MIDDLESBROUGH COUNCIL	Middlesbrough moving forward

Report of:	Director of Legal and Governance Services

Relevant Executive Member:	Executive Member for Finance and Governance

Submitted to:	Audit Committee

Date:	1 February 2024

Title:	Business Continuity Annual Assurance Report

Report for:	Information

Status:	Public

Strategic priority:	Quality of service

Key decision:	No
Why:	Decision does not reach the threshold to be a key decision

Subject to call in?	Yes
Why:	Not applicable

Proposed decision(s)
That the Committee notes the arrangements in place to manage business continuity within the Council, progress within the last year, and plans to further strengthen those arrangements.

Executive summary
This report sets out the arrangements in place to ensure the Council meets its legal obligations in relation to Business Continuity. The report sets out the Business Continuity governance framework, actions delivered during 2023 and planned actions for 2024.

This report provides supporting information for the Committee on Business Continuity activity which will be referenced in the annual governance statement. |

Purpose

1. The purpose of this report is to outline the Council's approach to Business Continuity management, summarises activity in the past year and planned activity for 2024, to provide the Committee with assurance that the Council has robust arrangements in place, as required by the Civil Contingencies Act 2004.

Recommendations

2. That the Committee notes the arrangements in place to manage business continuity within the Council, progress within the last year, and plans to further strengthen those arrangements

Rationale for the recommended decision(s)

3. It is important that the Council has oversight of the Local Authority's commitment to Business Continuity.

Background and relevant information

4. The Council has a duty under the Civil Contingencies Act 2004 to develop and maintain business continuity plans to enable continued delivery of 'business critical functions' during a 'business interruption' event.

5. Business Continuity planning is separate to emergency planning, which sets out how the Council responds to emergency incidents that impact on residents and businesses, though there will be times where the two disciplines interrelate.

The Council's approach

6. The Council's Corporate Business Continuity Plan defines critical functions as those which, if interrupted could result in:

   - Risk of serious injury
   - Risk of death
   - Massive financial losses; or
   - Significant damage to the Council's reputation.

7. The Council will consider activating its business continuity plans if there is a business interruption event that:

   - Is likely to last for more than half a working day
   - Affects a vulnerable group of service users
   - Impacts on the delivery of key critical activities
   - Restricts access to one of the key council's buildings
   - Could generate significant damage to the Council's reputation; or
   - Is highly likely to escalate into one of the above categories.

8. The Council has the following plans in place to respond to the variety of events that could occur:

- The Corporate Business Continuity plan.
- Supporting Departmental Business Continuity plans.
- Relocation Plan.
- ICT Disaster Recovery Plan.
- Fuel Plan.
- Pandemic Plan.

9. The Council does not publish its business continuity plans as they outline sensitive information around its critical functions and their recovery that could be misused and contain personal information relating to employees that have agreed to share personal contact details to enable the Council to get in touch with them quickly in the event of an incident. Therefore, the below outline the content of the Council's plans only in broad terms.

10. The **Corporate Business Continuity Plan** is the overarching plan for the organisation. It sets out the structure used to identify and prioritise critical functions; mechanisms for enacting the plan; how all plans are maintained, tested and reviewed; and policies and procedures in place to support effective business continuity planning.

11. Supporting **Departmental Business Continuity Plans** set out detailed recovery arrangements for each critical function or activity, by Directorate of the Council, outlining information on buildings used to deliver the function or activity, staff information, key equipment and supplies, key records, ICT systems and other key contacts.

12. The **Relocation Plan** sets out how critical functions / activity would be relocated to other buildings within the Council's estate or employees sent home to work using agile working solutions, if one or more buildings became inaccessible.

13. The Council's approach is, in the main, not to write numerous plans for risks to critical functions. The ICT Disaster Recovery Plan, Fuel Plan and Pandemic Plan are exceptions to this rule, created in response to specific risks that have faced local authorities and the scale of the interruption that such events have and could cause.

14. The **ICT Disaster Recovery** Plan focuses on maintaining ICT for business-critical functions, highlighting those applications which are hosted externally, and any services supported by the Council's key partners.

15. The **Fuel Plan** outlines how the Council would respond to a fuel shortage to ensure business critical staff are able to continue to do their work.

16. The **Pandemic Plan** outlines how the Council would respond to a pandemic heavily focussed on previous lessons learned during COVID and the Flu pandemics.

Plan testing

17. The Council aims to test its plans at least once every 12 months, or produces a lessons learned report if a live incident has occurred during the past year.

18. Testing of the plans was completed in January 2024, a live test of business continuity which involved senior managers surrounding a marauding attack and vehicle borne improvised explosive device on critical infrastructure. This ensures that senior management understood their roles and responsibilities during an incident and tested the robustness of plans.

