

From: **Eric Hotson, Cabinet Member for Corporate and Democratic Services**

David Cockburn, Corporate Director for Strategic and Corporate Services

To: **Policy and Resources Cabinet Committee – 8 March 2019**

Subject: **Brexit: Strategic and Corporate Services Business Continuity Arrangements**

Classification: Unrestricted

Past Pathway of Paper: None

Future Pathway of Paper: None

Electoral Division: All

Summary: This report provides an overview of the Council's Strategic and Corporate Services (ST) business continuity arrangements in the event of a no-deal Brexit. The report highlights current activities and mitigating actions being put in place across the ST divisions to support the County Council's preparations for a potential no-deal.

Recommendation(s): The Policy & Resources Cabinet Committee is asked to **CONSIDER** and **COMMENT** on the Strategic and Corporate Services business continuity arrangements.

1. Introduction

- 1.1 The Strategic and Corporate Services directorate delivers core services which support frontline service delivery and ensures the council is well placed to meet its statutory and regulatory duties. This report provides an overview of business continuity arrangements being put in place across Strategic and Corporate Services in the scenario of a no-deal Brexit on 29 March 2019.
- 1.2 County Council Members have previously received the reports on Kent County Council's preparedness for a no-deal Brexit as referenced in Section 5.

2. Business Continuity Planning

- 2.1 The purpose of Business Continuity Plans is to ensure that services will be maintained both in the short and medium term if there is any disruption. Kent County Council's business continuity planning for a no-deal Brexit is being co-ordinated by the Resilience and Emergency Planning Service (REPS) within the Growth, Environment and Transport Directorate, and through the Directorate Resilience Group structures already in place to address potential disruptions.

- 2.2 The Strategic and Corporate Services Directorate Resilience Group is responsible for identifying critical services, risks to business continuity for the Directorate and interdependencies. The group co-ordinates the ST Directorate response to relevant business continuity and emergency planning exercises and disseminates information to ST divisions from the cross-Directorate Resilience Group. All ST divisions are represented on the group. The group had previously met quarterly but as activities related to Brexit have increased the group now meets on a more regular basis.
- 2.3 An ST Leadership Group has been established to provide support to the ST Resilience Group and to provide an ST link with the Chairs of the Resilience Groups and Kent Resilience Forum (KRF) as part of Brexit contingency planning. The group is chaired by the Director of Infrastructure and includes representatives from the core areas of Infrastructure, Finance, EODD (HR), EODD (Internal and External Comms), Corporate Risk and Strategy and Policy, as well as the chair of the Directorate Resilience Group. The ST Leadership Group provides an overview of planning assumptions of services which may have implications on corporate support capacity and considers organisational prioritisation where required. The steering group meets on a weekly basis.
- 2.4 Ensuring up-to-date business continuity planning is in place across KCC to maintain service delivery in the event of a no-deal Brexit has been a key element of work, with messaging cascaded to KCC services. A template was circulated to Directorate Resilience Groups in December 2018 designed to capture any potential impacts upon services. A request was also made in December 2018 for Directorate Resilience Groups to ensure their services Business Continuity Plans, Business Impact Analysis (BIAs) and Continuity Requirement Analysis are refreshed to inform a Corporate Business Impact Analysis.
- 2.5 ST Divisions are reviewing their Business Continuity Plans to reflect the potential impacts from a no-deal on 29 March. These plans have been shared with the Resilience and Emergency Planning Team. ST Divisions have also been working closely with our key suppliers to ensure their business continuity plans are in place. The ST Leadership Group is reviewing the divisional / directorate business continuity plan returns.
- 2.6 The ST Leadership Group are also identifying further information which is required to establish potential corporate support implications. A questionnaire has been circulated to service heads to enable them to quantify their individual team requirements, encompassing ICT, alternative accommodation and service priorities. Based on responses to the questionnaire, infrastructure will finalise its contingency planning arrangements.

