



## Agency Board Meeting 26 May 2020

Board Report Number: SEPA 16/20

### Chief Executive's Report

<b>Summary:</b>	This month's Chief Executive's Report provides an update of the progress we have made in response to the COVID-19 pandemic. It includes updates on our project cells set up as part of our initial response, our priority services, our portfolio response, Earth Day and our revised Annual Operating Plan.
<b>Risks:</b>	<p>The emergency presents risks to:</p> <ul style="list-style-type: none"> <li>• <b>The health and well-being of our employees</b> This report outlines what we are doing to keep our people safe through our communications, flexible approach, home-working and technology.</li> <li>• <b>The extent to which we can carry out our statutory purpose</b> This report outlines our priorities and where we will focus our resource to help Scotland manage this emergency in a way that protects and improves Scotland's environment.</li> </ul>
<b>Resource and Staffing Implications:</b>	<p>The emergency will have significant staff and resource implications in terms of the number of staff who can work from home, those who are ill and those who have carer responsibilities.</p> <p>This report outlines our efforts to mitigate this through focusing our resources on our priority services, enabling home-working where possible, and being flexible with our employees.</p>
<b>Equalities:</b>	Equalities consideration have been recognised as part of the work of the project cells as we recognise COVID-19 will affect everyone differently.
<b>Environmental and Carbon Impact:</b>	Section 2 of this report includes some of the potential environmental impacts of the COVID-19 pandemic and our response.
<b>Purpose and audience of the report:</b>	<p>For information</p> <p>Agency Board, Scottish Government and Public</p>
<b>Report Authors:</b>	<p>Terry A'Hearn, Chief Executive Anne Turner, Business Strategy Manager Kelly Mathewson, Senior Business Consultant, Business Strategy</p>
<b>Appendices:</b>	None

## 1.0 COVID-19 update

I announced on the 27<sup>th</sup> March a three week period in which we would focus on the four key activities explained below. As part of our initial response to COVID-19 we set up 12 'cells', and the work of these cells helped us make significant progress on these activities. In all their work, staff involved in the cells are recognising equality considerations as people – within the organisation and in the wider community – are different and Covid-19 will be affecting them in different ways.

The three week period ended on the 17<sup>th</sup> April and we continue to build on the progress made.

### Activity 1: Taking personal time to set ourselves up at home

We made it clear to our employees that their health and wellbeing, and that of their families, was of the utmost priority. Therefore, they should take the time to make whatever arrangements they needed to set themselves up to live and work from home. We recognize that not everyone is able to work from home or that it may not be possible for staff to do their normal hours due to caring responsibilities, underlying health conditions and other reasons. We have supported staff to work only what they can do so safely, taking into account existing reasonable adjustments.

We also know that working from home presents additional health and safety considerations. We have provided staff with guidance on how to set their workstations up and will reimburse up to £100 for staff to purchase equipment to improve their workstation. We will also cover additional costs such as increased broadband use. Where someone cannot work from home due to their workstation limitations – we've asked them to do only what they can. As we move to longer term homeworking we will be issuing further guidance on Display Screen Equipment compliance and assessment.

### Activity 2: Blitz on 'Organisational Infrastructure'

A huge amount has been achieved by the seven project cells that contributed to this activity.

