

Report to:	QSMTM
Report by:	Helen Gardner-Swift, Head of Corporate Services (HOCS)
Meeting Date:	4 February 2021
Subject/ Title:	Review of the temporary closure of office premises due to the COVID-19 pandemic VC144047
Background papers (not attached)	Committee Reports - relating to the review of temporary closure 28/10/20, 16/09/20, 05/08/20, 22/07/20, 17/06/20, 27/05/20, 11/05/20 and 23/04/20

Purpose of report

1. To consider and approve a further temporary closure of the office premises in the light of the COVID-19 pandemic

Recommendation and actions

2. I recommend that
 - (i) taking into consideration the matters set out in in this report, the office premises should remain temporarily closed due to the COVID-19 pandemic until 31 May 2021.
 - (ii) whilst the office premises are temporarily closed due to the COVID-19 pandemic the temporary remote working arrangements that are in place continue
 - (iii) the SMT monitor and take account of relevant guidance issued by the Scottish government and review the temporary closure of the office premises due to the COVID-19 pandemic by 14 May 2021 or earlier, if appropriate.
 - (iv) the HOCS and the Finance and Administration Manager (FAM) continue with the preparatory work on the physical distancing and hygiene measures that are likely to be required and submit recommendations to the SMT prior to the re-opening of the office premises
 - (v) our stakeholders and the public are notified, as appropriate, of the continued temporary closure of the office premises due to the COVID-19 pandemic
 - (vi) the publication arrangements concerning this report, as set out in paragraph 31 are agreed.

Executive summary

Background

3. On 28 October 2020, the SMT reviewed the temporary closure of the office premises due to the COVID-19 pandemic and agreed that the office premises should remain closed until 28

February 2021, with a further review to take place by 5 February 2021 or earlier, if appropriate.

4. The Committee Reports (CR), referred to in the Background papers, set out the matters considered and the recommendations which were agreed on 28 October, 16 September, 5 August, 22 July, 17 June, 27 May, 11 May and 23 April 2020.

Remote Working

5. As a result of the temporary closure of the office premises due to the COVID-19 pandemic, we have expanded our remote working and are now able to provide the majority of our services, with all staff working remotely, details of which been posted on our website.
6. We have 25 members of staff, excluding the Commissioner, the majority of which work full time. For historical reasons related to our management, working systems and security, initially there were limited remote working facilities. As the SMT activated temporary business continuity arrangements due to the impact of COVID-19 pandemic, we utilised the limited remote working facilities that were in place from Monday 23 March 2020. Since then, we have expanded our remote working in two tranches and all members of staff are now able to work remotely, have mobile phones and have remote access to our office systems.
7. It is likely that when the office premises re-open (subject to Scottish government guidance, the relevant physical distancing and hygiene requirements and health and safety requirements) there will still need to be some temporary remote working taking place. Also, in the event that the office premises have to close again temporarily in the future (due to the COVID-19 pandemic or for some other reason), it is likely that remote working, with access to our office systems, will be required to enable the Commissioner's office to function as much as is reasonably possible.

Health and safety requirements

8. The Commissioner must also comply with the Regulations and take account of Scottish government guidance relating to non-essential offices and physical distancing and hygiene requirements. Myself and the FAM are in contact with our health and safety adviser to discuss the arrangements that may need to be in place when the office premises to re-open, at the appropriate time, taking account of how any new health and safety arrangements will work with our current health and safety policy and procedures.
9. We are also preparing the relevant risk assessments (in accordance with the relevant guidance) and have begun the workplace planning to ensure the required physical distancing and hygiene measures, processes, supply chains and logistics are in place and in order to introduce any changes safely and effectively. At this stage, only initial and preparatory work is being undertaken as the office premises are not able to re-open.

10. It is likely that our steps towards opening the office premises will need to be careful, gradual and incremental as we adapt to a new way of working. We will also need to undertake the relevant risk assessments and consult staff at the appropriate time.

Essential visits to the office premises

11. The Commissioner should ensure that the Regulations (see paragraph 15 below) are complied with if a member of staff is required to undertake any essential work in the office premises or visit the office premises for an essential purpose. Scottish government guidance relating to non-essential offices and physical distancing and hygiene requirements should also be considered and taken into account before any essential work or an essential visit to the office premises takes place.
12. Following the implementation of the lockdown on 5 January 2021 and the legal requirements to not leave home without a reasonable excuse, I reviewed the requirements for essential office visits and revised procedures, including approval procedures, agreed by the SMT are in place and should be followed.