3. **Strategic and Corporate Services Divisional Arrangements**

- 3.1 Through service activity, the Directorate Resilience Groups and the ST Leadership Group, progress has been in a number of key areas:

3.1.1 Property

- 3.1.2 In the event of a no-deal Brexit, there would be an increased preparedness for staff across KCC to work from home, or from the wider KCC estate where possible in the initial three to six-month period following 29 March 2019. This could involve staff working from libraries, gateways and other KCC offices closer to their homes. The Infrastructure Division is working with Gen2 to prioritise this estate work, and the Division is working with KCC services to identify potential demand for alternative locations, which officers could work from in the event of staff being unable to travel to their normal base of employment.
- 3.1.3 It may be necessary to re-designate accommodation and service requirements during this period to safeguard essential business operations. Infrastructure is engaging with its suppliers, to communicate requirements of the Council in the event planning assumptions are realised. As part of this, communications are being drafted to support business expectations as to the use of KCC's assets during this period.
- 3.1.4 Gen2 are working with all Total Facilities Management (TFM) providers to provide assurance that they have the measures in place to continue Business as Usual (BAU) operations for Kent County Council services, as far as possible, in a no-deal Brexit scenario. A review of statutory testing is being undertaken to identify any that can be brought forward or delayed.
- 3.1.5 Additionally Gen2 are reviewing all capital projects to identify potential Brexit related issues. The next step will be working with individual contractors to see if the materials being used can be acquired early. This may have implications on the capital programme cashflows.

3.2 ICT

- 3.2.1 Infrastructure are working with Cantium Business Services, Finance and Engagement, Organisation Design & Development (EODD), to identify the ICT requirements arising from Directorate Brexit contingency planning, particularly an anticipated shift to remote working. This work will include linking into the internal Corporate Communications plan, with messaging to support remote working.
- 3.2.2 The following actions are being progressed to ensure a robust ICT capacity is in place to account for no-deal contingency planning, which includes:
- Upgrading the remote access capacity to allow 8,000 concurrent users to be able to access the KCC network via A2K, with all the necessary infrastructure upgrades to allow this.
 - Assessment for the additional laptop requirement across the estate.
 - Office 365 access will be available via any ICT device, with authentication via smartphones to enable authentication into KCC systems.

- The mobilisation of extended support and the establishing of five strategically placed hubs around Kent as a safeguard against the potential traffic disruption.
- Additional IT supplies are being sourced to ensure that Infrastructure has access to spare parts.
- The prioritisation of critical line business systems and the negotiation of extended support from KCC's suppliers. This is currently being discussed with the Chairs of the Resilience Groups to ensure that this is aligned to business need.

3.2.3 Mapping work has been undertaken which identifies areas of poor broadband connectivity against where people live and their nearest KCC buildings. This will allow KCC to adopt a more targeted approach in supporting those members of staff involved in critical services and who may not be able to utilise remote working methods. The initial mapping has identified that approximately 90% of staff would have the capacity to work from home if required and that all issues are confined to rural locations.

3.2.4 Work is currently underway to review KCC's data handling practice, identify the extent of use of EU data centres, and assess the potential risks. This work will provide assurance that contingencies are in place to mitigate any disruption to the flow of information across the EU border. The Information Commissioner's Office (ICO) have published guidance which is being reviewed and further information is expected from MCHLG officials shortly, as indicated in a letter from the Secretary of State, James Brokenshire on 31 January 2019. A report setting out KCC's position and mitigating actions will be taken to the Council's internal Information Governance Group in March 2019.

3.2.5 The Kent Public Service Network (KPSN) have been working with partners and have submitted a bid to the Kent Resilience Forum (KRF) to increase the number of remote access licences from 2,000 to 4,000 for 12 months. This will allow KPSN partners including schools to increase their homeworking capability as part of their Business Continuity Planning (BCP) and facilitate any reciprocal arrangements between organisations.

3.3 Commissioning

3.3.1 Strategic Commissioning, Adult Social Care and Public Health are working closely with suppliers to identify the risks to service provision in the event of the no-deal planning assumptions being realised. This includes discussions with Public Health England, who have a seat at Strategic Command and the Kent Resilience Forum (KRF). Two key concerns for the provider market are ensuring the sufficiency of workforce, which may be impacted on as a result of EU nationals leaving the UK, and the impact from traffic congestion over a sustained period of time.