- i. **Organisational Resilience:** This cell has ensured key corporate services such as Human Resources, Finance, Governance and Health and Safety are maintained. The group is currently putting in place ways of handling mail and deliveries while our offices are closed. A risk assessment of existing contracts has taken place and staff are investigating digital signature software.
- ii. **Healthy SEPA Resilience Group:** As well as linking to external resilience partners and developing situational awareness, this cell focuses on successful home working. Guidance has been published on the intranet for all staff to follow and the cell is due to issue further guidance on Display Screen Equipment compliance. The delivery of new collaboration tools for home working is also underway.
- iii. **Support Staff:** This cell makes sure our business processes and procedures support staff working in new ways as a result of the pandemic. It has developed a tool for capturing people's homeworking status and monitors and responds to staff questions. The cell continues to update policies and procedures in response to COVID-19 as required, and is providing wellbeing support for staff and guidance for managers on how to support staff. This includes resources to help staff manage their mental well-being.
- iv. **Facilities, Health & Safety:** The cell was responsible for the closure of our offices. It continues to ensure they are safe and secure with access provided only under exceptional circumstances. A new sub-group of staff has recently been set up to help with the logistics of providing staff with the equipment they need for work. Plans are also being prepared for the re-opening of our offices when it is safe to do so.
- v. **Information Services:** The cell ensures staff have the IT systems and services they need to carry out their role at home. Additional licences for accessing our systems from home have been purchased. Training and guidance on collaborative tools has been developed. Work is currently underway to assess the technical and governance considerations around the use of a new collaboration tool - Microsoft Teams.
- vi. **Communications & Marketing:** The cell has responsibility for providing clear, strong and timely communications to our staff and external stakeholders, using a range of media. A programme of internal communications is in place. COVID-19 updates are communicated on dedicated web pages as well as social media. Waste campaigns are being developed.

- vii. **SEPA Contact Centre:** This cell ensures we can deliver priority customer services through our Contact Centre. A significant effort has gone into ensuring that contact centre staff have the equipment they need to work from home. As staff availability is currently reduced, we have encouraged customers to contact us online whenever possible.

### Activity 3: Continue Priority Services

The remaining cells were focused on ensuring delivery of the three priority services we identified that we will deliver during this public health emergency:

- Regulatory Position Statements
  - Regulatory Incident Response
  - Flood Warnings
- i. **Flood & Drought Services Resilience:** This cell was set up to ensure we could maintain our essential flood and drought services. As staff are now set up to work from home, the focus has moved to the planned restructure of the Hydrology Function and the Flood Risk Planning review.
  - ii. **Flood Response & Incidents:** The cell is responsible for maintenance of our flood warning service. It has ensured that rotas are staffed and is training staff to work across different regions if required. The cell continues to work with partners to understand how we can best support communities at risk of flooding during the pandemic, including the evacuation of vulnerable people.
  - iii. **Regulatory Resilience:** The cell has developed our approach to regulation during the current crisis and they continue to build on this. They are identifying the biggest risks to the environment and communities, to putting in place plans to tackle them. This includes considering high hazard activities and sites, sites which have the greatest impacts on communities and illegal activities. They are also developing plans for permitting, collecting regulatory evidence and enforcement during the pandemic.
  - iv. **Regulatory Response & Incidents:** The cell developed guidance for how and when we respond to environmental incidents in the current situation. The cell published guidance for staff on this. It also created a tool to help managers understand the availability of staff to respond to a significant event across the country at any time.
  - v. **Regulatory Policy Positions:** The cell is responsible for considering regulatory issues as they arise and preparing temporary regulatory position statements when necessary for discussion and publication. Further detail on this is in section 3.

### Activity 4: Continue with as much other SEPA work as possible

Colleagues not involved full-time on either the organisational infrastructure blitz and/or the priority services have been delivering a whole range of work. The launch of the Annual Operating Plan at the start of May provided more clarity on the work activities which we'll be undertaking this year. All staff will have the opportunity to get involved in the projects in the plan. By 31 July, all units will have an approved business plan in place and all staff will have a completed Personal Development Review.

## 2.0 Portfolio updates on COVID-19 response

### 2.1 Finance

The Finance portfolio is currently investigating what viable options exist for printing and sending annual charging scheme invoices. Normally the billing is run in the Stirling office on the 1st of April with payments due 30 days later. Due to COVID-19 the printing run has not been possible and we have been drawing down grant-in-aid to make up the shortfall along with invoicing Scottish Water's half yearly charges on 7th May.

