



REPUBLIC OF KENYA



COUNCIL OF LEGAL EDUCATION

BUSINESS CONTINUITY POLICY 2024



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FOREWORD



The Council of Legal Education (CLE) is a State Corporation established by the Legal Education Act, Cap. 16B of Laws of Kenya. CLE has been in existence since 2014 when it formally separated from the Kenya School of Law. It is mandated to regulate, supervise and license legal education programmes and legal education providers in Kenya. In addition, it administers the Advocates Training Programme (ATP) examination for purposes of admission to the Roll of Advocates in Kenya and advises the Government on matters germane to legal education and training.

The Council of Legal Education is implementing its third Strategic Plan 2023-2027 which outlines the challenges, risks, and opportunities. This Business Continuity Policy has been developed in cognizant of the potential risks that would obstruct business operations. The Policy will provide a proactive framework for business continuity planning and procedures to enable us to respond to and manage incidents affecting business operations. The framework will ensure continued service delivery to our clients and guide them through the resumption process.

Disruptions such as epidemics, natural calamities, and terrorist attacks among others have increasingly posed dangers to business continuity. Due to these dynamics, as a matter of good practice and the increasing regulatory requirements, the implementation of business continuity framework is critical.

Development of this Policy demonstrates CLE's commitment to protect its staff, stakeholders, assets, and reputation and establishes structures of implementation and coordination that assigns roles and responsibilities pre and post-incidents to ensure effectiveness.

To achieve the objective of this Policy and as part of our ongoing commitment to business Continuity matters, Business Continuity Plans and comprehensive Business Impact Analysis (BIA) will be developed to complement the implementation of this Policy.

FOREWORD

Finally, on behalf of the Council, I reiterate our full support for the implementation of this Policy. Adequate resources will be allocated to ensure effective execution of business continuity programs and deter or manage any potential business interruptions. Regular sensitizations and training of staff on business continuity planning will be undertaken to enhance their capacity to respond to disruptions at CLE.



Prof. Collins Odote Oloo
CHAIRPERSON
COUNCIL OF LEGAL EDUCATION



ACKNOWLEDGMENT



Development of this Business Continuity Policy signifies the important role the Council and Management places on service delivery to our stakeholders. Comprehensive Business Continuity Programs are key to ensuring CLE effectively responds to disruptions, thereby safeguarding its mission-critical functions and services.

The Management will ensure effective communication of roles and expectations of staff and stakeholders and foster an environment where business continuity is integrated into daily operations and decision-making processes.

I wish to acknowledge the Council Members under the leadership of Prof. Collins Odote for their Strategic guidance and continued support. I applaud the Committee that developed this Policy and the Planning and Strategy Division for Coordinating the whole process. Many thanks also go to all the members of staff, who, under my watch, through an elaborate consultative process provided invaluable contributions.

Ms. Jennifer Gitiri, HSC
Ag. SECRETARY/CEO
COUNCIL OF LEGAL EDUCATION

POLICY APPROVAL

This Business Continuity Policy was duly adopted and approved by the Council in its meeting held

on the ...*14th*... day of.....*October*..... 2024.

This Policy shall be reviewed as and when necessary. All amendments will be communicated in writing using the amendment sheet below. This will ensure that the Business Continuity Policy remains consistent with the CLE's Strategic direction and mandate.



Chairperson
COUNCIL OF LEGAL EDUCATION



Ag. Secretary/Chief Executive Officer
COUNCIL OF LEGAL EDUCATION



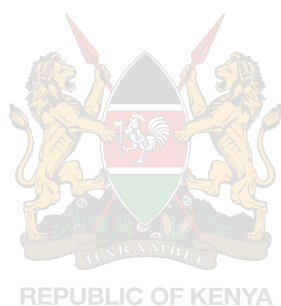
POLICY AMENDMENT SHEET

Issue/Revision No	Subject of Amendments	Reviewed By (Signature)	Review Authorized by (Signature)	Date



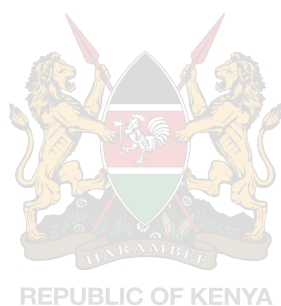
ABBREVIATIONS AND ACRONYMS

Abbreviation	Description
ATP	Advocates Training Programme
BCP	Business Continuity Plan
BCC	Business Continuity Champion
BCM	Business Continuity Management
BCMS	Business Continuity Management System
BIA	Business Impact Analysis
CCC	Crisis Coordination Centre
CEO	Chief Executive Officer
CIRT	Critical Incident Response Team
CLE	Council of Legal Education
CMT	Crisis Management Team
DRP	Disaster Recovery Plan
EDA&BRT	Emergency, Damage Assessment, and Business Recovery Team
ERM	Enterprise Risks Management
ICT	Information and Communication Technology
RA	Recovery Assessment



