

Environmental Standards Scotland
Ìrean Àrainneachdail na h-Alba

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ENVIRONMENTAL
Standards Scotland
Ìrean Àrainneachdail na h-Alba

[redacted]
[redacted]

27 November 2023

Our ref: ESS.FOI.019

Dear [redacted],

Thank you for your email on the 08 November 2023 to Environmental Standards Scotland (ESS) requesting information under the Freedom of Information (Scotland) Act 2002. The information which you request is as follows:

- 1. The current Risk Register you hold.**

Response:

1. ESS' Executive Team, Audit and Risk Committee and Board regularly review ESS' risk register. The Board approves updates to the risk register on a quarterly basis. The most recent Board-approved version is attached at Annex 1. This version was approved at ESS' [29 September 2023 Board meeting](#).
2. The register attached at Annex 1 was approved alongside recommendations that were made by ESS' Audit and Risk Committee at its 4 September 2023 meeting. The Board is yet to review and approve these changes in situ. However, the recommendations can be found in the [draft 4 September 2023 Committee meeting minutes](#).
3. You can find further information on ESS' risk management processes and risk profile and appetite within the recently published [Annual Report and Accounts for the 18 month period ending 31 March 2023](#) (pages 20; 32-38; and 48-50).

If you are unhappy with this response to your request under the Freedom of Information (Scotland) Act 2002, you may ask us to carry out an internal review of the response by writing to:

Mark Roberts
Chief Executive Officer
Environmental Standards Scotland
Thistle House
91 Haymarket Terrace
Edinburgh
EH12 5HD
Email foi@environmentalstandards.scot

Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the due date when you received this letter. We will complete the review and tell you the result within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at:
[Appeal to the Commissioner | Scottish Information Commissioner \(itspublicknowledge.info\)](https://www.itspublicknowledge.info)

Yours sincerely,

Alasdair Dewar
Freedom of Information Officer
Environmental Standards Scotland

Annex 1 – ESS’ risk register as approved at the 29 September 2023 Board meeting

Risk ID	Risk Description (including potential consequences)	Inherent Impact	Inherent Likelihood	Inherent Score	Controls/Actions Planned	Action owner	Action target date	Residual Risk Impact	Residual Risk Likelihood	Residual Risk Score	Risk Appetite	Residual risk within risk appetite?
1.1 Compliance / Regulatory.	If ESS’ remit or powers are extended by the Scottish Government’s review of environmental governance, Human Rights Bill, additional monitoring duties or by other legislative change without appropriate additional resources, then ESS will not be able to deliver its functions fully and effectively.	4	3	12	Active engagement with review process (Chief Executive to lead all engagement). Review is restricted in scope. Statement to the Scottish Parliament in ESS’ annual report as per Continuity Act 2021 regarding adequacy of resourcing. Advice on environmental courts commissioned and presented to Board 24/3/23. The Board held initial discussion in July. Full discussion at August Board meeting, followed by attendance at stakeholder meetings.	Chief Executive	29/9/23 - Environmental Governance Review and Human Rights Bill Consultation responses to be agreed at meeting of the Board 5/10/23 - Final deadline for Human Rights Bill Consultation response 13/10/23 - Final deadline for Environmental Governance Review Consultation response	4	1	4	Very low	No
2.1 Reputation.	If ESS is criticised by stakeholders for perceived failures of enforcement action, the robustness of our analysis or scrutiny, or decisions about where to focus our scrutiny then our reputation will be damaged.	4	3	12	Strong governance and quality assurance mechanisms in place within procedures. Proactive stakeholder management (including identification of lead relationship managers) and publication of governance documents and information relating to investigatory and analytical work.	Head of Strategy and Analysis Head of Investigations, Standards and Compliance	Ongoing	4	2	8	Medium	Yes
2.2 Reputation.	If ESS is unable to demonstrate value for money, then it will lose political and stakeholder support.	4	3	12	We have developed a set of Performance and Management Indicators (PMIs), ensuring robust internal reporting and quality assurance mechanisms, which will be reported within ESS’ annual report. Consideration will be given to applying targets following our baseline reported for 2022/23.	Chief Executive	PMIs being reported to Board six monthly from November 2023. Annual report to be laid in the Parliament and published - October 2023	4	2	8	Medium	Yes

