

Approach to the delivery of services

until 30th June 2021

Every day SEPA works to protect and enhance Scotland's environment, helping communities and businesses thrive within the resources of our planet.



We call this **One Planet Prosperity**

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<http://contactscotland-bsl.org/>

www.sepa.org.uk

What is the purpose of this document?

In this document, we explain the approach that we are going to take to doing our work at SEPA over the first six months of 2021.

As with everyone else, we are working out how to deal with a set of challenges:

- how to run our organisation during the pandemic and lockdown arrangements;
- how to deal with the implications of the shift to the post EU system; and
- how to keep a focus on the climate emergency, the nature emergency and all those major environmental challenges that must be tackled in this decade.

In addition, SEPA has now got one other challenge – a criminal cyberattack that occurred on Christmas Eve and has had a huge impact on our organisation. For the time being, we have had taken from us access to nearly all our systems and data including access to something as basic as our email system.

This makes the start of 2021 an extremely challenging time for SEPA and all those who access services that SEPA offers. Nevertheless, like all other organisations, we have a job to do and we know that the people of Scotland depend on us:

- First, to protect Scotland's environment; and
- Second, to provide specific services (e.g. reporting pollution, flood alerts and warnings, permit applications) to individuals and businesses across Scotland.

However, whether it's being appropriately restricted by the current pandemic lockdown or operating without access to our data and systems, what we haven't lost is the expertise of our 1,200 staff. We still have the knowledge, experience and expertise of our staff. So, as we tackle these multiple challenges, we will find ways to carry out our functions.

We will now explain how we are dealing with the pandemic, EU Exit and cyberattack.

How are we dealing with the global pandemic and lockdown arrangements?

Since the start of the pandemic, we have worked closely with the Scottish Government, other public bodies, trade associations and regulated business to ensure that those subject to environment protection law are able to comply with their environmental obligations. Where that was not possible, we developed an approach that was clear about our expectations of regulated business.

Our experience so far is that most regulated business have adapted to the pandemic lockdown arrangements and operating difficulties in a way that enabled them to ensure compliance with their environmental obligations. In some areas, there does seem to have been an increase in illegal activity, particularly in relation to the fly-tipping of waste. We appreciate the responsibility shown by the majority of Scottish businesses and we will continue to keep the situation carefully under review.

We also put in place arrangements that enabled our staff to work remotely and to recommence site based work in ways that were safe to do so. We continually keep this under review with a strong focus on keeping our staff safe and playing our role in contributing to the national effort to slow the spread of COVID-19. We have reviewed our approach at the start of this year in the light of our capacity due to the impact of COVID-19 and the cyberattack.

How are we dealing with the new post EU Exit arrangements?

As businesses adjust to the new trading arrangements with the EU, some sectors we regulate are feeling significant pressure due to increased paperwork and delays in the export and import of goods. We have worked with these sectors over the past eighteen months to make sure we can respond to any uncertainties. We will also keep liaising with other sectors to see if any similar challenges emerge. It remains to be seen if there is any impact that the end of the transition period is having on Scotland's environment. We are keeping this actively under review.

So, how have we brought our approach to regulating for COVID-19 and EU Exit together?

To provide clarity to those we regulate, on 6 April 2020, SEPA published a COVID-19 Philosophy alongside overarching guidance on regulation during the pandemic. Together, these set out how SEPA would regulate during the pandemic and what was expected of regulated businesses. The Philosophy and overarching guidance were supported by 18 Temporary Regulatory Position Statements and guidance that were prepared for specific circumstances where more detail was required.

In December 2020, we replaced the philosophy and overarching guidance with [Principles for Regulatory Approach to COVID-10 and EU Exit](#) (The Principles Document). This was in recognition of the stage of the pandemic at that time, the way in which regulated business had adapted and the impending end of the EU Exit transition period. We retained the system of Temporary Regulatory Position Statements and Guidance under which regulated business contact us at an early stage to advise us of a non-compliance or potential non-compliance, so we can be satisfied that they:

- have taken all reasonable steps to try to maintain compliance; and
- will adequately manage any risks of harm to the environment or human health arising from the non-compliance.