DEFINITION OF TERMS

Term	Description
Council	Refers to the Council of Legal Education established under the Legal Education Act, Cap. 16B Laws of Kenya.
Emergency	Any event that requires an immediate response to contain the situation and prevent it from escalating or worsening.
Incident	Any event that threatens lives, assets, or reputation or seriously impairs, disrupts, or halts essential operations and activities.
Business Continuity	Process-driven approach to maintaining key operations in the event of an unplanned disruption.
Business Continuity Plan	CLE's strategy of escalating, addressing, and recovering from a significant incident.
Impact Analysis	The process by which CLE decides upon recovery priorities, timescales, and minimum recovery resources
Risk Assessment	The process by which CLE assesses its key risks for which it requires a Business Continuity Plan.



1.0 INTRODUCTION

1.1 Background

The Council of Legal Education is committed to providing the best experiences to its employees and stakeholders by ensuring consistent availability of services. In recognition of the inherent risks in the operating environment, CLE has developed this Business Continuity Policy to provide a comprehensive framework for ensuring uninterrupted service delivery During unexpected disruptions.

Implementation of this Policy will provide procedures for recording, assessing, and managing business continuity risks; identifying and prioritizing essential services; responding to business disruptions or incidents, and maintaining essential services and restoring services to a minimum acceptable level.

Directorates and Divisions will prepare, maintain, and review Business Continuity Plans, risk registers, and appropriate incident reporting mechanisms based on the principle that each functional area should maintain its critical services during a disruption.

1.2 CLE Mandate

The mandate of the Council of Legal Education is provided under the Legal Education Act, Cap 16B of the Laws of Kenya. The Council is established to:

- i. Regulate legal education and training in Kenya offered by legal education providers;
- ii. License legal education providers;
- iii. Supervise legal education providers;
- iv. Advise the Government on matters relating to legal education and training;
- v. Recognise and approve qualifications obtained outside Kenya for purposes of admission to the Roll; and
- vi. Administer Advocates Training Programme examination.

1.3 CLE Vision, Mission & Core Values

Vision

Innovative Legal Professionals Transforming Society

Mission

To ensure quality legal education through responsive regulation and administration of Bar Examination.

Core Values

1. Accountability
2. Excellence
3. Integrity
4. Inclusiveness
5. Innovation

1.4 Statement of Purpose

The purpose of this Policy is to ensure that controls and processes are established to enforce business continuity within CLE in the event of unexpected disruption or emergency. This will minimize the impact of disruptions to daily business operations. To effectively implement this Policy, a Business Continuity Plan (BCP) and related Strategies shall be developed to ensure preparedness and outline continuity procedures as well as the responsibilities of various players.

2. Objectives

The objective of this Policy is to establish a framework for ensuring business continuity of mission-critical processes during disruptions or emergencies and facilitate the resumption of normal operations within recovery timelines. The specific objectives are to:

- I. Establish a comprehensive business continuity management framework that upholds the institution's reputation;

- ii. Provide a coordinated approach to handle disruptive events and mitigate the impact and losses caused by major incidents;
- iii. Safeguard critical assets, business operations, and functions during and after disruptions or emergencies;
- iv. Maintain delivery of mission-critical services during disruptions;
- v. Monitor and review the performance and effectiveness of Business Continuity Management; and
- vi. Enhance the Council, staff, and stakeholders' awareness of BCM.

3. Scope of the Policy

The application of this Policy shall be limited to Council Members, Staff, and other relevant Stakeholders. The Policy augments the existing Policies at CLE and will give foundation to the relevant plans and strategies.

4. Policy Statement

Council of Legal Education is committed to setting standards for legal education and training, licensing of legal education providers, recognition and approval of foreign legal qualifications, and administration of credible ATP examinations in conjunction with our partners and in compliance with the legislative and regulatory framework.

To meet and exceed the stakeholders' expectations, CLE shall put in place a robust framework to ensure continuity of operations when faced with emergencies or disruptions. This shall ensure continued delivery of critical services and the return to normal operations within a pre-determined timeframe. CLE is also committed to complying with the applicable legal and regulatory requirements related to Business Continuity Management (BCM) and ensure continuous improvement of the system.

To this effect, CLE shall ensure formulation, implementation, monitoring, and evaluation of this Business Continuity Policy by:

- a) Ensuring the development and implementation of a comprehensive Enterprise Risk Management (ERM) Framework;
- b) Ensuring that Heads of Directorates, Divisions, and Units factor BCM mitigations and risk responses into their Annual Work Plans (AWP) and budgets for adequate financing and implementation;
- c) Ensuring Directorates, Divisions, and Units document, adopt, and conduct annual reviews of their Business Impact Analysis (BIA);
- d) Ensuring that all new systems are included in the relevant BCPs before rollout; Allocating resources required for implementation of Business Continuity Management programs and activities; and
- e) Regular sensitizations and capacity building of Council members, staff, and stakeholders on BCM to ensure that they remain prepared to respond to emergencies and disruptions promptly;
- f) Regular reviewing and updating of the Business continuity plan to ensure its effectiveness.

