

Risk Register

For discussion

1. The Commission considered the risk register at the May 2024 meeting where it agreed that the Commission's appetite for risk was medium/cautious.
2. The risk register has been updated to reflect comments made at the May meeting – see Appendix A. The Commission is invited to consider the updated register and discuss the identified risks and proposed mitigations.
3. The Commission asked for a paper to be prepared setting out how the Commission would respond if an election was called out of cycle. The Secretariat has prepared a short paper setting out the likely approach – see Appendix B. The Commission is asked to discuss the proposed approach which is similar to the approach taken by Local Government Boundary Commission for England (LGBCE) when the UK General Election was announced.

Secretariat
July 2024

No.	Type	Description	Effect	L/I	Mitigating Actions	Mitigated L/I	I/D/Same	Comments
1	ER	Political interference/lack of support from Ministers	Unreasonable scrutiny increases likelihood of proposals failing Damage to reputation of Commission, Parliament and democratic process	H/H	Liaison with SG and SPPA (Standards, Procedures and Public appointments Committee) to clarify position Public consultation comms clarifying role of BS and review purpose Reports to Ministers and subsequent evidence to SP fully explain reasons for decisions, legislative compliance and constraints	H/M	-	To arrange meeting between Chair and Convener of SPPA To arrange meeting with Minister
2	ER Review	Lack of understanding about role of Commissions and reviews	Misunderstanding of statutory role of Commissions Low level stakeholder engagement in consultation process Ineffective consultation. Spread of misinformation	H/M	Actively maintain stakeholder relationships. Early engagement with stakeholders Provide clear information and guidance to the public on the Commission's work and processes. Continue to explore functionality of Citizenspace consultation site and update staff training to ensure effectiveness Raise online/hybrid/in person inquiries with SG in context of electoral reform	M/M	-	
3	ER	Legislative change/ delay in introduction of automaticity	Impact of planned electoral reform work on Commission Impact of SG review into work of BS Impact on staff resources, dual reviews	H/M	Liaise with SG to clarify position and resource impact Continue to state Commission's position Chair to meet with new Minister to discuss SG's commitment to automaticity and planned approach	M/M	↑	Meeting between Chair and Minister to be arranged- likely to be held in August 2024.
4	ER Review	Changes to political landscape including elections out of cycle and frequent ministerial changes	Delays in completion of review Impact on relevance of review	M/M	Effective liaison between Secretariat/sponsor department to build known events into project planning Communications to stakeholders	M/M	↑	
5	R Review	Insufficient staff resource and/or loss of staff/Commissioner with appropriate skills and knowledge.	Impact of dual review Unable to conduct business to full level of effectiveness and delay to review. Damage to reputation of Commissions	M/M	Liaise with SG to ensure commissioner appointments support continuity of knowledge/skills. Liaise with SG over vacancy management including temporary staff Ensure appropriate induction and ongoing training of staff and Commissioners	L/M	↑	
6	T Review	Outside bodies not supplying necessary data or data of poor quality	Impact on quality and accuracy of decision making	L/H	Liaise regularly with data suppliers Data quality checks on receipt and establish if there are other forms of data.	L/M	-	Electoral reform process to clarify access to electoral registers
7	R	Failure to maintain and apply robust governance systems	Act outside legislation Increase likelihood of Judicial review Damage to reputation of Commission and democratic process Business Continuity Plan Data breach/GDPR/IT Fraud Physical security Climate Change/EDI	L/H	Maintain and update internal policy and processes Ensure appropriate documentation of procedures, and reasons for decisions External legal advice Business Continuity Planning Use of SCOTS- technical support from Scottish Government. Ongoing training of staff and Commissioners	L/M	-	Review Business Continuity Plan
8	R	Insufficient budget	Insufficient budget undermining effectiveness of consultation Potential of dual review	L/M	Project planning to match review process to budget availability Corporate planning and liaise with sponsor team to ensure aware of budget needs	L/L	-	

The risk register shows the weightings of each risk for likelihood and impact, each classified as high, medium or low.

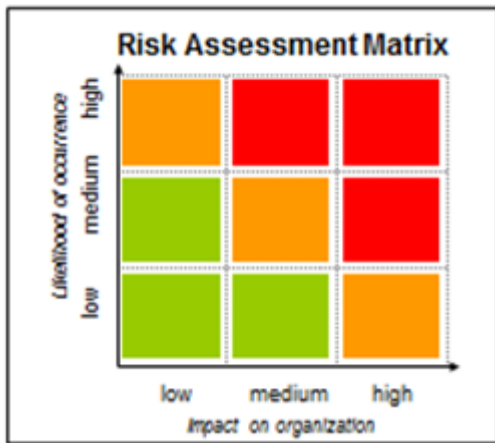
	Likelihood
High (H)	High probability of occurrence

	Potential Impact
High (H)	Risks that can have a major effect on Commission operations. May result in significant financial loss, major disruption to outputs or serious damage to the Commission's reputation.

Medium (M)	Conceivable might occur
Low (L)	Unlikely to occur

Medium (M)	Risks that have a noticeable effect on Commission operations. Each will cause a degree of disruption to outputs and may affect budgets.
Low (L)	Risks where the consequences and impact will not be severe and any associated losses relatively small. As individual occurrences they will have a negligible effect on Commission operations.

These are combined to determine the risk category: Red = HH, MH or HM, Amber = MM, HL, LH, Green = LL, ML, LM.



- ER External Relations
- R Resources (including staff)
- T Technical

Boundaries Scotland Proposed response to out-of-cycle election

Following the announcement of the UK General Election, the Permanent Secretary issued guidance to Scottish civil servants as follows: -

The Permanent Secretary was clear that essential government business should continue, ensuring civil servants deliver on the government's priorities consistent with the pre-election guidance. This includes progressing legislation already introduced to the Scottish Parliament, and legislation which the Scottish Government has already announced it intends to bring forward. Parliamentary business will continue as planned, and the Civil Service will continue to provide briefings and advice to Ministers for Parliamentary Questions, correspondence, visits, statements and debates each week, upholding the highest standards of propriety, integrity and impartiality.

If an election was announced in the middle of a review, the above statement would suggest that the review (as essential government business) could still be progressed but with caution. However, the pre-election guidance before a Scottish election could differ to this and may place stricter limits on what amounts to essential government business.

The Commission would consider any pre-election guidance issued carefully and assess what steps can be taken and what should be paused. The following approach is likely to be taken: -

- Public facing events such as consultation and local inquiries would not be scheduled over the pre-election period.
- If a consultation is live at the time of a general election being announced, this could continue as normal. However, if the timetable and legislation allows, consideration should be given to extending the closing date until after the election. If the timetable does not allow, advertising relating to the consultation should be kept to a minimum.
- Any local inquiries scheduled during the pre-election period, if the timetable allows, will be rescheduled to a date after the election.
- No advertising or publication of new materials in relation to the review would take place during the pre-election period.
- The website would be updated to advise the public of the likely impact of the pre-election period on the progress of the review. The website would also provide information on what constituencies apply to the scheduled election.
- Staff will be reminded of their obligation to remain politically neutral and to respond to requests for information in an even handed and neutral manner.

The overall impact of the announcement of an out-of-cycle election on the submission deadline would also need to be assessed.