

The Public Records (Scotland) Act 2011

Lanarkshire Valuation Joint Board

Progress Update Review (PUR) Report by the PRSA Assessment Team

15 March 2021

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1. Public Records (Scotland) Act 2011

The Public Records (Scotland) Act 2011 (the Act) received Royal Assent on 20 April 2011. It is the first new public records legislation in Scotland since 1937 and came into force on 1 January 2013. Its primary aim is to promote efficient and accountable record keeping by named Scottish public authorities.

The Act has its origins in *The Historical Abuse Systemic Review: Residential Schools and Children's Homes in Scotland 1950-1995* (The Shaw Report) published in 2007. The Shaw Report recorded how its investigations were hampered by poor recordkeeping and found that thousands of records had been created, but were then lost due to an inadequate legislative framework and poor records management. Crucially, it demonstrated how former residents of children's homes were denied access to information about their formative years. The Shaw Report demonstrated that management of records in all formats (paper and electronic) is not just a bureaucratic process, but central to good governance and should not be ignored. A follow-up review of public records legislation by the Keeper of the Records of Scotland (the Keeper) found further evidence of poor records management across the public sector. This resulted in the passage of the Act by the Scottish Parliament in March 2011.

The Act requires a named authority to prepare and implement a records management plan (RMP) which must set out proper arrangements for the management of its records. A plan must clearly describe the way the authority cares for the records that it creates, in any format, whilst carrying out its business activities. The RMP must be agreed with the Keeper and regularly reviewed.

2. Progress Update Review (PUR) Mechanism

Under section 5(1) & (2) of the Act the Keeper may only require a review of an authority's agreed RMP to be undertaken not earlier than five years after the date on which the authority's RMP was last agreed. Regardless of whether an authority has successfully achieved its goals identified in its RMP or continues to work towards them, the minimum period of five years before the Keeper can require a review of a RMP does not allow for continuous progress to be captured and recognised.

The success of the Act to date is attributable to a large degree to meaningful communication between the Keeper, the Assessment Team, and named public authorities. Consultation with Key Contacts has highlighted the desirability of a mechanism to facilitate regular, constructive dialogue between stakeholders and the Assessment Team. Many authorities have themselves recognised that such regular communication is necessary to keep their agreed plans up to date following inevitable organisational change. Following meetings between authorities and the Assessment Team, a reporting mechanism through which progress and local initiatives can be acknowledged and reviewed by the Assessment Team was proposed. Key Contacts have expressed the hope that through submission of regular updates, the momentum generated by the Act can continue to be sustained at all levels within authorities.

The PUR self-assessment review mechanism was developed in collaboration with stakeholders and was formally announced in the Keeper's Annual Report published on 12 August 2016. The completion of the PUR process enables authorities to be credited for the progress they are effecting and to receive constructive advice concerning on-going developments. Engaging with this mechanism will not only maintain the spirit of the Act by encouraging senior management to recognise the need for good records management practices, but will also help authorities comply with their statutory obligation under section 5(1)(a) of the Act to keep their RMP under review.

3. Executive Summary

This Report sets out the findings of the Public Records (Scotland) Act 2011 (the Act) Assessment Team's consideration of the Progress Update template submitted for Lanarkshire Valuation Joint Board. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

The Lanarkshire Valuation Joint Board was established as part of the 1996 reorganisation of local government in terms of The Valuation Joint Boards (Scotland) Order 1995 and is vested with the functions of the valuation authorities of North and South Lanarkshire Councils. With the agreement of the two Councils, the Board also has responsibility for the Electoral Registration function for Lanarkshire. The Board comprises of 16 members who are appointed by the constituent Councils with each Council nominating 8 members.

<http://www.lanarkshire-vjb.gov.uk/lvjb/site/index.php>

5. Assessment Process

A PUR submission is evaluated by the Act's Assessment Team. The self-assessment process invites authorities to complete a template and send it to the Assessment Team one year after the date of agreement of its RMP and every year thereafter. The self-assessment template highlights where an authority's plan achieved agreement on an improvement basis and invites updates under those 'Amber' elements. However, it also provides an opportunity for authorities not simply to report on progress against improvements, but to comment on any new initiatives, highlight innovations, or record changes to existing arrangements under those elements that had attracted an initial 'Green' score in their original RMP submission.

The assessment report considers statements made by an authority under the elements of its agreed Plan that included improvement models. It reflects any changes and/or progress made towards achieving full compliance in those areas where agreement under improvement was made in the Keeper's Assessment Report of their RMP. The PUR assessment report also considers statements of further progress made in elements already compliant under the Act.