3.3.2 To enable critical frontline care functions to continue home care providers will be expected to adopt a flexible approach with their contractual boundaries. This may include cross-cover and sharing of staff as necessary. Care homes

could be asked to support providing Home (domiciliary) Care in people's own homes. Work is ongoing with the market to ensure providers are prepared, have up-to-date Business Continuity Plans and are ready to meet expectations.

3.3.3 Any significant congestion and/or supply chain issues should not significantly impact on the continued delivery of the Commissioning Support function which provides commercial leadership and procurement support to Strategic and Corporate Services and Growth, Environment and Transport and manages indirect procurement (particularly in relation to spends less than £50k).

3.3.4 However, commercial and indirect procurement services may, to a greater extent than usual, be called upon to support other KCC services in undertaking emergency procurement and spot purchasing, to ensure KCC's continued delivery of critical highways, social care and health services. Depending on the level of increased demand for critical support and capacity to respond to this, KCC may need to prioritise the current levels spending that require services' oversight, in order to free up the necessary resource.

3.4 Public Health

3.4.1 The Director of Public Health is working with Public Health England on contingency plans for Brexit, this includes the potential risk to the public's health which may arise from the implications of residents experiencing traffic congestion for long periods of time and communities being potentially isolated by traffic disruption. The Director of Public Health, as co-chair of the Local Health Resilience Partnership (LHRP), with NHS England, is working to assure that health plans are in place to respond appropriately.

3.4.2 In the event of a no-deal Brexit, Public Health may be required to support Public Health England through advice to Strategic Command and the possible stand-up of the Scientific Cell of Strategic Command. The Public Health teams of both Kent and Medway are in ongoing discussions with Public Health England as to the support and advice that might be required, and the Business Continuity Plans include ensuring Public Health advice and support is able to continue as Business as Usual (BAU).

3.5 Workforce

3.5.1 The Council's existing employment policies and guidance are robust and set out the expectations of staff and the responsibilities of managers. To support these Human Resources (HR) has developed a list of Frequently Asked Questions (FAQs) for managers that would help them understand how to apply the County Council's employment policies in the context of any short term and ongoing disruption that may be caused.

3.5.2 A key focus of HR and Organisational Development's (OD's) continuity plan, is the priority to continue Business as Usual (BAU) operations for the County Council's core services. To support staff resilience employees will be

adequately equipped to work differently or supported to be able to operate in different locations to their usual workplace. The continuity plan addresses minimising the amount of new face to face training sessions for staff during any potential period of disruption following a no-deal scenario. HR and OD are also working very closely with KCC's payroll provider to ensure that KCC employees continue to be paid in the event of any potential disruption.

3.5.3 If EU citizens wish to stay in the UK after 29 March 2019 then they will have to register under the EU Settlement Scheme, which is open for two years. KCC will be publishing communications regarding the scheme so that KCC employees are aware of the situation and the potential implications.

3.5.4 HR and OD have started to re-promote the 'Expect Respect' campaign to remind staff that they shouldn't face abuse and if they experience any incidents, to raise it with their manager. The campaign also reminds staff of our expectations of them in terms of their behaviour.

3.6 Internal Communications

3.6.1 Services across ST are working together to ensure that all Brexit relevant information is collated, and a Corporate Communications Plan has been agreed to provide regular staff and management communication across all channels. Staff Communications will have clear working protocols for any period of prolonged disruption, and additional steps have been taken to ensure all communication channels are resilient in the event of multiple incidents occurring at the same time.

3.6.2 Brexit related KNET pages are currently in operation, and these detail information for staff on the Council's Business Continuity Management process and signpost to further information to support service preparations. From early March 2019 there will be a new KNet platform which will include a central KNet page for all Brexit information. In addition, KMail, and KMail for Managers are all being used to share tools for Business Continuity Planning across KCC and provide updates on specific topics for each service.

3.6.3 EODD are engaging in increased communications activity across KCC with services and staff in preparation for Brexit. A series of messages are being developed to support managers during this period; this includes management briefings at T200, Extended CMT and Challenger meetings. In liaison with HR/ Organisational Development (OD) a special management communication is also planned detailing corporate support, with signposting links, and guidance issued over recent months in one place.

