased to 689 (+14 since last reported 5 November). Current work in relation to Defining Children Services has a focus on a placement stream to reduce numbers in residential care and increase both mainstream and specialist carers, which will in the long term have a positive impact on MTFS spend. It also needs to be recognised that the complexity of Leicestershire's children is increasing requiring more specialisms which is more expensive 	Expected to remain high/red
C&FS	1.6	Education If demand for Education Health and Care Plans (EHCP) continues to rise, and corrective action is not taken, there is a	25	Full scale programme review workshops with key internal stakeholders have taken place to re-set programme scope so that activity is tightly aligned to financial benefits. The first Benefits Board has taken place; this was the first Board	

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		risk that the high needs deficit will continue to increase.		where a balanced score card and high level key performance indicators to better understand the High Needs Block (HNB) system and its performance was presented as one holistic picture – baselines have been set and targets will be presented back for approval at the next meeting which will allow the programme to tightly track whether associated activity is having the desired effect.	Expected to remain high/red
				Consultants will be supporting a diagnostic starting early January (for the full month) to provide a forensic look at the existing activity and way in which the HNB service is operating in terms of pathways, processes and practice so that the next phase of the plan is focussed on better outcomes for service users and financial sustainability for the directorate.	
CR	1.7	If the Council is not compliant with the HRMC IR35 regulations regarding the employment of self-employed personnel, then there is a risk of large financial penalties	20 I5/L4	A contract is now in place for public sector tax specialists to review the Council's processes. The Government is planning to consult in the New Year on supply chain 'umbrella companies' regarding how they act with the tax system and employment rights systems. The Council has declared an error to HMRC and made payment on account but HMRC could charge interest and this is where the tax specialists will help.	Expected to remain high/red
C&FS	1.9	If the immigration status of unaccompanied asylum- seeking children (UASC) who arrive in the County is not resolved, then the Council will have to meet additional long- term funding in relation to its housing and care duties.	16 I4/L4	Leicestershire had agreed to take 5 children as per the National Transfer Service (NTS). There are additional pressures on Local Authorities to take more UASC children who arrive in the southern counties. The emerging risk is around the hotels that the Government book, used by Asylum Seekers (adults) and supported by the Council whilst the Home Office undertake checks. However, upon arrival at the hotel, those young adults are declaring that they are under 18, which means the Council has to undertake assessments to verify this, this involves two members of staff and there is a growing number of those adults then being identified as under 16 by	Expected to move to Medium/Amber

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				Leicestershire, whereupon we do not get the same NTS funding. Backdated funding cannot be applied for as they are classed as spontaneous arrivals.	
CE	1.11	If Freeport designation is not achieved there will be serious reputational consequences for the East Midlands region and partners in the Freeport proposal.	16 I4/L4	The Treasury has shown commitment to freeports by issuing regulations which designate freeport tax sites within the Humber, Teesside, and Thames Freeports. For the East Midlands Freeport, the Full Business Case (FBC) is on target to be submitted in early spring 2022 (following a revised deadline set by Government). Full designation, including tax site designation, is expected thereafter.	Expected to move to Medium/Amber
CE	1.12	If the Council fails to maximise developer contributions by shaping local plan policies, negotiating S106 agreements and pro-active site monitoring, then there could be a failure to secure funding for County Council infrastructure projects (such as transport and schools).	16 4/L4	The Head of Planning, Historic & Natural Environment provided a significant list of new developments and improvements that are either already in place or are planned to be in phases for February, April, and the autumn.	Expected to remain high/red
2. He	alth & S	ocial Care Integration	L		
C&FS A&C PH	2.4	If the Council and its partners do not deliver a sustainable health and social care system (adults, children and public health) which results in vulnerable people not having their health and social care needs met, there is a potential that increased demand on social care services will lead to	16 I4/L4	A&C System Flow Board and Executive governance is in place. Consultation under way on new draft Health & Wellbeing Strategy. Development of 3 Conversations Model working with Partnership in Care has begun. Some success in recruiting to the Crisis Response Service and Homecare Assessment and Reablement Team (HART) to increase capacity for Home First	Expected to remain high/red