We reviewed all the Temporary Regulated Position Statements and retained 15 Statements (5 had lapsed or were withdrawn). For details, see [here](#). The Principles Document and Temporary Regulatory Positions and guidance still remain our approach and we will continue to add further positions and guidance where these may be needed. This may also include guidance about how to access our services where they have been impacted by the cyberattack.

So, how are we responding to the cyber-attack?

We know that the people of Scotland depend on us to do our job and we are moving to restore services as quickly as possible and are prioritising how we do that. Our approach continues to be to take the best professional advice from multi-agency partners, including the Scottish Government, Police Scotland, cyber security experts and other public bodies to support our response.

It is important for us to be clear that this is a sophisticated criminal cyberattack that has had a major impact on the way SEPA works. While we have already achieved a lot in the first month, it is likely to take many months to fully recover our capacity to do all of our work.

We are not the first organisation and, unfortunately, we won't be the last to be hit by a major cyberattack. This hideous crime is becoming more commonplace. We want to assure you that we are drawing on the experiences of others who have recovered from these attacks, taking the best advice and are committed to providing the best service we can as we take the necessary time to work back to our full capacity.

So, as a first step we have already moved to restore critical services including:

- Delivery of nationally important flood forecasting and warning products, with flood alerts and warnings being issued within 24 hours of the attack;
- Contact centre and some web self-help services have been restored, including SEPA's Floodline, 24 Hour Pollution Hotline and environmental event online reporting; and
- We have maintained our ability to respond to significant environmental events.

As a second step, we are working through all the services that we provide to understand what we need to do in the short and longer term to restore the service. As a couple of examples:

- we are working out how to handle applications for permits; and
- for flooding we are stabilising the immediate flood warning work and are now also turning to working out how we can do the broader longer term work including the strategic planning work with local authorities.

We are approaching this work with a sense of urgency both to triage the immediate work whilst considering how to build for the longer term and build back in a stronger way.

We are asking you to be patient with us in the short term. We will find ways to recommence our key services as quickly as possible and commit to keeping you updated as services begin to come back on line through our weekly service status update page.

If you need anything urgently, we will do our best to find a way to deliver the required service to you if at all possible. Please contact us through the routes set out on our website [here](#).

We will be as transparent as possible and will keep you regularly informed about our progress in restoring our services. We hope to work with you as we build SEPA back with a stronger approach to protecting the environment by delivering exceptional services to the people of Scotland.

Theft of data

Despite systems being certified to UK Government security standards, cyber security specialists have identified the theft of circa 1.2 GB on data. Whilst, by comparison, this is the equivalent to a small fraction of the contents of an average laptop hard drive, indications suggest that at least four thousand files may have been accessed and stolen by criminals.

We have made meeting our legal obligations and duty of care in relation to the theft of data one of our highest priorities. Working with Police Scotland and cyber security experts, a dedicated team has been established to identify the detail of business or partner information theft and, where identified, direct contact will be made as quickly as possible with affected organisations. We will work with you to help you ensure that any risk that arises from the theft of this data is mitigated as quickly as possible. More details are available on our [website](#).

A final message to regulated businesses

We would ask regulated business to work closely with SEPA in these extraordinary circumstances.

We expect that the vast majority of regulated business will continue to meet their environmental obligations during this period.

Any person or business which does the opposite, and deliberately takes the opportunity to cause environmental harm or in any way seeks to exploit the current circumstances, can expect a swift and strong response from SEPA, using all of the powers and enforcement options available to us.

As we have set out in the [Principles Document](#) for COVID-19 and EU Exit, we would ask that you continue to comply, continue to keep good records and contact SEPA early if you believe you will be unable to meet obligations through the routes identified on our [website](#).

As set out above as one way of providing clarity to regulated business in the short term, SEPA may adopt temporary guidance about how to access our services where they have been impacted by the cyberattack. This will be placed on the SEPA website [here](#). There will also be information on the [SEPA Service Delivery Status Page](#).

Review of this approach

This is a very dynamic situation and changes will happen quickly so we advise that you keep a close eye on SEPA's web pages and in particular the [SEPA Service Delivery Status Page](#).

We look forward to working with you all and welcome feedback as we take the next steps forward to restore our services.