Review of closure of the office premises due to the COVID-19 pandemic

13. Our workplace falls into the category of a non-essential business within the “Office and Call Centres” category and, in line with current Scottish government guidance, is not able to be open at present.
14. The “Coronavirus (COVID-19): Scotland’s Strategic Framework”, set a new 5-level system to help tackle the spread of COVID-19. The protection levels set out in this framework were introduced in Scotland from 2 November 2020. Protection Levels 1-4 provide for only essential offices to be open and working from home/remotely is the default for non-essential offices. In Level 0 non-essential offices can be open but working from home is advised. Our office premises currently fall within a Protection Level 4 area.
15. The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 10) Regulations 2021 were made in response to the serious and imminent threat to public health which is currently posed by the incidence and spread of COVID-19 in Scotland and came into force on 5 January 2021. In effect, these Regulations provide:
 - that people in Scotland must stay at home as much as possible and
 - by law, in a Level 4 area, a person can only leave their home (or garden) if they have a reasonable excuse to do so.
16. The Regulations contain a list of reasonable excuses and, although a person can leave home for these purposes, they should stay as close to home as possible and unnecessary

travel should be avoided. It is a reasonable excuse to leave home for work where it is not possible for the person to carry out the work required from home.

17. The Scottish government reviewed the Regulations on 2 February 2021 and the Regulations will remain in place until, at least 28 February 2021.
18. The First Minister has indicated that it is likely that a review of the Scotland's Strategic Framework and the Protection Level system will take place in the next few weeks. Therefore, a new system or a revised system, may be in place when the current lockdown is relaxed.
19. Although the COVID-19 vaccination programme is now being rolled out, it may take a number of months before a significant proportion of Scotland's adult population have received all required vaccine doses.
20. Taking into consideration the current Regulations, the potential higher risk posed by some COVID-19 variants and the potential time for the vaccination roll-out to be completed and, also, the work that will need to be undertaken to ensure that the office premises meet all required health and safety standards, my advice and recommendations are:
 - that the office premises should remain temporarily closed due to the COVID-19 pandemic until 31 May 2021
 - the remote working and on call working arrangements continue whilst the office premises are temporarily closed due the COVID-19 pandemic
 - the SMT monitor and take account of the relevant guidance issued by the Scottish government and review the temporary closure of the office premises due to the COVID-19 pandemic by 14 May 2021 or earlier, if appropriate.
 - myself and the FAM continue with the further preparatory work on physical distancing and hygiene measures that need to be in place and submit recommendations to the SMT for consideration prior to the re-opening of the office premises.

Risk impact

21. The Commissioner is the regulator of FOI in Scotland and has functions and duties to fulfil.
22. As an employer, with 25 members of staff, the Commissioner is responsible for their health and safety when they are working on his behalf. Employees also have health and safety responsibilities when they are working on behalf of the Commissioner. The Commissioner also regularly reviews the temporary closure of the office premises, taking account of the relevant Scottish government guidance and legislation that is in place.
23. The expansion of remote working arrangements to all members of staff has enabled us to undertake our mainstream work and offer the majority of our services which has helped to

mitigate a number of strategic and operational risks whilst also ensuring that we are safeguarding the health and safety of our staff.

Equalities impact

24. There is no direct equalities impact arising from this report.

Privacy impact

25. There is no direct privacy impact arising from this report. We have strict protocols and procedures in place to ensure we continue to comply with data protection laws.

Resources impact

26. Business continuity procedures are in place, however, the COVID-19 pandemic is impacting our work and has presented us with resourcing challenges. The temporary office premises closure and the remote working arrangements that are in place help us to manage our resources, as efficiently and effectively as possible.

Operational/ strategic plan impact

27. Each year the Commissioner publishes an operational plan setting out the organisation's planned activities, timetable for delivery and how each activity supports the Commissioner's vision and strategic aims. Targets and key performance indicators are also set.
28. The temporary closure of the office premises due to the COVID-19 pandemic is likely to impact the strategic plan objectives, the operational plan, our targets and key performance indicators. All of these are being kept under review.

Records management impact (including any key documents actions)

29. This report and the related minute will be published on our website.

Consultation and Communication

30. Publication of the QSMTM minute and this report and email update to all members of staff.

Publication

31. I recommend that the committee report is published in full.