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		the escalation of vulnerable people's needs.		C&FS No further update PH The structure to support the development of an Integrated Care System (ICS) has expanded. The position will be monitored leading up to the summer when the ICS is fully established.	
3. ICT,	Inform	nation Security	I		
CR	3.7	If the Council does not manage its exposure to cyber risk, then decisions and controls cannot be taken to mitigate the threat of a successful cyber-attack.	16 I4/L4	Contract agreed with 3rd party specialist in cyber incident response services on a retainer basis. On-boarding process underway. Procurement activity underway to replace current backup technology with a solution more resilient to the threat of ransomware. Tender expected to be published in January 2022. The second planned IT health check assessment of 2021 was completed by an external security partner. Remediation activities are being coordinated by I&T Security Working Group. The Council is aware of the current global Log4j cyber threat and has taken appropriate action to ensure that corporate IT services are not at risk. Both the situation and our systems continue to be monitored.	Expected to remain high/red

4. Co	ommissi	ioning & Procurement			
E&T	4.2	If Arriva is successful in its concessionary travel appeal, or the City in its challenge on the methodology of reimbursing operators, then reimbursement costs for the scheme could increase.	15 I5/L3	Data has been provided to consultants to calculate both the City and County's final figures based on the agreed County Council's apportionment methodology. The preliminary report from the consultant suggests that financially the impact is likely to about £450k spread over 2017/18 to 2020/21. There will be some increase in costs going forwards due to the change in methodology of calculation, which is being maintained artificially high due to the government guidance to essentially continue to pay bus operators at pre-covid levels. There are other potential risks if the City Council does not agree with the methodology, however looking at the preliminary report, this is likely to be very low. The County Council will be getting agreement from the City Council before going to Arriva and hoping they (Arriva) will agree to the settlement.	Expected to move to Medium/ Amber
E&T	4.3	If as a result of the impacts of the coronavirus pandemic bus operators significantly change their services, then there could be substantial impacts on communities accessing essential services and lead to required intervention under our Passenger Transport Policy and Strategy	20 I5/L4	The Bus Service Improvement Plan (BSIP) was approved by Cabinet on 26th October and published on 31st October. The Council completed a statutory consultation with bus operators and has now commenced a 4-week public consultation with other statutory consultees and the public. The Council continues to be on track to formalise the EPS by April 2022 in line with the Department for Transport's requirements. Whilst this will go some way to mitigate the risk along with the DfT's Bus recovery Grant (currently available until end of March) there is still a very real risk of service reductions and withdrawals given ongoing low levels of patronage, with challenges compounded by driver shortages and increasing fuel costs.	Expected to remain high/red

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CE/CR	4.4	Risk of challenge and/or financial penalty due to either an actual or perceived breach of procurement guidelines.	16 I4/L4	The internal audit work on processes and controls is now scheduled to start in January.	Expected to remain high/red	
5. Sa	feguard	ing – category retired				
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CR (ALL)	7.1	If sickness absence is not effectively managed then staff costs, service delivery and staff wellbeing will be impacted.	16 I4/L4	Corporate In anticipation of increased absences (and self-isolations) the Resilience Planning Group (RPG) 'stood up' the redeployment hub to support areas with increased absence. Regular updates on sickness data is to be provided for RPG meetings and for the weekly situation report. All departments are to review Business Continuity plans and consider measures to lessen the impact of numerous staff absences. A Local Resilience Forum (LRF) wide People Cell has also been set up to monitor sickness absence impacts across the system, and to assess if and when partnership measures may be appropriate. CR - An exercise continues to re-establish missing work pattern data in Fusion in order to be able to accurately report absence data C&FS – no specific update provided	Expected to move to Medium/ Amber	105

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All	7.2	If departments are unable to promptly recruit and retain staff with the right skills and values and in the numbers required to fill the roles needed, then the required/expected level and standard of service may not be delivered, and some services will be over reliant on the use of agency staff resulting in budget overspends and lower service delivery.	16 4/L4	<u>A&C</u> No change to Risk RAG rating or score. Additional measures being implemented and starting to see signs of improvement in particular for in-house and direct services, however significant issues still exist. Management agreement to use a range of tools re recruitment e.g. relocation package. Progression model is also being explored as part of establishment review. ITC has been supporting recruitment of LCC Direct Service staff. Approval for post of resourcing assistant to support recruitment <u>C&FS</u>	Expected to remain high/red
			15 I5/L3	Continue to have a strong offer for Assessed and Supported Year in Employment and appear to be able to recruit. C&FS focus is to retain social workers and enhance our ability to recruit to more experienced social work staff. Conversations with staff to develop an offer are ongoing, further meetings planned in December - work to review use of grade 12 and build a career structure for social workers continues to be progressed towards a possible implementation date April 2022. Market premia for key posts agreed to continue	
			20 4/L5	E&T Recruitment incentives agreed and implemented for HGV drivers. Effective from Nov 21, in place for 2 and 3 years. CR	
			20 4/L5	At the end of November, Chief Officers considered a presentation which set out a series of options for consideration in response to the current workforce issues facing the County Council. A further report, setting out a complete, costed package of options, will be submitted in due course. Career grade guidance for managers has been developed and will be published in the New Year.	