Review schedule

19. In a normal planning cycle, Business Continuity plans are updated every six months, and reviewed on an annual basis (May and November) with the scale of the review dependent on the level of organisational change that has occurred in the intervening period. In some years this means that only minor updates (e.g., contact details) are required, in others fundamental reviews will be required to reflect changes to the Council's structure or other significant developments e.g., where services have been outsourced, or brought back in house.

20. During the 2023 annual review of plans, there was an increased focus on the impact loss of ICT could have on critical activities to ensure services planned effectively for this event.

Activity in 2023/4

21. The following actions were delivered during 2023 to ensure good governance in relation to business continuity.

Testing

22. Generator failover tests were carried out at both of the Council's data centres during the summer and winter of 2023 which involved testing the resilience of the generators, Uninterrupted Power Supply (UPS) systems and also environmental (e.g., fire suppression) systems. This test ensured that in the event of a major power outage within the town or the loss of one of the data centres entirely, the other data centre will continue to support the Council's business critical applications, with no changes required.

23. A Emergency Response Exercise incorporating Business Continuity was completed in January of 2024, which involved senior managers surrounding a marauding attack and vehicle borne improvised explosive device on critical infrastructure. Learning from these tests is being gathered and will inform improvement planning during 2024.

Documentation

24. All Corporate Business Continuity Plans were updated in November 2023, refreshing the content, updating the formatting, contacts and aligning processes with best practice.

25. An update and full review of Directorate Business Continuity plans has been undertaken within the year to reflect changes in the service, location, employee details and to reflect the additional measures that would be required to ensure resilience to any loss of ICT.

26. Established a corporate Business Continuity room in Fountain Court, refreshed plans for the relocation site to ensure both are fully equipped to respond to a business interruption.

Communication

27. A Business Continuity and Emergency Planning mapping portal has been built in the Council's mapping software, including flood plains, gritting routes and schools. The next steps for the system would be to incorporate all Council buildings with a break down per directorate and care homes including the addition of area mapping for power cuts. Once completed, access will be provided to the relevant individuals for use in emergency and / or business continuity incidents.

Training

28. eLearning portal was developed in relation to Business Continuity capturing basic awareness raising and advancing best practice.

29. All senior management had face to face training delivered to give understanding of their role and responsibilities within a Business Continuity incident.

Business Continuity activities for 2024/25

30. During 2024/25, further work will be undertaken to build on progress made in 2023/24 part of the Council's commitment to continual improvement in business continuity planning.

Training

- Officers plan to undertake a cyber-attack exercise on a key system as the next ICT Disaster Recovery Plan exercise to test its effectiveness.
- Increase the number of trained loggist's to support Business Continuity responses in an invocation.
- Refresh eLearning package range in relation to Business Continuity capturing new amendments and best practice from the North East Local Resilience Forum and ISO 22301.
- Produce and deliver loggist training to all nominated loggist's within the Business Continuity Teams.
- Further training for Senior Leadership relating to decision making and Business Continuity impacts.

Documentation

- Undertake the annual full review and update of all business continuity plans to ensure they remain fit for purpose.
- Review and implement the Business Continuity Policy and Management System
- Battle boxes to be updated by business-critical services to enable service delivery to be maintained in the event of a cyber-attack or power cut.
- Revision of plans to reflect occupation of the new main offices this year.

Communication

- Communications Plan for Business Continuity to be enhanced to cover communications in the absence of ICT system.

Impact(s) of the recommended decision(s)

Financial (including procurement and Social Value)

31. There are no new direct financial considerations in relation to business continuity management as a result of this report. By having robust plans in place, the Council will be better placed to mitigate financial impacts from any interruption event.

Legal

32. Business continuity is a part of corporate governance, and the Council has a legal duty to ensure arrangements comply with the requirements of the Civil Contingencies Act 2004.

Risk

33. Business continuity management positively impacts on risks within the Council's risk registers, primarily the risk that the Council fails to achieve good governance.

Human Rights, Public Sector Equality Duty and Community Cohesion

34. Not applicable.

Climate Change / Environmental

35. Not applicable.

Children and Young People Cared for by the Authority and Care Leavers

36. Not applicable.

Data Protection / GDPR

37. Processing function that has existed prior to GDPR, therefore exempt from the requirement of a DPIA.

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
Develop and implement a Business Continuity policy	Strategic Risk and H&S Manager	April 2025

Background papers

Body	Report title	Date
Corporate Affairs and Audit Committee	Business Continuity – Annual Assurance Report	16 March 2023
Corporate Affairs and Audit Committee	Business Continuity – Annual Assurance Report	31 March 2022
Corporate Affairs and Audit Committee	Business Continuity – Annual Assurance Report	4 February 2021
Corporate Affairs and Audit Committee	Business Continuity – Annual Assurance Report	19 December 2019
Corporate Affairs and Audit Committee	Business Continuity – Annual Assurance Report	6 December 2018

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