Following assessment we have two options:

1. Invoice via a third party who would print, send and deal with returned unopened mail.
2. Use the Angus Smith Building as the Stirling office is closed

The preferred recommendation is the third party option, which would be more robust long term. There are however a number of data protection, legal, national security and tender process issues

to be addressed before implementation, and until these are resolved both options as outlined above will continue to be developed. Work continues to progress on this.

## **2.2 Circular Economy**

### **2.2.1 Energy**

Over the last two month's we have continued to input in to UK and Scottish work on energy policy and implementation. Our work includes helping Scottish businesses respond to changes related to COVID-19. We have provided information to the National Grid in response to a modification to set out that under emergency conditions and as a last resort the Electricity System Operator may instruct a Distribution Network Operator to disconnect embedded generators connected to its system. This is due to the unprecedented societal changes brought about by the pandemic which has led to demand up to 20% lower than predicted. We have provided information to enable consideration of the potential environmental and community impacts associated with decisions to delete capacity at specific sites. This will enable the National Grid to put in place a hierarchical and risk assessed plan for capacity management to reduce impact to the environment and communities.

We are also actively engaged with the UK Government, Scottish Government and relevant industry associations in consideration of the current regulatory framework for Carbon Capture Storage and Utilisation. We are engaging with the Acorn project as it starts the pre-application stage of its planning application for the development of carbon capture and storage facilities at St. Fergus.

### **2.2.2 Air Quality**

We have been observing the situation relating to air quality in Scotland during the current restrictions. Using data from the Scottish Government's Air Quality in Scotland database, reductions in concentrations in nitrogen dioxide have been observed across the country, as would be expected with significantly reduced use of transport, especially in urban areas. The situation with concentrations of particulate matter and ozone is far more complex due to the variety of sources of pollutants (and their pre-cursors), the influence of meteorological conditions and the transboundary nature of their transport and formation. As a result the same levels of reductions have not been observed.

We have developed visualisation tools that provide air quality data across the rest of the UK and Europe (comprising approximately 2,800 monitoring stations). These tools have been developed to monitor any transboundary air pollution events that may occur and impact upon Scotland. We will continue to analyse the air quality datasets as the response to COVID-19 continues, with a view to assisting the Scottish Government in forming policy in relation to air quality and related areas based on the observable evidence.

While some levels of air pollution may have reduced during the current restrictions, there are likely to be rebound effects once the restrictions are relaxed and society returns to a more normal set of day-to-day circumstances. For example, during the recovery phase there could be an increase in air pollution due to delays in MOTs or an increase in car use as people avoid public transport to maintain social distancing. Input into the Green Recovery discussions will be essential to address these issues early.

### **2.2.3 Radioactive Substances**

When the lockdown was announced, we established effective and robust communications with all of the nuclear and high hazard non-nuclear sites in Scotland and with other Government bodies. We have regular teleconferences with the other environment agencies in the UK to discuss nuclear and non-nuclear issues. We also meet regularly with other nuclear regulators to discuss how the nuclear industry is performing under COVID-19. We have daily updates on each of the Scottish nuclear sites and regular teleconferences between the site inspector and site, as well as meetings with senior management for these sites.

The nuclear sites in Scotland are all operating at different levels: The MAGNOX sites at Chapelcross and Hunterston A are effectively closed with minimal manning as is Dounreay; Vulcan has now moved away from minimal manning and is restarting operations; Rosyth is working towards restarting operations; the EDF site at Torness continues to be operational although the site has made changes in light of COVID-19; Hunterston B continues to make progress toward a restart date of mid to late June 2020. The MoD facilities at Faslane and Coupleport have continued to be operational.

We continue to engage with, and provide support to, all the nuclear and non-nuclear sites in Scotland to enable them to ensure that the public and environment remain protected.

## 2.2.4 Planning & Contaminated Land

Planning consultation workload has reduced by 30% since lockdown. Despite the constrained working conditions, we continue to input to development and strategic planning consultation within agreed timescales. We have contributed to strategic discussions on how Scotland's planning system responds to the pandemic, and provided advice on how to streamline the assessment of ground conditions for new cemeteries. We have also continued work on the Sustainable Growth Agreement City Blueprint partnership with Scottish Water.

We continue to respond to the Climate Emergency, notably via our partnership work with Climate Ready Clyde, and in Edinburgh. We are also engaging with Mission Clyde as that initiative continues to develop its role.

We responded to the 'Call for Ideas' to the review of National Planning Framework 4 and the Strategic Environmental Assessment scoping report. This is a big opportunity to secure circular economy and green recovery outcomes via the development planning system.

For contaminated land, there has been a similar downturn in workload. We have continued to deliver our regulatory duties, engaging with partners and providing advice on remediation at sites including the Leven Catchment Improvement Project. Scottish vacant and derelict land work is continuing and we are working closely with the Scottish Land Commission to deliver a webinar in June with the aim of engaging local authorities on this initiative.

## 2.2.5 Water & Land

We have developed temporary regulatory position statements for Scottish Water, distilleries and reservoirs. These positions reflect the uniquely challenging situation, whilst ensuring environmental protection.

There has been close working with Scottish Water on a number of COVID-19 related issues, and we are receiving regular updates on compliance and contingency plans. We have also reviewed our Reservoir Emergency Procedure to ensure that we can still respond to a reservoir emergency, alongside our Category 1 responder partners, should that situation arise.

Parts of Scotland are already in "alert" condition for water scarcity. We are developing our approach to supporting water users in drought conditions, while complying with lockdown guidelines.

Social distancing has had an impact on construction and field assessments associated with river restoration and barrier removal. We are working with our internal and external partners to find ways of delivering on the engagement, scoping and design phases which can still take place. We are therefore re-profiling the Water Environment Fund programme of work and planning for different lockdown relaxation scenarios, in partnership with the Scottish Government.

We continue to develop the third River Basin Management Plans which outline Scotland's ambition for the water environment, in partnership with the Scottish Government, with a greater emphasis on climate emergency and circular economy.

## 2.2.6 Waste Sector Contingency Planning

There has been a significant focus on waste during COVID-19. Waste is a public health issue with potential for significant environmental impact if not managed properly. There is a significant impact on the flow of waste types and volumes due to the economic impact of COVID-19 on waste producers (household and commercial waste), that has resulted in some ceasing and/or changing operations of critical national waste infrastructure operated by local authorities and private sector operators. There is also an increased risk of illegal waste activity, trying to achieve financial gain from the COVID-19 situation where operations of compliant and licenced waste collectors are affected (e.g. illegal waste carriers and flytipping).

The waste sector needs to be prepared to restart critical services in a well-planned and co-ordinated way, whilst ensuring the safety of staff and the public. The flow of commercial and industrial wastes will increase as Scotland's economy restarts and recovers. Waste services will need to be reintroduced in a way that reflects the needs of communities, sectors and supply chain capacity; that resilience is maintained in preparation for the 'new normal'; and that future waste and resource management services are designed to support green recovery and a circular economy.

We have joined a COVID-19 Waste Contingency Planning forum established by the Scottish Government with representatives from Zero Waste Scotland, CoSLA, the Scottish Environmental Services Association

(SESA), Chartered Institute of Wastes Management (CIWM), REA (Renewable Energy Association), Resource Management Association Scotland (RMAS), NHS and other sector organisations.

During this time, we have been working closely and met regularly with the Scottish Government, sector partners and operators. We have prepared detailed weekly briefings on waste sector and priority waste capacity and resilience to COVID-19, published a regulatory temporary position statement regarding waste and producer responsibility, and responded to parliamentary and media interest in fly tipping on the back of the Zero Waste Scotland Household Waste communications campaign. We conducted a survey of 115 waste operators to assess COVID-19 resilience and operations and compliance challenges – we received 110 responses (96%), of which, 100 have so far been shared with Zero Waste Scotland who are carrying out the analysis. We also worked with Zero Waste Scotland, the Scottish Government and CoSLA to produce guidance for Local Authorities on the re-opening of Household Waste Recycling Centres.

