



Agency Board Meeting 16 February 2021

Board Report Number: 02/21

SEPA's Recovery Protocol 1 February – 30 June 2021

Summary:	The purpose of this paper is to inform the Board of the arrangements that AMT has put in place for managing the organisation up until 30 June 2021. This will be defined as our key recovery phase from the Christmas Eve cyberattack. The arrangements are set out in SEPA's Recovery Protocol which is attached as Appendix 1.
Risks:	The cyber-attack has had a significant impact on our service delivery. The two key service recovery risks are that we (1) don't re-establish services quickly enough in the right priority order and (2) in re-establishing services we don't take the opportunity to build in improvements and high-quality governance arrangements. The Recovery Protocol, including the Governance Charter, is specifically designed to enable us to work at a fast pace and build in process excellence and discipline to minimise risk.
Resource and Staffing Implications:	We want all staff to be focusing on work that helps us recover stronger than we were before. The protocol sets out how we will organise ourselves to achieve that and how we will make decisions to prioritise our efforts. No additional resources are required.
Equalities:	The proposed approach builds in equality and human rights considerations at the start of decision-making.
Environmental and Carbon Impact:	There are no direct environmental and carbon impacts from the Protocol itself, but if it is successfully implemented, environmental and carbon impacts will be reduced by being even more strongly built in upfront in all decision-making.
Purpose and audience of the report:	The Recovery Protocol is being shared with the Board for information.
Report Authors:	Terry A'Hearn, Chief Executive Anne Turner, Business Strategy Manager
Appendices:	SEPA's Recovery Protocol

Introduction

The recent cyber-attack has caused major disruption to SEPA's work. We have a large recovery task ahead of us. We need to respond to the attack, deliver critical services and build all regulatory, flooding and corporate services as quickly as possible.

It is crucial that we respond well to this attack, so we need robust arrangements in place to manage the organisation through the disruption. We need a disciplined approach that tackles the challenges well and doesn't inadvertently create any new risks. We need an approach that sets our services up in ways that deliver One Planet Prosperity. We also need an approach that embeds our Phase 2 ways of working, such as our new collaborative culture and our organisational characteristics.

We have set out the recovery approach that AMT is taking to running the organisation in Appendix 1: SEPA's Recovery Protocol February 1 - June 30 2021.

Now the Protocol is in place, we are establishing checks that will be carried out, either by our staff or our internal auditors, to give us assurance that it is being followed and is working properly.

Issues

The Recovery Protocol

We have identified the period up to the end of June as the key Recovery Period. We will use the Emergency Management Team to manage the organisation during this Recovery Period.

The objectives of the Emergency Management Team are set out in SEPA's Recovery Protocol in Appendix 1.

We will be arranging our work through six work streams, led by members of the Agency Management Team and the Senior Leadership Team. All members of the Senior Leadership Team will help deliver the projects in each work stream.

There is lots to do and many decisions to be made. To help ensure that we have good decision-making during the Recovery Period, we have set out a decision-making charter in SEPA's Recovery Protocol. This will ensure that all decisions are focused on delivery of One Planet Prosperity, embed Phase 2 ways of working and build in the highest levels of governance excellence and discipline. All members of the Senior Leadership Team have been asked to sign up to this charter.

Recommendations

The Board is asked to note SEPA's Recovery Protocol: 1 February - 30 June 2021.

Terry A'Hearn
11 February 2021

Anne Turner

Appendix 1 - SEPA's Recovery Protocol: 1 February – 30 June 2021

SEPA RECOVERY PROTOCOL: 1 FEB – 30 JUNE 2021

This Protocol will be used to govern all of SEPA's work during the Recovery Phase up until 30 June 2021.

During this period, we will use SEPA's Emergency Management Team processes for the administration of the organisation.

All work must build a Phase 2 EPA so we can deliver against One Planet Prosperity.

An external and experienced perspective

In a talk at London Business School, Mark Rowley, former Metropolitan Police Assistant Commissioner and UK lead for counter-terrorism, said that any organisation dealing with a major crisis will be judged by stakeholders asking the following questions:

“Do I believe this organisation has shown competence, a soul and leaders that care? And that today (post incident), they get it and have a plan.”

We will keep these questions in mind in all of our recovery work.

Objectives

The Emergency Management Team will focus on three strategic objectives:

1. Maintain focus on protection of the environment, communities and staff
2. Ensure critical service delivery, providing public reassurance
3. Recover our flooding and regulation services and our organisation in a way that takes us forward in terms of One Planet Prosperity.

We will have succeeded in meeting these three objectives if we can make the following statements on the 30th of June. We have:

- responded well in terms of incident response (cyber, ongoing COVID response etc).
- recovered the organisation to a good operational level.
- delivered on-the-ground flooding and regulatory priorities.