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A&C	7.3	If the Department fails to develop and maintain a stable, sustainable, and quality social care market to work with it may be unable to meet its statutory responsibilities.	20 I4/L5	The Government has set out proposals for the future of adult social care in England in a white paper title "People at the Heart of Care" that was published on 1 December 2021. This aims to set out a ten-year vision for the transformation of support and care. It also provides some detail on funded proposals that the Government plans to implement over the next three years, building on announcement of £5.3 billion for social care in October's Spending Review.	Expected to remain high/red
				 So far, government has allocated a £1.6m grant to the County Council for 'Market Sustainability and Fair Cost of Care'. However, there are stringent conditions announced for this such that the Council will have to: - conduct (and publish) a cost of care exercise to determine the sustainable rates and identify how close they are to it engage with local providers to improve data on operational costs and number of self-funders to better understand the impact of reform on the local market strengthen capacity to plan for, and execute, greater market oversight and improved market management to ensure markets are well positioned to deliver on our reform ambitions use this additional funding to genuinely increase fee rates, as appropriate to local circumstances. Aligned to this are the Government's plans for social care charging reform as set out in their policy paper "Build Back Better" published in September 2021 and follow-up further details paper published in November 2021. The "People at the Heart of Care " white paper sets out the introduction of a duty for the Care Quality Commission (CQC) to independently review and assess local authority performance and put in place new legal powers for the Secretary of State for Health and Social Care to intervene in local authorities to secure improvement where there are significant failings 	

8. Busin	less Con	tinuity		A report on the contents and reaction to the White Paper will be going to the A&C Scrutiny Committee in January	
CE	8.1	If suppliers of critical services do not have robust business continuity plans in place, the Council may not be able to deliver services.	15 I5/L3	The Commissioning Support Unit and the Business Continuity (BC) team are reviewing processes to ensure more robust oversight of departments' roles in reviewing BC plans both at the time of procurements and periodically thereafter.	Expected to remain high/red

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9. Enviro	onment				
E&T	9.1	If the ash dieback disease causes shedding branches or falling trees, then there is a possible risk to life and disruption to the transport network	20 15/L4	Results of the 2021 survey show that ash dieback continues to spread throughout Leicestershire. It has become apparent that there are a number of groups of trees affected in difficult to manage sites. These will require new processes and resource to manage. Additional financial resources likely to be required but cannot yet be quantified.	Expected move to Medium/ Amber
E&T	9.2	If there was a major incident which results in unplanned site closure (e.g. fire) then the Council may be unable to hold or dispose of waste.	20 15/L4	The Recycling and Household Waste Sites have experienced additional pressure of on-going staff shortages and a vacancy rate (permanent staff) of over 20%. Some collection service disruption has also been seen at District Level. Construction of the Bardon Waste Transfer Station is progressing and expected to be ready in Spring 2022.	Expected move to Medium/ Amber
E&T	9.4	If services do not take into account current and future climate change in their planning, they may be unable to respond adequately to the predicted impacts, leading to significantly higher financial implications and service disruption, as well as making future adaptation more costly.	20 I4/L5 (Increased from 16)	The Environment Policy & Strategy Team is working to update Climate Change Risk Registers to help departments plan their responses to the risk of climate change affecting the delivery of Council services e.g. flooding and heatwaves. Services have been classed as "high risk" if they (a) are a key community support service that is vulnerable to severe weather events, (b) are part of the County's system of resilience to such events or (c) manage infrastructure assets (Highways and Property). These services have been assessed during 2019-2021, ahead of producing a Climate Change Resilience Update report in early 2022. The report will cover climate change projections, the direct risks to services, and knock-on and compound risks. Based on results so far, and the recent third national Climate Change Risk Assessment for the UK, the risks of climate change for the Council are expected to have increased since the last assessment	Expected to remain high/red

Department

A&C =Adults & CommunitiesCE =Chief ExecutivesCR =Corporate ResourcesC&FS =Children and Family Services

E&T = Environment and Transport PH = Public Health All = Consolidated risk

**The arrows explain the direction of travel for the risk, i.e. where it is expected to be within the next twelve months after further mitigating actions, so that:

- A horizontal arrow shows that not much movement is expected in the risk.
- A downward pointing arrow shows that there is an expectation that the risk will be mitigated towards 'medium' and would likely be removed from the register.
- An upwards pointing arrow would be less likely, but possible, since it would show an already high scoring risk is likely to be greater