We are now starting to prepare and plan for recovery of the waste and resource management sector, the critical services this sector provides to the restart of other sectors, and embedding circular economy and resource management across the whole of Scotland's green recovery.

### **2.2.7 Sector Planning**

We have identified which of our Sector Plans align with the Critical National Infrastructure Sectors as well as identifying which specific sites and operators also fall within the Critical National Infrastructure. COVID-19 will have a significant impact on Sector Plan development and our external stakeholders. We are working hard to explore alternative options for engagement. We are working to establish the ongoing position of each plan with Sector Plan engagement on hold except where this is part of an established relationship or where we are directly approached by external partners.

Work on the Mining and Quarrying Sector plan has identified that heat energy contained in the water in the former mines of the central belt could provide around 30% of our heat demand. Mine water can also be used for heating, cooling, storing of heat and encouraging social and economic success.

## **2.3 People and Property**

### **2.3.1 People Survey 2020**

SEPA's staff survey is being rolled out on 29<sup>th</sup> May and will run till 26<sup>th</sup> June. We have added new questions on SEPA's handling of mental wellbeing and of the coronavirus pandemic. We have planned AMT and SLT workshops to define actions to respond to the survey results and will share our action plan with the Agency Board before end of August 2020.

## **2.4 Performance and Innovation**

We have been working on and are at the key stage of the development of a route map as part of the Scottish Conservation £1b Finance Challenge, a joint initiative between SEPA and the Scottish Wildlife Trust. The route map, which was developed in collaboration with a broad coalition of stakeholders and experts, highlights nine tangible opportunities for investment. It is being launched on 22 May 2020 and will inform the work of the Scottish Government's work on green recovery.

## **2.5 Evidence and Flooding**

### **2.5.1 Water Scarcity**

Scotland has just had the third driest April on record. This has led to very low groundwater levels in NE Scotland and, increasingly, low river flows across much of the country. Using data from our network of river gauging stations and rain gauges, SEPA has been providing information on this situation monthly throughout the winter and more recently on a weekly basis via the public-facing [water situation report](#). We have been providing information to help the Scottish Government develop a plan to support private water supplies in north east Scotland and at the same time have been developing our regulatory approach to adapt to the current lockdown due to COVID-19. Last week, AMT considered early proposals presented on this approach which involves informing and engaging with the regulated sectors via SEPA sector sponsors. We recognise that some sectors at risk from drought are part of Scotland's Critical National Infrastructure and our approach aims to help Scotland through the current emergency whilst maintaining protection of the environment. To this end, a Drought Co-ordination Group has been set up to help implement Scotland's National Water Scarcity Plan and at the same link in to our Regulatory Resilience and Regulatory Positions cell. This group will return to AMT to present, for their consideration, the interim regulatory approach for dealing with water scarcity during this health emergency.