3.7 External Communications

3.7.1 An external communications management plan has been established, and this will be available on the kent.gov website. A Brexit page on Kent.gov will be initiated in February 2019. This will include links to relevant Government information and be updated as the situation evolves. This will be the primary location for service delivery changes post Brexit and will be supported by

social media releases to emphasise the messages to residents. In addition, a central Brexit email address has been set up for KCC Directorates to advise KCC Communications of service delivery changes, so that these can be cascaded to Kent residents. Additionally, a suite of advisory messages is being developed and scaled by severity to cover all eventualities.

3.7.2 The Communications Team anticipate increased demand and activity in three key areas: media and resident communications, website updates and an increase in contact centre call demand to both day and out of hours operations. Additionally, Kent Communications has planned for the potential of staff not being able to get to work. To mitigate these scenarios, the following actions have been identified:

- doubling the capacity of the Communications Team out-of-hours shifts.
- doubling the capacity of the Digital services out-of-hours shifts.
- relocating some contact centre call lines out of the County to ensure there is sufficient capacity.
- recruiting additional staff to assist with communications and social media for a 6-month period.
- ensuring all KCC communications staff members are able to work from home.

3.8 Governance and Member support

3.8.1 The formal meetings of the Council could be impacted due to traffic congestion, meaning that Members and Officers are unable to reach County Hall. The constitution has arrangements for decision-making in such circumstances and regular updates will be provided to Members in the event that the calendar of meetings is likely to be impacted. Prioritisation arrangements will also be in place to ensure necessary meetings are held and are quorate. However, the April and early May schedule of meetings is relatively light due to the pre-election period in the run up to local elections.

3.8.2 Members have a key role in terms of community cohesion and local advocacy. The Member Hub will prioritise the dissemination of relevant information to Members to allow them to discharge this role. KCC's Resilience Guidance for Elected Members, held in the KNet Members' Area, is also under review and will be circulated at the March County Council meeting.

3.8.3 If staff are unable to attend the office or access KCC systems, there will be a reduction in the Council's ability to meet duties regarding timeliness of response under the Data Protection Act 2018, the General Data Protection Regulation (GDPR) and the Freedom of Information Act 2000. Whilst contingency plans will be exercised for Governance, Law and Democracy, responses to requests under this legislation are prepared and researched by services who will be similarly impacted leading to a cumulative delay as frontline activity is prioritised. The General Counsel, in his capacity as Data Protection Officer, will be writing to the Information Commissioner's Office in advance to explain the situation and the mitigation.

- 3.8.4 The Council may also face possible issues in relation to our 'In Round' Admission Appeals in relation to Primary and Secondary School applications this year. The months of April, May and June are amongst the busiest for the School Appeals Service. There are clear statutory timescales that may be impacted by the postal service or staff availability. Similarly, the availability of clerks and panel members may prevent the conduct of lawful appeal panels within relevant timescales with an impact on the admission process for September 2019.
- 3.8.5 Governance, Law and Democracy trade our Admission Appeals service with other local authorities, schools and academies. This forms a material part of the Democratic Services budget and is used to fund the broader service. If impacts do arise, this could reduce the capacity of the service to generate income and lead to budget pressures on the division.
- 3.8.6 The General Counsel has statutory duties in relation to ensuring proper decision-making and the general lawfulness of the Council. In a no-deal scenario, the General Counsel and his team would work across the organisation to mitigate and prioritise the statutory services for the Council. Given the challenges and decisions that may be faced, it is possible that circumstances may require the issuing of a formal report pursuant to Section 5 of the Local Government and Housing Act 1989 regarding the lawfulness of the Council's activities. Ahead of March, the General Counsel will be writing to relevant regulators and government to mitigate the impact of this.