RISKS REMOVED SINCE NOVEMBER 2019

Dept.	CRR Risk No	Risk Description	Current Risk Score	Reason	Date of Removal
CR	1.4	If claims relating to uninsured risks materialise or continue to increase then LCC will need to find increased payments from reserves, impacting on funds available to support services	16	The level of reserves is sufficient to reduce the current risk score from 16 to 12 and the risk will be managed and monitored at Departmental level via the Risk Register - Corporate Resources.	1 November 2019
All	3.5	If the Council fails to maintain robust records management processes to effectively manage information under its custodianship, personal data may not be processed in compliance with the Data Protection Act 1998 resulting in regulatory action and/or reputational damage.	15	Resources to address highest assessed physical record risks now being put in place (priorities agreed with Chief Officers in summer 2019). Risk levels regularly monitored by central team. Email storage / destruction approach agreed at Information Governance Board (September 2019). The current risk score has been reduced from 15 to 12 and the risk will be managed and monitored at Departmental level (Corporate Resources).	1 November 2019
CR	4.1	If the Authority does not obtain the required value and level of performance from its providers and suppliers, then the cost of services will increase, and service delivery will be impacted.	15	A review of the risk has resulted in the current risk score reduced from 15 to 12 and the risk will be managed and monitored at Departmental level (Corporate Resources).	1 November 2019

Dept.	CRR Risk No	Risk Description	Current Risk Score	Reason	Date of Removal
A&C	7.3	If the department does not have a sustainable external workforce to work with it may be unable to meet its statutory responsibilities.	16	The Department has reviewed the risk and reduced the current risk score from 16 to 12. Planning and timescales for action further progressed with domiciliary care to be re-commissioned in 2021 and residential care fee increase coming into effect from 2019/20. The risk will continue to be monitored as part of the A&C Departmental Risk Register.	Removed 1 November 2019 Re-instated 31 January 2020
CR	3.2	If the Council has a GDPR breach, then there could be a risk of significant liability claims	15	Significant work has taken place to mitigate the risks around GDPR. Compliance continues to be monitored and strengthened governance arrangements are now fully implemented to monitor and identify any emerging risks. The Current Risk Score has been reduced from 15 to 12 and the risk will continue to be monitored through the Corporate Resources Departmental Register.	31 January 2020
E&T	4.2	If Arriva is successful in its concessionary travel appeal, then reimbursement costs for the total scheme could increase significantly.	15	Discussions with Arriva are ongoing. The risk will continue to be monitored as part of the E&T Departmental Risk Register.	31 January 2020
All	6.1	EU Transition – If a formal trade agreement between the UK and EU is not in place at the end of the transition period, the UK will be treated by the EU as a third country. Trade arrangements will differ, and goods will be subject to full third country controls and a variety of border checks.	16	The Assistant Chief Executive is satisfied that the risks identified in the Reasonable Worst-Case Scenario did not materialise on transition as the UK and EU reached a trade deal	29 January 2021

Dept.	CRR Risk No	Risk Description	Current Risk Score	Reason	Date of Removal
C&FS	10.1	If the Local Authority and its partners do not succeed in developing an inclusive culture across all schools, education providers and partner agencies (including the Parent Carer Forum), then it will be difficult to secure parental confidence in the ability of the 'whole system' to meet the needs of the large majority of children with SEND in a mainstream school context	16	The context of this risk is deemed to be covered within corporate risk 1.6 - If demand for Education Health and Care Plans continues to rise, and corrective action is not taken, there is a risk that the high needs deficit will continue to increase.	29 January 2021
E&T	9.3	If the Council is not able to deliver on the commitments it has made in its climate emergency declaration due to the complexity and difficulty of some of the decisions and actions that will need to be made, then this will impact on the Council's ability to fulfil its leadership role and have financial and reputational consequences.	15 I5/L3	An updated Environment Strategy and Action Plan was agreed by the Council on 8 July 2020. The Council now has an up to date statement of its environmental priorities and objectives which is aligned with its climate emergency declaration and its framework for action to achieve the commitments on the Council's own carbon emissions and against which its performance can be objectively assessed. The current risk score has been reduced from 15 to 12 and the and the risk will continue to be monitored through the E&T Dept Register.	29 January 2021
All	2.2	Impact on County Council services and MTFS of the Better Care Together (medium term) transformation plan in Leicester, Leicestershire, and Rutland (LLR), could lead to inability to deliver improved outcomes and financial sustainability	16 4/L4	Existing risk is obsolete and has been replaced by new risks which will be monitored in via the A&C, PH Departmental Risk Registers. These new risks are currently rated Amber.	4 June 2021

