

Report to:	MSMTM
Report by:	Helen Gardner-Swift, Head of Corporate Services (HOCS)
Meeting Date:	16 December 2021
Subject/ Title:	Review of the temporary closure of office premises due to the COVID-19 pandemic VC162370
Background papers (not attached)	Committee Reports - relating to the review of temporary closure 14/09/21, 12/05/21, 04/02/21, 28/10/20, 16/09/20, 05/08/20, 22/07/20, 17/06/20, 27/05/20, 11/05/20, 23/04/20

Purpose of report

1. The purpose of this Committee Report (CR) is to provide an update regarding the temporary closure of the office premises, the gradual re-opening of the office premises and approve related recommendations.

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 28 February 2022, with a further review by 25 February 2022
 - (ii) taking account of (i) above, from 1 March 2022, a gradual re-opening of the office premises can begin, subject to relevant guidance and the relevant health and safety requirements and measures being in place
 - (iii) temporary remote working remains the default and the temporary remote working arrangements that are in place continue
 - (iv) the HOCS and the Finance and Administration Manager (FAM) continue working on the draft risk assessments, the health and safety arrangements and the work required to enable the required physical distancing and hygiene measures to be in place for the gradual re-opening to take place
 - (v) all members of staff are consulted on the relevant draft risk assessments and health and safety measures to be put in place in due course and wellbeing discussions relating to the gradual return to the office premises take place in January and February 2022

- (vi) the HOCS keeps the human resources guidance under review and arranges for any required further guidance to be prepared and submitted to the SMT for approval, as necessary
- (vii) our stakeholders and the public are notified, as appropriate, of the continued temporary closure of the office premises due to the COVID-19 pandemic and the anticipated gradual re-opening of the office premises
- (viii) the publication arrangements concerning this report, as set out in paragraph 31 are agreed.

Executive summary

Review of temporary closure of the office premises

Background

- 3. On 14 September 2021, 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 31 December 2021, with a gradual re-opening in January 2022.
- 4. The Committee Reports (CR), referred to in the Background papers, set out the matters considered and the recommendations which were agreed on 14 September 2021, 12 May 2021, 4 February 2021, 28 October, 16 September, 5 August, 22 July, 17 June, 27 May, 11 May and 23 April 2020.
- 5. The office will be closed for the Christmas and New Year break from 24 December 2021 – 4 January 2022 (inclusive).

Remote Working

- 6. As a result of the temporary closure of the office premises due to the COVID-19 pandemic, we expanded our remote working and are now able to provide our services, with all staff working remotely, details of which been posted on our [website](#).
- 7. All members of staff are able to work remotely, have mobile phones and have remote access to our office systems. Remote working, as a public health measure in response to the COVID-19 pandemic, helps to mitigate the transmission of the virus amongst the general population. By working remotely, we can contribute to the public health effort and make it safer for those workers who cannot work from home.

Preparations for office re-opening

- 8. The Corporate Services Team (CST) has undertaken preparatory work and workplace planning relating to the required physical distancing and hygiene measures, processes,

supply chains and logistics that need to be in place in order to introduce any required changes as safely and effectively as possible.

9. A draft handbook relating to the gradual re-opening of the office premises has been provided to all members of staff.

The Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021 (the Regulations)

10. The above Regulations came into force on 9 August 2021 and Regulation 4 requires a person who is responsible for carrying on a business or providing a service must have regard to guidance issued by the Scottish Ministers about measures to minimise risk of exposure to coronavirus relating to its premises, business or service.

Scottish Government (SG) advice and guidance

Gradual return to the offices

11. To help reduce transmission of the Omicron COVID-19 variant, the SG advises that people should work from home if possible and employers are being encouraged to support a greater degree of working from home than pre-COVID-19 and, at this time, also consider whether staff need to be in an office at all.
12. Currently, the SG is preparing legislation to make it a legal duty for employers to enable staff who were working from home at the start of the COVID-19 pandemic to do so again. It is expected that this legislation will be in place very soon.

Health and safety arrangements

Essential visits to the office premises

13. The requirements for essential office visits, including approval procedures, agreed by the SMT are in place and should continue to be followed until the office premises re-open.

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

14. I am of the view that it would be appropriate for the temporary closure of our office premises to remain in place until 28 February 2022 and that we should now plan for the re-opening of the office premises from 1 March 2022. However, it would also seem sensible to provide an update by 25 February 2022, taking account of the legislative requirements, the relevant SG advice and guidance and health and safety requirements and guidance.
15. Taking into consideration the above, my advice and recommendations are:

- the office premises should remain temporarily closed due to the COVID-19 pandemic until 28 February 2022, with a further review by 25 February 2022.
- from 1 March 2022, a gradual re-opening of the office premises can begin, subject to relevant guidance and the relevant health and safety requirements and measures being in place
- temporary remote working remains the default and the temporary remote working arrangements that are in place continue whilst the office premises are temporarily closed due the COVID-19 pandemic
- the HOCS and the Finance and Administration Manager (FAM) continue working on the draft risk assessments, the health and safety arrangements and the work required to enable the required physical distancing and hygiene measures to be in place for the gradual re-opening to take place
- all members of staff are consulted on the relevant draft risk assessments and health and safety measures to be put in place in due course and wellbeing discussions relating to the gradual return to the office premises take place in January and February 2022
- the HOCS keeps the human resources guidance under review and arranges for any required further guidance to be prepared and submitted to the SMT for approval, as necessary
- our stakeholders and the public are notified, as appropriate, of the continued temporary closure of the office premises due to the COVID-19 pandemic and the anticipated gradual re-opening of the office premises

Wellbeing

16. Both last year and this year have been difficult and it would be good if we were better able to predict when our working life will return to “normal” - to seeing colleagues in person and being able to be in the office premises. The uncertainty around the Omicron COVID-19 variant adds to the concerns we may have. All of us may need extra support and understanding and guidance on wellbeing has been issued.
17. The Employee Assistance Programme (EAP) is available for all members of staff and assistance and guidance is available from professionals who can provide counselling, referrals to local wellbeing resources and articles, tips and self-assessments. Details of how staff can access this service have been provided and, also, are available from the Finance

and Administration Manager (FAM). Line managers should sign post their team members to this resource, when necessary.

18. Wellbeing guidance has also been issued to staff and line managers should continue to discuss wellbeing with their team members in their regular 1:1 catch ups.

Risk impact

19. The Commissioner is the regulator of FOI in Scotland and has functions and duties to fulfil.
20. As an employer, with 23 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 has also regularly reviewed the temporary closure of the office premises, taking account of the relevant SG guidance and legislation that is in place.
21. 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.
22. Working towards a gradual return to the office premises from March 2022 (if possible) will enable the relevant health and safety measures to be put in place and mitigate the risk of the Commissioner not complying with health and safety duties.

Equalities impact

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

Privacy impact

24. 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

25. Business continuity is in place; however, the COVID-19 pandemic is impacting our work and has presented us with resourcing challenges. The temporary closure of the office premises and the remote working arrangements help us to manage our resources, as efficiently and effectively as possible.
26. The additional work that is required to ensure all health and safety arrangements are in place for a gradual re-opening of the office premises will have an impact of the work of the CST.

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 CR and the related minute will be published on our website.

Consultation and Communication

30. Publication of the MSMTM minute and this CR and email update to all members of staff.

Publication

31. I recommend that the CR is published in full.