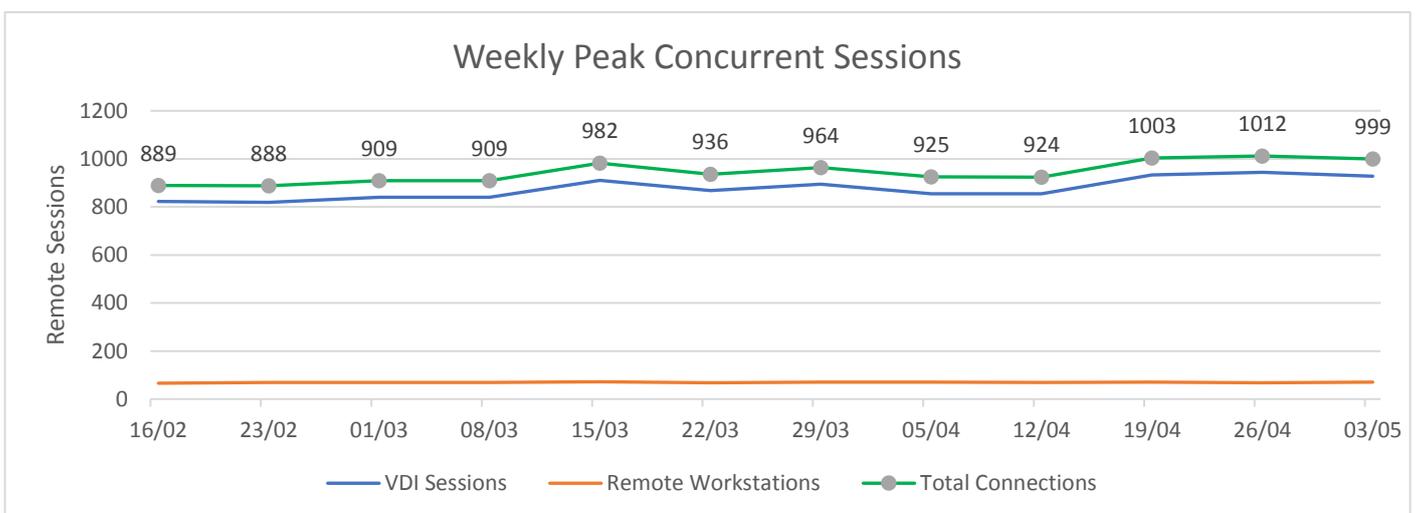
## 2.5.2 Daily Public Flood Guidance Statement

Developing a new public flood forecast product for Scotland is one of our commitments in SEPA's [Flood Warning Development Framework](#) and in SEPA's [Climate Change Commitment Statement](#). Research undertaken with the help of [CREW](#) has told us that our Floodline customers find our current regional Flood Alerts too generic and confusing. Customers would like to receive further advance notice if flooding is forecast. To address this, a project informed by an early engagement with AMT was set up to develop a new product jointly with the Met Office under our [Scottish Flood Forecasting Service](#) partnership arrangements.

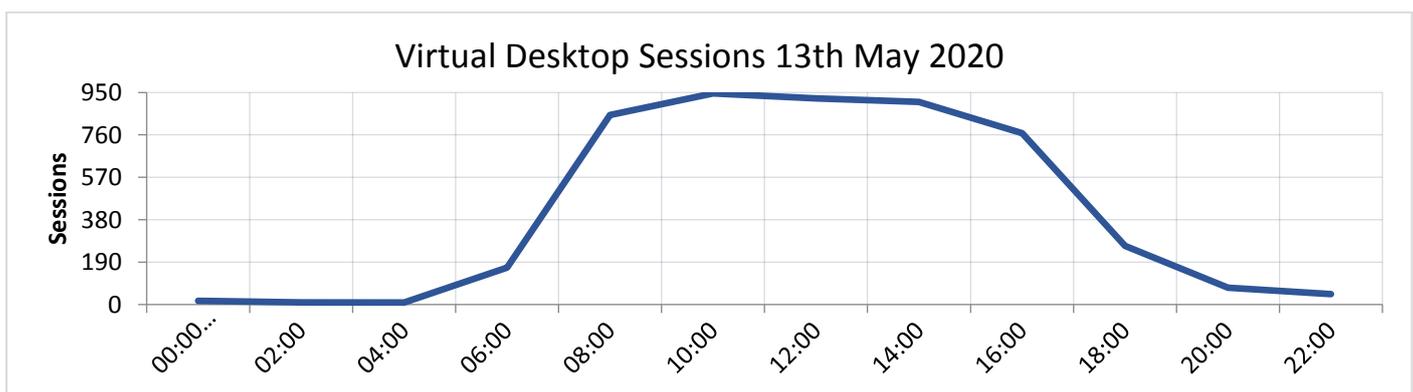
A progress update was provided to AMT Flooding Committee on 6 May by SEPA's Project Manager Laura Paterson in collaboration with Diane McKain, SFFS co-lead and Met Office Strategic Relationship manager with devolved authorities. The project team is following the Scottish Government Service Design approach based on customer feedback. This has involved 1-2-1 interviews and workshops with emergency responders, SEPA and Met Office staff, the public and community flood groups. This ensures that we will provide the public with a service that will be of value and they will use. Several prototypes have then been developed and tested. A beta version of this new national flood forecast webpage will be developed by April 2021, subject to on-going negotiation with our flood warning system supplier. We will also continue the development of regional pages and dynamic geo-alerting using agile development principles.

