Ethical Standards Commissioner

BUSINESS CONTINUITY PLAN

Date plan first adopted:	16/01/2013
Review frequency:	3 years
	The Corporate Services Team (CST) will review document locations and contact details as and when required and at least annually.
Date of last review:	31/03/2022
Date policy must be reviewed by:	31/03/2025

Introduction

This plan outlines the Commissioner's approach to ensuring business continuity in the event of a major disruption to our operations and to ensure that, wherever possible, we continue to deliver our statutory functions.

It is acknowledged that ESC's statutory functions are not so critical that a suspension of our activities, even over a prolonged period, would cause severe disruption to public life.

In the event that regional and national infrastructure is affected, it will be for the Scottish and UK governments to determine which organisations and functions have priority access to resources.

This business continuity plan details the actions to be taken in the event that:

1. there is no internet access for a prolonged period or
2. the server is damaged or destroyed or the data stored on the server becomes unusable for any reason or
3. office accommodation becomes unavailable for any reason or
4. the Commissioner and employees are unable to carry out the functions of the office.

The Head of Corporate Services (HCS) is responsible for the implementation of this plan. The Ethical Standards Commissioner (ESC) will stand in for the HCS in their absence. Emergency contact details for all employees are available in Appendix 1. Contact details for key suppliers are available in Appendix 2.

1. In the event that there is no internet access for a prolonged period.

Without internet access, most ESC systems will be completely inaccessible and the content of others will not be updated. The data already held on our server will remain accessible without internet access, but only when working onsite.

Employees should inform a member of the Corporate Services Team (CST) of any concerns relating to internet access. The CST will investigate and either resolve the issue or contact the ICT managed support provider, Euro-systems Ltd to discuss the problem and agree what steps to take. If a member of the CST is not available employees should contact Euro-systems direct. Contact details are available in Appendix 2.

Initial steps

- The CST member should identify whether the user reporting the issue can access the internet and/or the main server drives.
- If not, use another device/user to check whether access to the internet and/or drives is available. If it is, the issue is user specific and should be reported to Euro-systems.
- If access to the internet and/or the drives is not available to any user, it should be reported as such to Euro-systems.

Stage one – switch the broadband router off and on

- If the fault lies with the user's broadband connection and they are working from home, the user should restart their router. If that does not resolve the matter, the user should report the fault to their broadband supplier.

  If the user is working from another remote location, they should report the issue to the account holder or relevant customer services team.

- If the fault lies with ESC, our broadband access will need to be reinstated.
  - Access to the internet is provided through a Virgin Media Business broadband connection. This provides telephone, remote access, wi-fi and email services as well as general internet access through our main server.
  - The broadband router is housed in the ESC server cabinet located in the Scottish Legal Aid Board's (SLAB's) Communications Room.
  - The key to the server cabinet can be obtained from Thistle House Reception.
  - The HCS has swipe card access to the Communications Room. Any other employee or contractor should contact SLAB Reception and arrange access via an authorised SLAB staff member.
  - Switch the router off and on. It may take a few minutes to come back on.

Stage two

- If internet access is not restored, call Euro-systems.
- Euro-systems will investigate and raise the issue with Virgin on our behalf. This is allowed for in Euro-system's contract and the relevant permissions with Virgin have been set up.
- Euro-systems will liaise with Virgin to resolve the fault and/or discover the timeframe for restoration.

Stage three

- If restoration will take longer than two working days, the HCS will instruct Euro-systems to transfer services from Virgin to our backup ADSL lines. This will provide temporary internet access to all services albeit at a reduced speed. There are currently two ADSL lines available.
- Once main broadband access is restored, the HCS will arrange for services to revert to Virgin.
- Employees can access the following material via any internet connection.
  - M365 accounts - email, contacts, calendars, sharepoint documents, Teams and other Microsoft Office tools.
  - the case management system (CMS) – case files for complaints about the conduct of MSPs, Councillors, board members and lobbyists.