5. Business Continuity Plan

To effectively implement this Policy, CLE shall develop and implement a Business Continuity Plan that is in line with this Policy and meets the following minimum requirements;

- a) Aligned to the Enterprise Risk Management (ERM) Framework;
- b) Prioritizes protecting life, and assets, and ensures continued service delivery to customers in the event of a disruption;
- c) Reflects global best practices and standards;
- d) Conforms to legal and regulatory requirements;
- e) Provides a practical, actionable framework for measuring business continuity capability.
- f) Encompasses requirements for crisis management, CLE systems, and infrastructure disaster recovery as an integral component of BCM and enhances its effectiveness.

- g) Aligned to the operational risk and governance standard for CLE;
- h) Provides for reporting, monitoring, and oversight in line with legal and regulatory requirements;
- i) Outlines clear roles and responsibilities of the Council, Management, Staff and stakeholders;
- j) Promotes the evolution of a leading business continuity culture within CLE.
- k) Caters for and guides the development and implementation of BCPs, strategies, training, and awareness.

6. Back-up

CLE shall ensure that data and information are backed up, maintained, accessible, and recoverable in the event of a system failure in line with best practices. Backup logs shall also be maintained. The following policy provisions shall apply in relation to the data and information backups;

- a) CLE shall establish procedures that ensure backups are conducted in accordance with the ICT Policy and operational needs;
- b) Backup operations shall safeguard and ensure the confidentiality, integrity, and availability of the information assets;
- c) CLE shall establish and maintain reliable and comprehensive backup documentation.
- d) Virtual backups shall be accessible and secured;
- e) Backup data shall be retained and disposed of in accordance with CLE ICT Policy and applicable laws & regulations;
- f) CLE shall test backup procedures regularly to ensure adequacy;
- g) Storage media used for backup purposes shall be disposed of securely in line with the ICT and Records Management Policies;
- h) CLE shall ensure that the design of the ICT infrastructure incorporates backup requirements according to the ICT Policy.

7. Disaster Recovery Plan

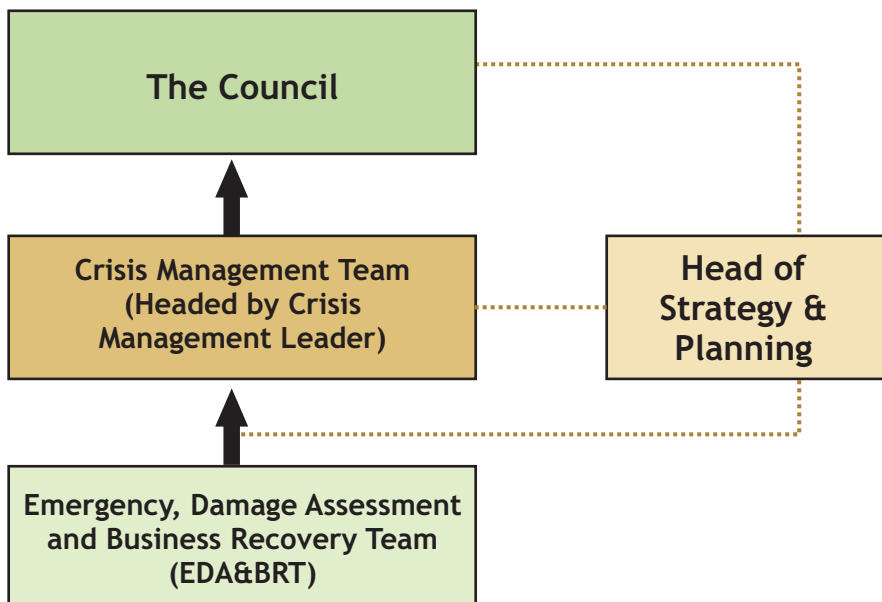
CLE recognizes the importance of establishing a contingency plan in of the event of a disruption or emergency. To ensure that the infrastructure, systems, and data are recovered from disruptive or catastrophic events, CLE shall;

- a) Develop, implement, and maintain a Disaster Recovery Plan (DRP) aligned with ERM framework;
- b) Ensure DRP complies with applicable national, regional, and international standards, organizational needs, and legal and regulatory requirements.

8. Crisis Coordination Centre

CLE shall establish and maintain a Crisis Coordination Centre (CCC). The Centre shall be adequately resourced to effectively manage the strategic and operational responses, and the subsequent recovery processes during a disruption. The CCC shall be activated by the Crisis Management Team (CMT) on the declaration of a major disruption.