## 2.5.3 Supporting Home Working and Roll Out of Microsoft Teams (MS Teams)

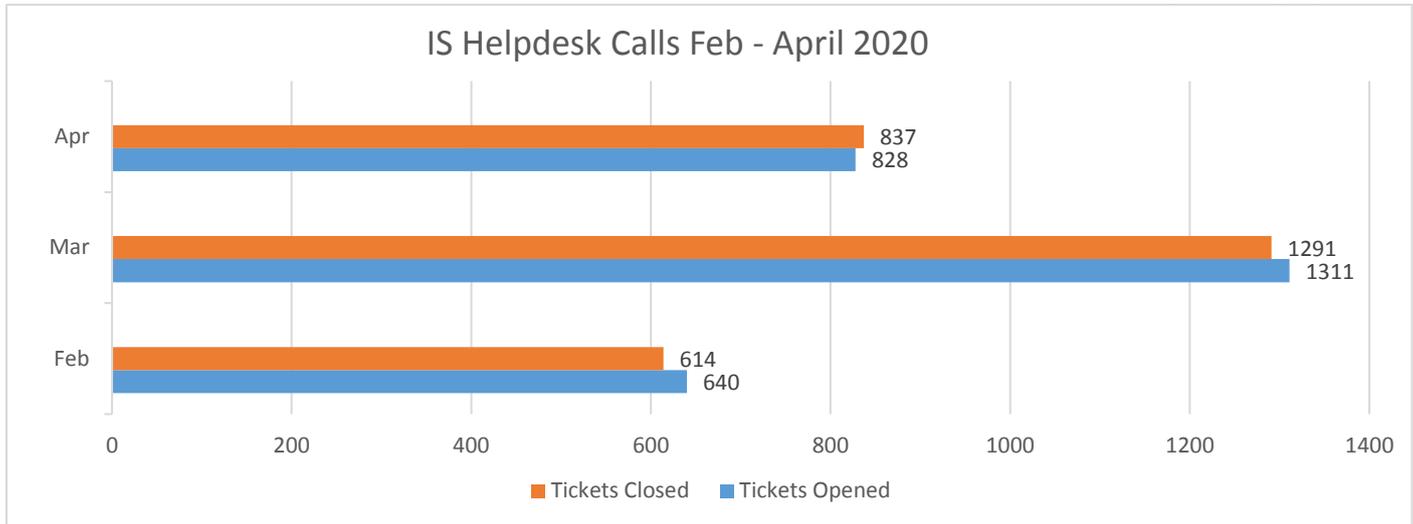
SEPA have responded to the COVID-19 outbreak and subsequent instruction by UK and Scottish Governments by providing nearly all staff with the capability to work from home: IS are presently supporting a dispersed workforce of over 1,200 staff connecting to SEPA systems from home. While many other organisations are struggling to support the new reality, we have infrastructure that was already capable of connecting the entire user base from remote locations.



The graph above illustrates that demand has remained steady throughout the Covid19 transition with only minor system changes required to cope with a new, more compressed working patterns.



This graph represents a typical day's demand pattern for our virtual desktop infrastructure.



The IS Helpdesk has provided a foundation of support to SEPA staff during this major change. The organisation generated a significant increase in support calls during March focused around working from home issues. The team has risen to this challenge, providing a solid service resolving more than 80% of calls within the first contact.