Engagement with the PUR mechanism for assessment cannot alter the Keeper's Assessment Report of an authority's agreed RMP or any RAG assessment within it. Instead the PUR Final Report records the Assessment Team's evaluation of the submission and its opinion on the progress being made by the authority since agreeing its RMP. The team's assessment provides an informal indication of what marking an authority could expect should it submit a revised RMP to the Keeper under the Act, although such assessment is made without prejudice to the Keeper's right to adopt a different marking at that stage.

Key:

G	The Assessment Team agrees this element of an authority's plan.	A	The Assessment Team agrees this element of an authority's progress update submission as an 'improvement model'. This means that they are convinced of the authority's commitment to closing a gap in provision. They will request that they are updated as work on this element progresses.	R	There is a serious gap in provision for this element with no clear explanation of how this will be addressed. The Assessment Team may choose to notify the Keeper on this basis.
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Progress Update Review (PUR) Template: Lanarkshire Valuation Joint Board

Element	Status of elements under agreed Plan 09AUG16	Progress assessment status 26SEP18	Progress assessment status 07FEB20	Progress assessment status 15MAR21	Keeper's Report Comments on Authority's Plan 09AUG16	Self-assessment Update 30OCT19	Progress Review Comment 07FEB20	Self-assessment Update as submitted by the Authority since 07FEB20	Progress Review Comment 15MAR21
1. Senior Officer	G	G	G	G	Update required on any change.	The Senior Officer was, with effect from 5 November 2018, Renzo Pacitti. With effect from 10/10/2019 however the Senior Officer will now be James Neason. His contact details are: James.Neason@lanarkshire-vjb.gov.uk Tel 01698 476078	The Assessment Team thanks LVJB for this update which we have noted. They acknowledge that the authority has recognised the importance of training Mr Neason in his new role (see response against element 2).	No Change See Element 2	No immediate action required. Update required on any future change.
2. Records Manager	G	G	G	G	The Board have submitted a signed commitment from the Assessor that resources and training will be provided to the 'Records Manager'. The Keeper would be pleased to receive updates concerning the provision of these resources.	Mr Neason will be provided with appropriate training to enable him to conduct his duties in relation to Records Management to the appropriate standard	No immediate action required. Update required on any future change.	Mr Neason registered for Records Management 1 training in Glasgow, to be held on 26 March 2020. This was cancelled due to the Covid-19 pandemic. He has since registered to do the same course via eLearning on-line. This will be completed this year.	The Keeper's Assessment Team thanks Lanarkshire Valuation Joint Board for this update on the planned training for Mr Neason and acknowledge that the authority continue to recognise the importance of appropriate training for this post holder. For training see element 12.
3. Policy	G	G	G	G	Update required on any change.	No Change	No immediate action required. Update required on any future change.	No change	No immediate action required. Update required on any future change.
4. Business Classification	G	G	G	G	The Keeper would be interested to hear about the on-going project to scan paper documents into the electronic systems.	No Change	No immediate action required. Update required on any future change.	All Council Tax documents have been scanned and the scanning of the documents in relation to the Non-Domestic subjects has been outsourced, to expediate the process, and is underway.	The Assessment Team welcome this update on the completion of scanning Council Tax documents and notification of the move to continue the scanning project using an external contractor. The Assessment Team would be interested to learn how this project progresses in subsequent PURs.