9. Policy Governance Structure



The Crisis Management Team (CMT) comprises of the following:

- i. The Secretary/ Chief Executive Officer (CEO), serving as the CMT Leader;
- ii. An alternate to the CMT Leader (appointed by the CEO);
- iii. Heads of Directorates and Divisions.

The EDA & BRT Team comprise of the following members appointed by the CEO

- i. Head of Planning and Strategy Division;
- ii. Representatives from Directorates and Divisions.

Team Roles and Responsibilities

The Council

- i. Approving the policy
- ii. The chairperson of the Council shall be the spokesperson during major crises/ disruptions or emergencies;
- iii. Provide BCP governance and independent oversight;
- iv. Overseeing alignment of the Plan with the institutional risk management framework;
- v. Approving the Policy implementation resource requirements;
- vi. Providing feedback to management on the Plan as appropriate;
- vii. Accountable for overseeing the effectiveness of the Plan.

Crisis Management Team

- i. Monitor the business operating environment and provide monthly status updates to the Council on potential business disruptions.
- ii. Coordinating and managing the relationship with media pre-post and during a disruption
- iii. Propose appropriate course of actions to be taken during a disruption and submit to the Council for approval
- iv. Reviewing recovery progress for critical business processes;

- v. Developing budgeting for the Plan's resources;
- vi. Steering engagement with key stakeholders;
- vii. Management of possible legal issues emerging from the disruption and recovery process;

Business Continuity Coordinator

The Head of Planning and Strategy shall be the Business Continuity Coordinator (BCC) and will be the liaison between the CMT and the EDA&BRT before and after a disruption. The BCC ensures effective implementation of the business continuity policy and plan, and coordinates recovery activities during a disruption.

Roles and responsibilities;

- i. Coordinating with the CMT and EDA&BRT for emergency response, damage assessment and subsequent business recovery;
- ii. Advising the CMT on strategic issues based on the findings of the EDA&BRT and the impact on business operations;
- iii. Coordination of all teams during a disruption;
- iv. Maintaining a system for recording disruptions;
- v. Coordinating the sensitization and implementation of the business continuity and disaster recovery plan to all stakeholders
- vi. Coordinating scheduled testing of the Plan;
- vii. Liaising with the EDA&BRT in carrying out initial rapid assessment of the incident

Emergency, Damage Assessment, and Business Recovery Team

The role of the EDA&BRT is to provide immediate responders whenever there is a disruption, assess the damage and aid with resumption of normal business operations at the respective directorate/divisional. The EDA&BRT is comprised of Head of Planning and Strategy and representatives from Directorates and Divisions who shall be appointed by the CEO.

The responsibilities of the EDA&BRT include:

- i. Providing information on business disruptions to the CMT;
- ii. Conducting damage assessment following the disruption and recommending required actions and resources for business operations recovery;
- iii. Coordinating the provision of quick, effective, and orderly responses to disruptions in order to prevent loss of life, revenue, public confidence, and assets;
- iv. Investigating, resolving and reporting minor incidents in a timely, cost-effective manner and reporting findings to the CMT;
- v. Producing quarterly incident reports and forwarding them to the Head of Planning and Strategy for consolidation and onward submission to the CMT;
- vi. Conducting the scheduled recovery tests and submitting the reports to the Head of Planning and Strategy.

10. Testing and Maintenance

The BCP shall have processes and procedures indicating how, which, and when the element is to be tested as follows:

- a) BCPs shall be tested periodically, to ensure that they are up to date and effective.
- b) The process of testing shall be defined in the BCP.
- c) Tests must be documented, and the results reported to the business process owners and management.

11. Commencement

This policy shall take effect upon adoption and approval by the Council.

12. Implementation, Monitoring and Evaluation

12.1 CLE shall formulate Plans, Strategies, and operational guidelines for the implementation, monitoring, evaluation, and continuous improvement of the business continuity framework.

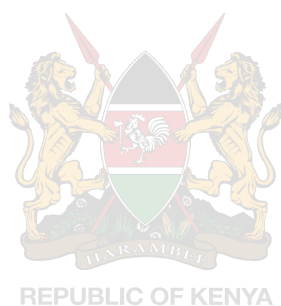
12.2 This Policy shall be interpreted and implemented in harmony with the Constitution of Kenya, applicable national legislation, the Government guidelines and circulars as well as the CLE Policies and guidelines.

13. Policy Review

This Policy shall be reviewed as and when necessary.

14. Compliance with the Policy

CLE staff and stakeholders shall be expected to comply with the provisions of this Policy. Failure to comply shall be subject to disciplinary measures in accordance with the CLE's Human Resource Manual. Any external entity/party /consultant or client in breach of this policy shall be subject to penalties provided in that contract.



REPUBLIC OF KENYA





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