- ESC website – a range of published documents including policies and procedures and annual reports. Complaints about conduct can be collected directly from the website.
- Standards Commission for Scotland website – a range of published documents including Codes of Conduct and guidance and advice notes on their application as well as decisions made on previous cases.
- KnowledgeHub – a range of good practice guidance and other materials relating to public appointments
- In addition, material can be obtained online from our accounting and auditor's software, bank and credit card providers as well as payroll and pension administrators.

Relevant passwords and multi-factor authentication methods will apply.

Please note that, in this situation, the remote desktop, including material held on our server, will not be available. However, this material can be accessed onsite at Thistle House.

Any issues with access to these remote resources, should be reported to the CST who will contact the supplier. If a member of the CST is not available employees should contact the supplier direct.

In the event that regional and national infrastructure is affected, it will be for the Scottish and UK governments to determine which organisations and functions have priority access to resources.

2. In the event that the server is damaged or destroyed or the data stored on the server becomes unusable for any reason.

Employees should inform a member of the CST of any concerns relating to data held on the server or to the server itself. These issues might include missing or corrupted files or inaccessible files and drives. Please note this also applies to remote desktop access. The CST will investigate and will either resolve the issue or contact Euro-systems to discuss the problem and agree what steps to take. If a member of the CST is not available, employees should contact Euro-systems direct. Contact details are available in Appendix 2.

The Commissioner has one physical server stored in the server cabinet in the SLAB Comms Room. This server is split into three virtual servers – one running our telephone system, one running remote access and one storing records, managing domain, printer and email services and giving general internet access.

The HCS will ascertain the extent of the problem and the timeframe required to repair any damage or purchase and install a replacement. The HCS will arrange the purchase of a replacement if necessary. Where appropriate, and once it has been developed, the HCS will implement the cyber-security incident response plan.

The data held on the server is regularly backed up. Files can be restored individually or the entire server can be restored to replacement hardware or to a virtual environment. The backup and restore process is managed by Euro-systems.

Backup One

The servers are backed-up onto a locally attached hard drive. Backups are taken hourly during the business day. If the server fails, some or all data and systems can be restored via this onsite backup.

Backup Two

The servers are backed-up overnight to an offsite, UK-based datacentre.

In the event of a full server failure, it will take between one and five days and possibly longer to restore the server. This allows for a new server to be purchased and delivered, data downloaded from backup and configured and for the new server to be installed onsite. Alternatively, a remote, cloud-based server may be established.

Employees can access the following material via any internet connection.
- M365 accounts - email, contacts, calendars, sharepoint documents, Teams and other Microsoft Office tools.
- the case management system (CMS) – case files for complaints about the conduct of MSPs, Councillors, board members and lobbyists.
- ESC website – a range of published documents including policies and procedures and annual reports. Complaints about conduct can be collected directly from the site.
- Standards Commission for Scotland website – a range of published documents including Codes of Conduct and guidance and advice notes on their application as well as decisions made on previous cases.
- KnowledgeHub – a range of good practice guidance and other materials relating to public appointments.
- In addition, material can be obtained online from our accounting and auditor's software, bank and credit card providers as well as payroll and pension administrators.

Relevant passwords and multi-factor authentication methods will apply.

Please note that the remote desktop, including all material and systems held on our server, will not be available.

Any issues with access to these remote resources, should be reported to the CST who will contact the supplier. If a member of the CST is not available employees should contact the supplier direct.

Depending on the circumstances, it may be easier for some employees to work onsite and others to work remotely. The Commissioner will make this decision and line managers will liaise with employees regarding working methods. All employees are provided with equipment to allow them to work onsite and remotely.

The HCS may arrange for the purchase of PayAsYouGo mobile phones to provide basic telephone cover. Depending on the circumstances, call redirection to an alternative landline or mobile number will be arranged.

Any changes that will affect working practices, such as a change in telephone number or delay in responding to email, will be highlighted on the website. The CST will liaise with Civic, our website provider to ensure that access is still available. Contact details are available in Appendix 2.

3. In the event that office accommodation becomes unavailable for any reason

In the event of an emergency which leads to ESC's office accommodation becoming inaccessible, the HCS will ascertain the current position with the landlord and inform the Commissioner and key employees of the situation. Contact details are available in Appendices 1 and 2.