Operational Governance

When the cyber-attack began, we set up the Emergency Management Team to manage our response. The emergency was initially called until the end of March. This is now extended until 30 June and will be referred to as the Recovery Phase.

During this time, the Agency Management Team will stand down. The Emergency Management Team will manage the organisation. The Emergency Management Team includes:

- all Agency Management Team members
- Leads and Deputies for the six work streams
- Head of Governance
- Head of Communications & Marketing
- Head of Change

The Chief Executive, or his nominee, will chair each EMT meeting.

Decision-making

The work streams will need decisions on lots of issues over the next few months. Work Stream Leads and Deputies have responsibility for making sure that the best decisions are made and communicated. They should use a mix of:

- formal discussions at Emergency Management Team
- discussion with the Chief Executive
- working groups
- one-off workshops

EMT will formally make all key strategic or cross-cutting decisions. Work Stream Leads and Deputies should liaise with the Chief Executive to agree which decisions need to be made by EMT.

Work Stream Leads and Deputies will provide regular updates and forward planning to EMT to help EMT members anticipate where they need to be involved in decision-making.

Work Streams

We have identified six work streams to deliver the Recovery Phase objectives. Two members of the Senior Leadership Team will lead each one. They are:

1) Organisation Lead: Jo Green Deputy: Fiona Martin	3) Flooding Lead: Vincent Fitzsimmons Deputy: Janine Hensman	5) EU Exit Lead: Jo Green Deputy: Bridget Marshall
2) Regulation Lead: Ian Buchanan Deputy: John Kenny	4) Cyber Response Lead: David Pirie Deputy: Colin Hershaw	6) COVID Response Lead: Fiona Wyllie Deputy: Robbie MacDonald

Emergency Management Team

EMT will govern all decision-making. Key decisions will be brought to EMT meetings for decision. All decisions will be logged by EMT.

Work Stream Leads & Deputy Leads

The first task of the Work Stream Leads and Deputies is to develop a plan for their work stream that covers the three stages below. The plan must be agreed by EMT.

- Stage 1 Our immediate response. Identifying any further important and urgent actions needed to maintain critical services.
- Stage 2 Identifying the next set of important and urgent actions to make wider public-facing services available and deliver the next set of important and urgent organisational actions needed to support staff
- Stage 3 Identifying, planning and delivering external on-the-ground regulatory and flooding priorities. Identifying, planning and building priorities for regulation, flooding and the organisation.

The Work Stream Leads & Deputies will report to the Chief Executive.

Chief Executive

The Chief Executive will assist in ensuring quick, high-quality decision-making by arranging the agendas for EMT, making himself available for individual discussions (especially early in processes), arranging longer strategic meetings (EMT plus key staff relevant to the specific decision) when needed and any liaison and/or referral to the Board. This will include referring any decisions which should be made by the Board in a timely manner.

Senior Leadership Team

All members of SLT will deliver work stream projects and tasks they are assigned.

Office of the Chief Executive

The Office of the Chief Executive will support this EMT work with a focus on helping Work Stream Leads & Deputies and all SLT members to embed excellence in:

- Process (Governance Function: Kieron Gallagher)
- Culture (Change Function: Cat Cunningham)
- Communications (Communications & Marketing Function: Martin Grey)

Early Engagement

Many behaviours will create excellence in our decision-making. One of the most critical is early engagement as reflected in a key diagram we have used:

[EARLY ENGAGEMENT DIAGRAM TO BE INSERTED]

Governance Charter

It is crucial that we have high-quality decision-making and implementation of these decisions throughout the Recovery Phase. This will be more challenging than normal as there are so many decisions to be made and implemented. To ensure good governance, accountabilities are expressed in this Governance Charter which each member of the Senior Leadership Team will sign up to.

Under this Charter, all SLT members will follow everything in this Recovery Protocol and, as a way of making this clear and easy, will adhere to the following checklist.

Mandatory Check List

In carrying out their responsibilities, members of SLT will exercise their delegated authority to ensure that all of their decisions meet all of the following criteria:

Creating a Phase 2 EPA

Each decision must embed and entrench:

1. The Organisational Characteristics
2. The Early Engagement model
3. The Relationship Management System

4. A regenerative, net zero organisation

Safe SEPA: Creating Organisational Excellence and Discipline

Each decision must embed and entrench:

5. Information security and the right to privacy
6. Cyber-security
7. Risk management
8. Health and Safety
9. Resilience and business continuity
10. Human rights and equality
11. Transparency, accountability and the right to information
12. Compliance with all legislation that applies to SEPA

Signed:

Date:

Position: