

## **Report to Cabinet**

**Subject:** Business Continuity Policy

**Date:** 2 July 2020

**Author:** Health, Safety and Emergency Planning Officer

### **Wards Affected**

All

### **Purpose**

To seek approval to formally adopt a Council Business Continuity Policy, Business Impact Assessment (BIA) guidance and BIA templates. The Policy, BIA guidance and templates will form key elements of the Council Business Continuity Plans for all Council service areas. Additionally, to also agree Business Continuity promotion proposals.

### **Key Decision**

This is not a key decision

### **Recommendations**

#### **THAT:**

- 1) The Business Continuity Policy at Appendix 1 to be applied to all service areas be approved;**
- 2) The Business Impact Assessment Guidance at Appendix 2 be approved;**
- 3) The Business Impact Assessment Template at Appendix 3 to be completed by all service areas be approved;**
- 4) The Director responsible for emergency planning and business continuity be authorised to approve future minor updates to the Policy as outlined in paragraph 2.5;**
- 5) The Health, Safety and Emergency Planning Officer be authorised to make amendments to the Business Impact Assessment templates**

**and guidance to ensure they remain fit for purpose as outlined in paragraph 2.6; and**

**6) The Business continuity promotion proposal as outlined in paragraph 2.7 be agreed.**

## **1 Background**

- 1.1 A Business Continuity (BC) Policy can be described as a set of standards and guidelines an organisation has in place to ensure resilience and proper risk management arrangements are in place. BC policies vary between organisations and industry. All BC policies require periodic updates as technologies evolve and business risks change.
- 1.2 Having a BC Policy supports the Council's Civil Contingencies Act (CCA) 2004 legal duties as well as the Council's corporate vision: Serving people; Improving lives. The BC Policy will also support the delivery of the priorities and objectives in the Gedling Plan; to promote Cohesive, Diverse and Safe Communities, as well as contribute towards the High Performing Council.
- 1.3 A BC Policy will also support the Council's Local Code on Corporate Governance and its core principles by demonstrating a strong commitment to our ethical values and respecting the rule of law, ensuring openness, stakeholder engagement, sustainable economic, social and environmental benefits and managing risk. The Policy should reflect the size and nature of the Council, and be proportionate and pragmatic in terms of meeting the legal requirements of the CCA 2004, balanced against the practicalities of managing day-to-day operational requirements of Council business.
- 1.4 The nature of the Council functions that we deliver across the borough make it necessary to plan in advance in terms of how we intend to respond to and recover from events that have the potential to prevent us from 'business as usual' activities. It is important to have a broad overview of perceived risk and to look at all critical aspects of the services we provide. It would be easy to concentrate on what may be perceived to be a major crisis such as terrorism, flooding, serious fires, significant cyber-attack, to a pandemic influenza amongst many other examples but we also have a duty to look ahead to less newsworthy but predictable problems, such as software disruptions, short-term severe weather conditions or minor phishing attacks etc. We must be able to continue providing core services even when things go wrong.

- 1.5 To provide some additional background and context to responding to emergencies and business continuity, there are two categories of responders defined in the CCA 2004; the two key categories of emergency responders are:

Category 1 responders, these are the primary responders, the blue-light emergency services, local authorities and the health community. These responders are subject to six duties with respect to emergency planning, with Local Authorities subject to an additional seventh, that being Business Continuity promotion.

Category 2 responders such as utility companies have fewer statutory obligations to fulfil, but are required to aid the preparation and response to major emergencies through co-operating and sharing information with Category 1 responders.

- 1.6 The seven Emergency Planning and Business Continuity statutory duties that apply to the Council are:

1. Risk Assessment
2. Emergency Planning
3. Warning & Informing the public
4. Co-operating with partner agencies
5. Sharing information with partner agencies
6. Business continuity
7. Business Continuity promotion.

- 1.7 In the past in terms of promoting business continuity, we have done this only on a case by case basis.

- 1.8 Every County in England has a Local Resilience Forum (LRF), the LRF has the same boundaries as the County itself. The LRF oversees the response to major emergencies at a strategic level. In Nottinghamshire the LRF also meets regularly in normal time to discuss the emergency planning and other preparation work such as training and exercising plans.

- 1.9 It is important to note that risk assessments have been carried out nationally, regionally and by the LRF locally to measure the likelihood and impact of external hazards and threats that the Council could be affected by. As a category 1 responder under the CCA 2004 the Council has legal duties to plan for and prepare our services for these potential risks. The LRF assists the Council in fulfilling some of our CCA 2004 duties.

- 1.10 For more details about the LRF, its aims, objectives, the community risk register and other key documents please go to this link: <http://www.nottinghamshire.police.uk/site-page/emergency-planning->

[preparing-nottingham-and-nottinghamshire](#)

- 1.11 The Health, Safety and Emergency Planning Officer is the lead Emergency Planning Officer for the Council whom liaises with the LRF to ensure the Council keeps abreast of current best practice planning arrangements and engages where necessary to fulfil our CCA 2004 statutory duties.
- 1.12 All major incidents that affect the Council activates the Council's Emergency Plan, depending on circumstances this may impact on one or several service areas for a period of time, this is where business continuity plans need to be in place, up to date and be subsequently activated if required.
- 1.13 What the Council has proven during the Covid-19 emergency response, is that the Council can act decisively to manage major incidents. This has been demonstrated by all service areas completing a full test and completion of the Business Impact Assessment (BIA) templates using the BIA guidance provided in this report. This was completed in a very short space of time. The Council and its service areas came together during the unprecedented event. Consequently, it has been an excellent example of cross-departmental cooperation and multi-agency partnership working. Most importantly, the Council is has and continues to maintain critical statutory functions throughout the incident.