3.9 Risk

- 3.9.1 The Corporate risk function continues to assist the services across the Authority in the identification, assessment and management of risks, encouraging them to utilise divisional, directorate and corporate risk registers to ensure visibility of key risks.
- 3.9.2 The function is in regular contact with the Kent Resilience Forum Brexit Coordinator and Resilience and Emergency Planning team to keep abreast of latest developments and is represented on both the Strategic & Corporate Services and cross-directorate resilience groups in order to aid the continual review of the council's corporate risk profile.
- 3.9.3 Key mitigating actions relating to preparedness for a no-deal Brexit (i.e. business continuity planning and the capturing of costs) that feature on the council's Civil Contingencies and Resilience risk are being monitored via existing corporate risk monitoring processes and reported to the Corporate Management Team, Corporate Board and Cabinet.
- 3.9.4 A number of reports have been provided for Member consideration, including County Council reports in July 2018 and December 2018 and various Cabinet Committee items. As further decisions, information and advice are provided by Government, specific service issues will be brought to the relevant Cabinet Committee. It is intended to bring a further report to County Council in March 2019.

3.10 Finance

- 3.10.1 A priority for the council is that it has the measures in place to continue Business as Usual (BAU) operations for the County Council's core services, whatever the Brexit scenario. The key dates for the closedown timetable for the 2018/19 financial year fall in the weeks immediately following 29 March 2019, and financial regulations are being reviewed in order to ensure that the Council continues to be able to operate effectively.
- 3.10.2 Finance have engaged with Cantium Business Solutions to consider how they can assist in keeping invoice payments, particularly for our external suppliers, running to time. The Division has also asked Directorates a series of questions which will enable further guidance to be developed in relation to invoice payments, Imprest accounts and Purchase cards. Financial management and systems support for Collaborative Planning (CP) is also being considered.
- 3.10.3 On 28 January 2019, the MHCLG published a [written statement](#) on the general funding Local Government will receive for Brexit. £56.5m has been announced to be shared across all local councils in the period 2018-19 and 2019-20 to help with Brexit contingency planning. £20m will be provided this financial year and another £20m in 19/20. A further £5m will be split between teams in the local government department and wider sector for "strengthening resilience preparations and supporting communities". £10m will be kept aside to respond to costs that only surface after the UK has left the EU.
- 3.10.4 County Councils, including KCC, will each receive £87,500 per annum for 2018/19 and 2019/20. For comparison, districts will receive £35,000 and unitary councils, such as Medway, £105,000 per annum for each of these two years. Additionally, in 2018-19 £1.5m is available for areas that face the immediate impact from local ports. KCC is awaiting confirmation of the specific allocation from the available £1.5m local ports and £10m local costs post-Brexit monies.
- 3.10.5 The Government has indicated that this will not be the only funding available to councils affected by Brexit, as they will continue to assess any "new burdens". Funding may also be available from other government departments with KCC already having received separate funding from the Department for Transport. Whilst the confirmed funding is welcome, Kent County Council would face significant costs as a result of a no-deal Brexit and due to lead-in times decisions are needed early to ensure readiness for 29 March 2019.
- 3.10.6 Directorates have been asked to review the costs of their Brexit preparedness and submit bid templates. Work is ongoing to review these returns. The early indications are that required KCC spend will be significantly in excess of the MHCLG funding allocation.
- 3.10.7 Finance has agreed a project code and process for tracking all Brexit preparedness expenditure. A set of Brexit specific 'guidance notes' have also

been developed and will be issued shortly to assist budget managers. It will be important for services to adhere to this guidance when spending money on Brexit related resources.

4. Recommendation

Recommendation: The Policy & Resources Cabinet Committee is asked to **CONSIDER** and **COMMENT** on the Strategic and Corporate Services business continuity arrangements.

5. Background Documents

- Brexit Preparedness - Kent County Council Position to County Council (July 2018)
- Business Preparedness for Brexit update to Growth, Economic Development and Communities Cabinet Committee (July 2018)
- Trading Standards update to Growth, Economic Development and Communities Cabinet Committee (September 2018)
- Brexit Preparedness - Kent County Council Update to County Council (December 2018)
- Preparations by HM Government and the European Commission for a No-Deal Brexit to Growth, Economic Development and Communities Cabinet Committee (January 2019)
- Corporate Risk Register in relation to Brexit to Policy and Resources Cabinet Committee (January 2019)

6. Contact details

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