Employees will work remotely until such time as alternative temporary or permanent accommodation is sourced or our office accommodation is available again. The HCS will inform the Commissioner of the scope of work. Thereafter, the SMT will identify key tasks and line managers will contact individual employees with specific tasks and methods of working. It may be that all employees will work remotely and carry out their normal tasks.

Coordination of employees and the securing of temporary or permanent accommodation is the responsibility of the HCS. The HCS will consider sharing accommodation with other public sector organisations.

Following consultation with Euro-systems, the HCS will agree with the Commissioner and key employees how best to provide telephone cover. This may involve redirecting the telephones to an alternative landline or mobile number.

All employees have been supplied with a laptop and have remote access to our server. This access is protected by two-factor authentication. As described in items 1 and 2 above, an internet connection allows access to a range of other systems, including email. If the circumstances leading to the loss of accommodation also result in the server being inaccessible the procedures outlined in section 1 will be instituted.

The CST will update the website to reflect the current situation.

Key employees have been provided with a copy of this policy including employee and supplier contact details for use in an emergency. These details should be stored securely at home.

4. In the event that the Commissioner and employees are unable to carry out the functions of the office.

Widespread illness, such as a pandemic, civil unrest or a climate emergency may lead to the Commissioner and employees being unavailable to carry out the functions of the office.

Should the Commissioner be ill or away from the office unexpectedly a database of precedents, Scheme of Delegation and a policy of peer review will enable the office to function in the short-term. Longer term absence is addressed in the Scheme of Delegation.

In addition to the Commissioner, there are currently three members of the Senior Management Team (SMT) – the Senior Investigating Officer, Public Appointments Manager and Head of Corporate Services (currently Acting Accountable Officer). Should one or more of these employees be absent the remaining team will carry out the functions of the office with the assistance of colleagues and other advisors. If illness results in only one SMT member being available, that person will contact the team of Public Appointments Advisers and arrange for additional assistance to cover the period of absence. Depending on the nature of assistance required, additional support from other key suppliers may be sought. Contact details for Public Appointments Advisers and key suppliers are given in Appendix 2.

The remaining SMT member will also inform the Scottish Parliamentary Corporate Body (SPCB) and the Public Appointments Team (PAT) at the Scottish Government of the situation.

Where the final remaining SMT member also falls ill they will inform colleagues and the SPCB of the situation.

Depending on the nature of the emergency and government advice, the Commissioner, SMT member and/or the SPCB may decide to close the office.

Role of the Scottish Parliamentary Corporate Body (SPCB)

There are wider issues, such as pandemic, social unrest or climate emergency, which could mean that the Commissioner and employees would be unable to carry out their duties.

Under the Scottish Parliamentary Commissions and Commissioners Act 2010, the SPCB may appoint an acting Commissioner if the office of the Commissioner is vacant or if the Commissioner is unable to perform their functions.

Further to this duty, this business continuity plan and its appendices have been provided to the SPCB. In extreme circumstances, the SPCB will have contact details for the Commissioner's employees and key suppliers and access to all the Commissioner's records. The SPCB may, should it so decide, make these available to an acting Commissioner.

Ethical Standards Commissioner

Restoring office functions

The Commissioner's functions can be restored by consulting the following documents.

General
- Strategic Plan
- Annual Report and Accounts
- Biennial Business Plan
- Staff Handbook
- Scheme of Delegation
- Policy Register (internal link only)
- Financial procedures (internal link only)
- Job Descriptions (internal link only)
- Role desk instructions (internal link only)

Complaints handling
- Investigations manual (internal link only)
- Standard letters (internal link only)
- Standards Scheme of Delegation (internal link only)
- Case Management System instructions (internal link only)
- Case Management System

Appointments
- Appointments Scheme of Delegation (internal link only)
- Database of appointment rounds and desk instructions (internal link only)
- Database of Contacts and Enquiries (internal link only)

Appendices 1 and 2 which contain personal contact details have been removed in this publication version.