5. Retention Schedule	G	G	G	G	Update required on any change.	An update to the retention schedule was approved by LVJB management team in March 2019 to include an extra class of record on to the schedule. The records to which this relates are transcripts made following an appeal from the decision of a valuation appeal committee.	In their original submission LVJB committed to keep its retention schedule under review and the Assessment Team acknowledge that this is being done. There is a recognition that a retention schedule is a 'living document' and will be subject to continual minor change year on year.	LVJB continues to consider updating retention schedules as and when appropriate. We have completed the updating of our Valuation Roll/Non-Domestic Subjects retention schedule to show that all valuation appeal reports should be retained until the property is destroyed and no outstanding appeal exists in relation to that property.	The Assessment Team welcome this update. It is clear LVJB remain committed to keeping their retention schedule under review and that there is continued recognition of the need to develop and amend this document as appropriate.
6. Destruction Arrangements	G	G	G	G	Update required on any change.	This was updated as part of the same task noted in Element 5 above for that new class of record.	The Assessment Team acknowledges this update.	No change	Update required on any change.
7. Archiving and Transfer	A	A	A	A	The Board have committed to pursuing a formal 'archiving agreement in the form of a memorandum of understanding to ensure the transfer and preservation of any future records of enduring value'. The Keeper requires that this is forwarded to him when concluded. The Keeper agrees that Lanarkshire Valuation Joint Board has identified a suitable archive for the permanent preservation of historically significant records. He agrees that transfer arrangements have been put in place under 'improvement model' terms. This means that the authority has identified a gap in provision, in this case a lack of a formal archiving agreement, but the Keeper is satisfied that steps are being put in place to close that gap. The Keeper's agreement is conditional on a formal agreement being concluded between the Board and the Council and his receiving a copy of that agreement.	Discussions have taken place with the South Lanarkshire Council Archivist who has informed us that they do not have a facility at present which we could access to digitally preserve records of enduring value. They are however currently scoping this as a facility for their own use but will keep LVJB informed of progress with the end goal that a system is put in place by SLC and is available to be used for digital preservation by LVJB. In the short term, as outlined at Element 11 below, records continue to be scanned and retained on our document imaging system.	As the many of the public records of the VJB are either 'born digital' or scanned into electronic systems, it is unlikely that a fully archive transfer system is in place. Digital archiving functionality is in very early stages in Scotland and the Keeper accepts this. However, this element must remain at amber (as it does for other public authorities) while processes are developed to allow the <u>archiving</u> (as opposed to long-term storage) of digital public records.	South Lanarkshire Council Archivist still do not have a facility at present which we could access to digitally preserve records of enduring value. They are still scoping this facility primarily for their own use but they will keep LVJB informed of any progress with the end goal remaining that a system is put in place by SLC and is available to be used for digital preservation by LVJB.	The Assessment Team acknowledges that LVJB continue to liaise with the South Lanarkshire Council Archivist while scoping work for a digital archive facility is ongoing. As work continues on developing a process for the transfer and archival preservation of both born digital and scanned public records, this element remains at amber.

8. Information Security	G	G	G	G	Update required on any change.	No Change	No immediate action required. Update required on any future change.	No change	No immediate action required. Update required on any future change
9. Data Protection	G	G	G	G	Update required on any change.	No Change	<p>No immediate action required. Update required on any future change.</p> <p>However, in the meantime, the Assessment Team acknowledges the receipt of the authority's General Data Protection Regulation (GDPR) Compliance Statement which they will keep on file in order that the submission remains up-to-date.</p> <p>As with all other Scottish public authorities LVJB have been required to review and update their data protection procedures in light of the 2018 legislation.</p> <p>The Assessment Team acknowledges that their public facing website has been updated appropriately: https://www.lanarkshire-vjb.gov.uk/info/16/general_information/15/privacy_notice</p>	No change	No immediate action required. Update required on any future change
10. Business Continuity and Vital Records	G	G	G	G	Update required on any change.	No Change	No immediate action required. Update required on any future change.	It should be noted that LVJB update their Business Continuity Plan annually.	<p>Thank you for this update. This demonstrates that the authority is keeping its information governance policies and procedures under regular review.</p> <p>The Assessment Team would welcome further information in subsequent PURs about how the impact of the Covid-19 pandemic affected the annual update of the authority's Business Continuity Plan.</p>