## **2 Proposal**

- 2.1 Cabinet are asked to note the work already undertaken to develop emergency planning, this Policy and BC arrangements required to manage the Council response during the Covid-19 emergency incident.
- 2.2 It is proposed that Cabinet approves the Business Continuity Policy at Appendix 1. The Policy has been prepared by the Health, Safety and Emergency Planning Officer in consultation with a number of stakeholders including, the Local Resilience Forum, senior Council Officers, Nottinghamshire County Council Emergency Planning Officer colleagues and references good practice guidance.
- 2.3 The BC Policy formalises the aims and objectives, the methods and standards of how the Business Continuity Plans (BCP) will be consistently recorded, updated and covers the roles and responsibilities. The Policy includes governance information which explains the review cycles for the Policy as well as service area BCP. Finally, the Policy outlines a framework for training and exercising BC arrangements.
- 2.4 Cabinet are also asked to formally approve the Business Impact Assessment (BIA) Guidance and BIA template at Appendix 2 and 3. These provide a consistent approach across the Council to record BC arrangements and will support preparation of our BC Plans. The

templates have already been successfully utilised during the Covid-19 emergency response. These documents will also be utilised for external BC promotion activities as well.

- 2.5 It is proposed that two operational delegations are agreed to allow for a smooth day-to-day operational management of the BC Policy and BC arrangements. The first is a delegation to the Director responsible for emergency planning and business continuity to approve future minor updates to the Policy. This will ensure the Policy remains up to date and fit for purpose and communicated to all staff as quickly as possible. This will also ensure that the Executive is not burdened with decisions relating to day-to-day operational matters. The Policy will be kept under review by the Health, Safety and Emergency Planning Officer and significant changes will be submitted for future approval and adoption by the portfolio holder responsible for emergency planning and business continuity.
- 2.6 Cabinet are asked to agree that a second delegation to enable the Health, Safety and Emergency Planning Officer to make amendments to the Business Impact Assessment templates and guidance to ensure they remain fit for purpose. These are operational documents, which should be reviewed and updated by Officers.
- 2.7 In terms of BC promotion, it is proposed that the current arrangements are enhanced, by the establishment of a bespoke Council website page, where we will publish the Cabinet approved BC templates and guidance. This platform will be where businesses in the borough that wish to utilise these templates can do so. It is also proposed to promote this website and information via the Council's community and business bulletins.

### **3 Alternative Options**

- 3.1 The Council could continue to operate without an approved Business Continuity Policy. However, this means that the templates remain formally unapproved guidance documents rather than formal policy that has full awareness and authority of the Executive. It can leave open to interpretation BC management and leave ambiguous BC roles and responsibilities. BC promotion will also remain at current levels. In addition, the Health, Safety and Emergency Planning Officer will not be able to complete an internal audit review recommendations to have a formal policy and BIA templates approved with the full awareness of the Executive. This could potentially result in non-compliance internally within service areas.

### **4 Financial Implications**

- 4.1 There are no direct financial implications arising from this report.

## **5 Legal Implications**

- 5.1 These are explained in the background and proposal sections of the report which detail the Council's legal duties under the Civil Contingencies Act 2004. The attached documents supports the Council's duties and responsibilities under the CCA and provide a framework for dealing with the business continuity.

## **6 Equalities Implications**

- 6.1 There will be positive impacts on a range of service users who fall within the protected characteristics of disability and potentially age due to the increased opportunity to assess risks associated and plan mitigating measures that would potentially affect them. Other than the equality impacts identified the equality impacts are neutral. No further actions are recommended as a result of this equality impact review.

## **7 Carbon Reduction/Environmental Sustainability Implications**

- 7.1 There are no direct negative impacts foreseen for the implementation of BC plans. BC planning can result in many positive impacts. This has been notable during the pandemic influenza Covid-19 incident. The lockdown restrictions has resulted in many positive carbon reduction and environmental impacts such as less traffic on the borough roads, reduced pollution and reduced sundry resources being used.

## **8 Appendices**

- 8.1 Appendix 1 – Business Continuity Policy
- 8.2 Appendix 2 - Business Impact Assessment Guidance
- 8.3 Appendix 3 - Business Impact Assessment Template

## **9 Background Papers**

- 9.1 <http://www.legislation.gov.uk/ukpga/2004/36/contents>

## **10 Reasons for Recommendations**

- 10.1 To provide a clear policy for the Council and its service areas to use to manage Business Continuity risk and to have standardised arrangements for completing Business Impact Assessments. In addition to further enhance Business Continuity promotion activities within the community.
- 10.2 To allow for smooth day to day operational management and avoid the Executive being burdened with operational decisions.

**Statutory Officer approval**

**Approved by:**

Chief Financial Officer

**Date:**

04/06/20

**Approved by:**

Deputy Monitoring Officer

**Date:**

03/06/20

**On behalf of the Monitoring Officer**