We are succeeding at connecting our staff to SEPA but now our focus is on connecting our staff to each other – by improving our collaboration tools and supporting SEPA into the new normal. It has quickly become clear that, in order to satisfy the needs of our workforce we need to deploy improved tools that supported video conferencing and collaboration capability. After assessing the available market options in this area, AMT have commissioned a cross-Portfolio project to deploy MS Teams and supporting software on a phased, controlled basis across the Agency. MS Teams offers a full range of collaborative tools including audio and video-conferencing on a one-to-one and group basis, file sharing and co-editing across all file types within SEPA's standard MS Office Productivity suite across all available IT end-point platforms such as PC/MAC desktop, Web-based and Smart-phone platforms.

## 2.6 Compliance and Beyond

### 2.6.1 Permitting

The Permitting Function have quickly moved to a home working model. This accelerated resolution of some development such as the use of scanned signatures to make this possible. The function is able to determine applications and is seeing an ongoing flow of applications with a normal increase in areas such engineering in the water environment.

### 2.6.2 Environmental Performance

Through April an initial fundamental review of the compliance programme has been undertaken. A programme has now commenced focusing on the sectors most important to the ongoing public health emergency and those that pose the greatest risk to the environment and communities. Staff across the country are engaging with operators gathering information identifying any increased risk, and understand where support to operators is needed.

There are a few sites across the country where we are getting environmental events reported from members of the community where SEPA are not currently able to respond into the field and onto sites due to the Covid controls. In some cases that is causing frustration from members of the public and we are seeing follow up from elected members in a number of these cases. Regulatory activity to address issues at these sites is being given focus and priority with ongoing engagement with the operators and revised compliance and response plans being brought forward.

### 2.6.3 Review of Regulatory Activities / Tasks

The controls that will be in place to manage the “reproduction” rate of the Covid virus over the coming months will have an impact on regulatory activities / tasks undertaken by SEPA in fulfilment of its regulatory duties. These include physical distancing, working from home and hygiene requirements. The most substantive impacts will be on work in the field, on sites and interactions with people. Examples include inspection and audit, taking statements, and collecting and managing evidence. A systematic review of all

regulatory activities / tasks has been commissioned which will consider the impact of covid controls, alternatives and covid compliant arrangements.

### **3.0 Earth Day**

On 22 April, it was 50 years since the first Earth Day brought activists together to build the world's largest environmental movement to drive transformative change for people and planet. I wrote a piece for The Herald titled "Earth day, Coronavirus and the case for a new normal..." In it, I reiterate our aim as making our "best contribution to helping the nation get through this public health emergency in a way that protects and improves Scotland's environment". Though we find ourselves in an unprecedented situation, it is clear that this period cannot be an alibi for inaction. The challenge of how we help Scottish businesses and communities thrive within the resources that our one planet provides is more important now than ever.

### **4.0 Annual Operating Plan**

We will use our newly revised Annual Operating Plan to deploy our resources with boldness, purpose and agility to make our contribution to helping Scotland get through this difficult and challenging year and help build a better future.

Our revised Plan is grounded on three key thoughts:

1. This public health emergency requires all organisations, including us, to refocus our work to help the Scottish and global communities tackle COVID-19.
2. A different world will emerge after COVID-19 and we should contribute to both shaping and reacting to this new world.
3. Our *One Planet Prosperity* strategy positions us to play our role during COVID-19 and in the world that emerges after COVID-19.

I have held seven briefings for managers across the organisation to explain the thinking behind the revised plan. Over 190 people called into the meetings and I was able to answer their questions so they are ready to start discussions with their teams.

We've also made the priorities set out in the Annual Operating Plan project-based, with a member of the Senior Leadership Team assigned accountability for the delivery of each project. We're currently developing a fair system for giving everyone in the organisation the chance to get involved in the different projects. This will be done in a way that makes for quick decision-making and is fair in terms of giving good career development opportunities, and managing workloads. The first two projects we launch will be our contribution to the Scottish Government's work on Economic Recovery, and to work on more clearly defining roles and responsibilities.

**Terry A'Hearn, Chief Executive**  
**18 May 2020**