11. Audit Trail	A	G	G		<p>The Board recognises that it does not yet have comprehensive procedures in place in relation to audit trails covering all transactions undertaken. There is for example no audit trail in place to monitor the movement and changes to the content of Domestic and Non-Domestic paper property records. As the Scanning Project is in its final stages and all property records will shortly be in an electronic format it was considered this is not necessary. The Keeper asks that be kept up-to-date on the progress of this project.</p> <p>The Keeper agrees this element of Lanarkshire Valuation Joint Board's Plan under 'improvement model' terms. This means that the authority has identified a gap in provision (paper property records are not sufficiently tracked) and the Keeper acknowledges that the authority has procedures in place to close that gap. His agreement is conditional on his being updated as the scanning project progresses.</p>	<p>LVJB commenced scanning the 20,000 non-domestic records in August 2019.</p>	<p>The Assessment Team thank LVJB for this update. They note the scanning programme that is in place.</p> <p>However, the Keeper is content that all public records in the authority can still be located and versions correctly identified, whether they are paper, digital or in the 'queue' awaiting scanning.</p> <p>This element remains green.</p>	<p>The scanning programme is still ongoing as noted in Element 4 above.</p>	<p>The Assessment Team note that the scanning programme continues. See element 4.</p> <p>However, the Keeper is content that all public records in the authority can still be located and versions correctly identified, whether they are paper, digital or in the 'queue' awaiting scanning.</p> <p>This element remains green.</p>
12. Competency Framework	A	G	G		<p>The Board acknowledges that the nominated records manager lacks a number of the core competencies required to carry out their role and responsibilities. The Board has notified the Keeper that the records manager will be provided with the required training as part of a personal development programme. The Keeper welcomes this commitment and would like to receive updates on the work being done in this area. The Keeper would also be pleased to have sight of the Board's induction procedures.</p>	<p>No Change except insofar that the same training events attended by previous post holders will now be attended by James Neason as outlined in Elements 1 and 2 above.</p>	<p>No immediate action required. Update required on any future change.</p>	<p>See Element 2.</p>	<p>Under Element 2 LVJB noted that Mr Neason is now to complete Records Management 1 training remotely via eLearning after in person training was cancelled as a result of the Covid-19 pandemic.</p> <p>The Assessment Team welcome this update and understand that scheduled training was significantly disrupted in 2020.</p>

					<p>The Plan also states that the records manager will identify and procure information governance training for appropriate staff. The Keeper asks that he be informed of developments in staff training.</p> <p>The Keeper agrees this element of the Board's Plan on 'improvement model' terms. This means that the authority has correctly identified a gap in provision (the records manager has specific records management training needs) and has committed to closing that gap. This agreement is conditional on him being kept appraised on progress in this area. The Keeper agrees that the Board considers information governance training for appropriate staff.</p>				
13. Assessment and Review	G	G	G		<p>The Board have committed to regular reviews of their Plan, with the first scheduled review to take place in October 2016. Such reviews are the responsibility of the Management Team. Supporting policies such as the Retention Schedules and the Records Management Policy shall similarly be reviewed at regular intervals. The Keeper commends these initiatives and requests that he be kept informed of their findings and be sent any new or revised documents following these self-assessments.</p>	No Change	No immediate action required. Update required on any future change.	No change	<p>No immediate action required. Update required on any future change.</p> <p>The Assessment Team welcome notification of reviews being carried out as the authority have indicated under elements 5 and 10, with updates to the retention schedule as appropriate, and an annual review of its Business Continuity Plan.</p>
14. Shared Information	G	G	G		Update required on any change	No Change	No immediate action required. Update required on any future change.	No change	No immediate action required. Update required on any future change.

7. The Public Records (Scotland) Act Assessment Team's Summary

Version

The progress update submission which has been assessed is the one received by the Assessment Team on 16 November 2020. The progress update was submitted by Jim Neason, Assistant Assessor & ERO.

The progress update submission makes it clear that it is a submission for **Lanarkshire Valuation Joint Board**.

The Assessment Team has reviewed Lanarkshire Valuation Joint Board's Progress Update submission and agrees that the proper record management arrangements outlined by the various elements in the authority's plan continue to be properly considered. The Assessment Team commends this authority's efforts to keep its Records Management Plan under review.

General Comments

Lanarkshire Valuation Joint Board continues to take its records management obligations seriously and is working to bring all elements into full compliance.

Section 5(2) of the Public Records (Scotland) Act 2011 provides the Keeper of the Records of Scotland (the Keeper) with authority to revisit an agreed plan only after five years has elapsed since the date of agreement. Section 5(6) allows authorities to revise their agreed plan at any time and resubmit this for the Keeper's agreement. The Act does not require authorities to provide regular updates against progress. The Keeper, however, encourages such updates.

The Keeper cannot change the status of elements formally agreed under a voluntary submission, but he can use such submissions to indicate how he might now regard this status should the authority choose to resubmit its plan under section (5)(6) of the Act.

8. The Public Records (Scotland) Act Assessment Team's Evaluation

Based on the progress update assessment the Assessment Team considers that Lanarkshire Valuation Joint Board continue to take their statutory obligations seriously and are working hard to bring all the elements of their records management arrangements into full compliance with the Act and fulfil the Keeper's expectations.

- The Assessment Team recommends authorities consider publishing PUR assessment reports on their websites as an example of continued good practice both within individual authorities and across the sector.

This report follows the Public Records (Scotland) Act Assessment Team's review carried out by,



Liz Course
Public Records Officer