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3.1 Financial.	If changing or unexpected demands are placed on ESS without sufficient additional resource, ESS will be unable to deliver planned commitments or meet quality standards.	5	2	10	Careful consideration and prioritisation of resource requirements through business planning process. Ongoing liaison with other public bodies to share learning and assess shared service opportunities. Future five-year scoping of costed requirements and options to be considered. Use of annual report statement on future resource required.	Head of Corporate Services and Communications	Ongoing requirement. Spending review usually completed by Autumn and funding decisions finalised in December each year. Annual Report to Parliament around October 2023 will include a statement on funding. Long-term financial plan to be considered at December 2023 ARC meeting following first full annual report and accounts.	3	1	3	Low	Yes
4.1 Business continuity	If ESS suffers a cyber-attack/hacking, ESS risks losing or leaking confidential business and personal data, losing the ability to operate systems, and leadership being called into question.	5	3	15	Existing data sharing agreements and Business Continuity Plans (BCP) to be reviewed with all third-party organisations that hold our data, for example payroll and HR advice provider. IT business continuity plan in place and run throughs to be completed to test plans. Conversations with IT contacts and Board members to provide reassurance, bringing cyber security into Board focus. Regular mandatory training to be kept up and promoted by staff Cyber Security Champion. Assessing opportunity to have Cyber Security Champion on the Board.	Head of Corporate Services and Communications	BCP exercises completed with full ESS team in April 2023. Further detailed exercises to be scoped during summer 2023. To discuss appointing a Board Cyber Champion at the September 2023 meeting.	4	2	8	Medium	Yes

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5.1 People	If ESS fails to recruit, develop, progress and retain staff, ESS' ability to operate will be compromised.	3	2	6	Learning and development offer to be communicated clearly in recruitment processes and followed up for those working in ESS. Careful drafting of job specifications and liaison with relevant profession leads to ensure jobs are seen as attractive. HR provider to continue to support the development of an enhanced learning and development offer. Enhanced hybrid working equipment offer being made to team including optional wellbeing and occupational health assessments. Pay policy announcements closely followed and union agreement signed. Pay award agreed for 2023/24 and 2024/25. Further mitigation is being undertaken to maintain risk scoring, e.g. circulation of job adverts to extended networks such as Data Lab; enhanced LinkedIn profiling; and advertising on Environmentjob.co.uk. Increase to advertising budget approved by Board at 3 February Board meeting. Development of a People Strategy with support from ESS' external HR provider will progress soon.	Head of Corporate Services and Communications	Ongoing requirement. People Strategy in development over coming months.	3	1	3	Low	Yes
6.1 Operational	If the implementation of the Scottish Government's shared service project is delayed, ESS' financial processes may be disrupted.	4	2	8	Regular involvement in the workshops that are running; careful consideration of the information we are submitting; close contact with the supportive contacts we made in the set-up of the SEAS system in 2021. ESS' Finance and Accountancy Advisor has considerable experience with similar public sector finance system changeovers of this type.	Head of Corporate Services and Communications	Dates to be confirmed. Currently assumed to be April 2024.	3	1	3	Medium	Yes

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7.1 Environment and social responsibility	If ESS fails to minimise its own carbon footprint and biodiversity impact, and build a sustainable and socially responsible organisation, then ESS' credibility will be undermined.	4	3	12	Phase one of ESS' Sustainability Plan published. First equality outcomes and mainstreaming report published in April 2023. Progression and monitoring of both sustainability and equalities action plans now in development. Consideration of Carbon Literate Organisation and Disability Confident certifications. Ongoing staff training and inclusion of environmental and social activities in team days. Appointment of a Board Equality, Diversity and Inclusion (EDI) Champion to be considered.	Head of Corporate Services and Communications	Second round of carbon reporting due in November 2022. Progress on equalities reporting due in April 2025. Action plans to be progressed over summer 2023. Discussion regarding Board EDI Champion at September 2023 Board meeting.	3	1	3	Low	Yes