Ethical Standards Commissioner

BUSINESS CONTINUITY PLAN

Date plan first adopted:	16/01/2013
Review frequency:	2 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:	20/02/2025
Date policy must be reviewed by:	28/02/2027

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. office accommodation becomes unavailable for any reason or
3. 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.

ESC no longer operates an onsite server having moved to cloud-based M365 and SharePoint services. Without internet access, ESC systems will be completely inaccessible.

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.
- If not, use another device and/or user to check whether access to the internet is available. If it is, the issue is user specific and should be reported to Euro-systems.
- If access to the internet 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 occurs in ESC's offices, our onsite broadband access will need to be reinstated.
  - Access to the internet is provided through a Virgin Media Business fibre broadband connection.
  - If the Virgin fibre connection fails for any reason, the Sophos Firewall will automatically switch over to a backup Gamma ADSL connection which runs at a reduced speed. This ADSL connection is only suitable for remote troubleshooting or monitoring, and not typical on-site work for staff.
  - The broadband routers are housed in the ESC ICT cabinet located in the Scottish Legal Aid Board's (SLAB's) Communications Room.
  - The key to the ICT cabinet is stored in the office key cabinet and can also be obtained from Thistle House Reception.
  - The HCS and IMITO have 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 Virgin router off and on. It may take a few minutes to come back on.

Stage two

- If rebooting the Virgin router does not restore full fibre internet access on site, 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 the Virgin fibre connection cannot be re-instated, or the Gamma ADSL connection also fails, staff must work away from the office until services can be restored by Virgin and Euro-systems.

Ethical Standards Commissioner

Interim solutions

- Working onsite
  - If internet access fails onsite, staff can return home (or to their normal remote-working location) and resume working.
  - If onsite work is essential, then users may ask SLAB for access to their guest network.
  - In an emergency, users may use their mobile device as a Hotspot to access the internet. Please note that this is unlikely to provide sufficient bandwidth to operate the video-conferencing equipment. Staff must ensure their mobile device has the latest security updates, be locked by a PIN or biometrics, and must use a password for any hotspot connections.

- Working from home (normal remote-working location)
  - If internet access fails at home (or the normal remote-working location), staff can work onsite.
  - In an emergency, users may use their mobile device as a Hotspot to access the internet.

Employees can access the following systems via an internet connection.
- M365 accounts - email, contacts, calendars, SharePoint documents, Teams and other Microsoft Office tools.
- The Salesforce 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.

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.

Employees should inform the CST of any concerns relating to data held in our systems. These issues might include missing or corrupted files or inaccessible files and sites. 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.

Backup

The data held in SharePoint and Microsoft 365 is regularly backed up – four times a day with unlimited retention . Individuals can restore files by accessing the Recycle Bin linked from the navigation bar on ESC's main SharePoint. This method should be used for small volumes. If larger volumes of material has to be restored please contact the CST or Euro-systems. Please do not permanently delete any material from the Recycle Bin. Material will automatically be deleted after a fixed period. If deleted data is no longer present in the Recycle Bin, Euro-Systems can restore it from a previous backup.

ESC uses Avepoint Microsoft 365 Backup for all Microsoft 365 data, including its SharePoint sites, OneDrive accounts and mailboxes. This creates an immutable backup to allow a full restore of Microsoft systems should these suffer accidental or malicious damage. Restoration can take a matter of hours. Full details are available here: Overview of Microsoft 365 Backup | Microsoft Learn

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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.

Ethical Standards Commissioner

2. 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, members of the SMT and key employees of the situation. SMT members will cascade information to their own teams. 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.

ESC's telephone service is provided through Microsoft TeamVoice and so will be unaffected in these circumstances. A postal redirection may be required.
All employees have been supplied with a laptop and other equipment to allow them to work remotely on a long-term basis.

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.

Ethical Standards Commissioner

3. 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, Schemes 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 four members of the Senior Management Team (SMT) – the Senior Investigating Officer, Hearings and Investigations Officer, Public Appointments Manager and Head of Corporate Services. 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.

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
- 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)
- Public Appointments handbook (internal link only)