Dept.	CRR Risk No	Risk Description	Current Risk Score	Reason	Date of Removal
All	2.3	Challenges caused by the Welfare Reform Act 2012 and the Welfare Reform and Work Act 2016.	16 4/L4	This will be managed at department level.	5 November 2021
CE	1.3	If the Council fails to maximise developer contributions, then there could be a failure to fund corporate infrastructure projects.	16 I4/L4	Merge two similar individual risks into one owned by the Head of Planning, Historic and Natural Environment.	5 November 2021
CE	1.10	The Council is unable to meet the financial investment required to deliver infrastructure in support of housing development committed in districts Local Plans and that where this contribution can be recouped through s106 agreements secured by District Councils, the funding doesn't meet the full cost and is secured long after the commitment is made.	16 I4/L4 (Reduced from 25)	Merge two similar individual risks into one owned by the Head of Planning, Historic and Natural Environment.	5 November 2021
CR	3.6	If the ERP system cannot accommodate all of the Council's requirements, then it may delay implementation and extra resources will be required to develop work arounds	15 I5/L3	The system is live and although some teething problems remain these are being worked though and the risk will remain in the Department's register.	5 November 2021

Dept.	CRR Risk No	Risk Description	Current Risk Score	Reason	Date of Removal
C&FS	5.1	Historical: If as a result of a concerted effort to explore abuse by the Independent Inquiry into Child Sexual Abuse (IICSA) and Police Operations, then evidence of previously unknown serious historical issues of child sexual exploitation (CSE) or abuse is identified.	25 I5/L5	The inquiry has not identified any new issues or concerns for the council; The historic areas of concern referred to in the report are all known to LCC.	5 November 2021

Scale	Description	Departmental Service Plan	Internal Operations	People	Reputation	Financial per annum / per loss *
1	Negligible	Little impact to objectives in service plan	Limited disruption to operations and service quality satisfactory	Minor injuries	Public concern restricted to local complaints	<£50k
2	Minor	Minor impact to service as objectives in service plan are not met	Short term disruption to operations resulting in a minor adverse impact on partnerships and minimal reduction in service quality.	Minor Injury to those in the Council's care	Minor adverse local / public / media attention and complaints	£50k-£250k Minimal effect on budget/cost
3	Moderate	Considerable fall in service as objectives in service plan are not met	Sustained moderate level disruption to operations / Relevant partnership relationships strained / Service quality not satisfactory	Potential for minor physical injuries / Stressful experience	Adverse local media public attention	£250k - £500k Small increase on budget/cost: Handled within the team/service
4	Major	Major impact to services as objectives in service plan are not met.	Serious disruption to operations with relationships in major partnerships affected / Service quality not acceptable with adverse impact on front line services. Significant disruption of core activities. Key targets missed.	Exposure to dangerous conditions creating potential for serious physical or mental harm	Serious negative regional criticism, with some national coverage	£500-£750k. Significant increase in budget/cost. Service budgets exceeded
5	Very High/Critical	Significant fall/failure in service as objectives in service plan are not met	Long term serious interruption to operations / Major partnerships under threat / Service quality not acceptable with impact on front line services	Exposure to dangerous conditions leading to potential loss of life or permanent physical/mental damage. Life threatening or multiple serious injuries	Prolonged regional and national condemnation, with serious damage to the reputation of the organisation i.e. front- page headlines, TV. Possible criminal, or high profile, civil action against the Council, members or officers	>£750k Large increase on budget/cost. Impact on whole council

Risk Impact Measurement Criteria

* Note that a different financial rating is used for the pension fund investments

Risk Likelihood Measurement Criteria

Rating Scale	Likelihood	Example of Loss/Event Frequency	Probability %
1	Very rare/unlikely	EXCEPTIONAL event. This will probably never happen/recur.	<20%
2	Unlikely	Event NOT EXPECTED. Do not expect it to happen/recur, but it is possible it may do so.	20-40%
3	Possible	LITTLE LIKELIHOOD of event occurring. It might happen or recur occasionally.	40-60%
4	Probable /Likely	Event is MORE THAN LIKELY to occur. Will probably happen/recur, but it is not a persisting issue.	60-80%
5	Almost Certain	Reasonable to expect that the event WILL undoubtedly happen/recur, possibly frequently.	>80%

Risk Scoring Matrix



*(Likelihood of risk occurring over lifetime of objective (i.e.12 mths)

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