The Public Records (Scotland) Act 2011

West Dunbartonshire Council and West Dunbartonshire Licensing Board

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

8th March 2022

Contents

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 West Dunbartonshire Council and West Dunbartonshire Licensing Board. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

West Dunbartonshire Council was formed on 1 April 1996 from part of the former Strathclyde Region, namely the entire district of Clydebank and the Dumbarton district less the Helensburgh area. In the Local Government etc. (Scotland) Act 1994 that created the council area its name was 'Dumbarton and Clydebank'. The council, elected as a shadow authority in 1995, resolved to change the name of the area to West Dunbartonshire. The council is run by 22 councillors elected from 6 wards.

https://www.west-dunbarton.gov.uk/

Licensing is the responsibility of licensing boards under powers contained in the Licensing (Scotland) Act 2005. Local licensing boards have wide discretion to determine appropriate licensing arrangements according to local needs and circumstances and their own legal advice. Each local government area must have a licensing board. West Dunbartonshire Licensing Board is titled a Licensing 'Forum'.

https://www.west-dunbarton.gov.uk/council/west-dunbartonshire-licensing-forum/

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.

6. Progress Update Review (PUR) Template: West Dunbartonshire Council and Licensing Board

Element	Status of elements under agreed Plan 13AUG15	Progress status 16MAR21	Progress status 08MAR22	Keeper's Report Comments on Authority's Plan 13AUG15	Self-assessment Update 23NOV20	Progress Review Comment 16MAR21	Self-assessment Update as submitted by the Authority since 16MAR21	Progress Review Comment 08MAR22
1. Senior Officer	G	G	G	Update required on any change.	No Change - Peter Hessett is still the Senior Officer for the Licensing Board.	No immediate action required. Update required on any future change.	No Change - Peter Hessett is still the Senior Officer for the Licensing Board.	Thank you for letting us know that there have been no changes to this element. Update required on any change.
2. Records Manager	G	G	G	Update required on any change. The Keeper would welcome any news of the planned directory structure being developed by this individual for all file servers across the Council.	No Change – Michael Butler is still the Records Management Officer.	No immediate action required. Update required on any future change.	No Change – Michael Butler is still the Records Management Officer.	Update required on any change.
3. Policy	G	G	G	Update required on any change.	The Records Management policy was updated in 2019 and approved by Council. Please see attachment. In addition, please see Records Management Guidance document and Business Classification and Information Handling Procedure as attachments.	The Keeper's Assessment Team thanks the authority for providing an updated Records Management policy (draft, dated September 2019). It will be retained by the Assessment Team to keep the authority's submission up to date. Assessment Team note that this updated policy outlines the role and responsibility of third party contractors with regard to record keeping (clause 6.1.2). A Records Management Guidance document (draft, June 2019) and Information Handling and Classification procedure (draft, June 2019) have also been received by the Assessment Team. These additional resources compliment and support the updated policy.	The Records Management policy was updated in 2019 and approved by Council. In addition, we have introduced Records Management Guidance document and Business Classification and Information Handling Procedures which we submitted with the previous PUR.	The Keeper's Assessment Team is grateful for this update on Records Management Policy update in 2019. The Team trusts the Records Management Policy document, as well as the guidance documents submitted in 2020, are being kept up to date through regular scheduled review.
4. Business Classification	G	G	G	The 'Future Development' under this element discusses the incorporation of other information asset fields such as 'access rights' within the BCS. The expected time for completion of this work is summer 2017. The Council are committed to providing the Keeper with an updated version of the BCS once this work has been implemented.		As noted above (element 3), the Assessment Team welcome the inclusion of defined roles and responsibilities for third party contractors with regard to record keeping in the updated Records Management policy. Regarding the adoption of business classification schemes by third party contractors the updated policy states 'the preferred solution for this is Scottish Council Archivists Records Retention	Council wide implementation of M365 in progress. Consultant Heather Jack is providing guidance and expertise in the area of BCS within M365 as well as evaluating our current approach to both business and information classification across the council.	Thank you for letting us know that West Dunbartonshire Council and Licensing Board are implementing a M365 records management solution in collaboration with a Consultant. This is a major endeavour and is likely to take years to bed in properly. It will also have implications on multiple Elements as relevant plans, policies and guidance

				The RMP contains a commitment that the new expanded BCS will be 'signed-off' by individual service heads when appropriate. The Keeper commends the engagement with local services and would welcome updates on this project.		Scheme (SCARRS) but sector specific solutions are acceptable.' This clarification and recommendation of best practice guidance is noted by the Assessment Team.	Our Information Asset Register will be considered as one of the key elements in having a robust BCS.	– including the Information Asset Register – are brought up to date. We look forward to updates on how this work progresses in consecutive PURs.
5. Retention Schedule	G	G	G	Update required on any change.	No change - The Council and Licensing Board still adopts SCARRS retention periods for both entities.	No immediate action required. Update required on any future change.	No change - The Council and Licensing Board still adopts SCARRS retention periods for both entities.	Update required on any change.
6. Destruction Arrangements	G	G	G	Update required on any change.	Shredall are engaged by the Council for the secure destruction of confidential waste with appropriate certificates provided.	The Assessment Team thanks the authority for the update. As noted below (element 11) secure destruction of confidential waste is being monitored and has continued, where possible, during the Covid-19 pandemic. It is understandable that the impact of Covid-19 and resultant access restrictions to buildings has led to some backlog in the confidential destruction of records. No immediate action required. Update required on any future change.	Externally certified waste disposal companies are engaged by the Council for the secure destruction of confidential waste with appropriate certificates provided. The Council has also recently purchased a 'Disposal module' for our document management system which is currently at install and test stage. Once complete departments will engage in identifying and securely deletion electronic documents, which are now passed retention policies.	Thank you for this update on confidential waste disposal arrangements. The Assessment Team is also interested to hear about the new Disposal Module implementation when this moves beyond the testing stage. We look forward to being updated on this in consecutive PURs.
7. Archiving and Transfer	G	G	G	Update required on any change.	No change - The Council still uses our own in-house Archive Service which sits within our Communications, Culture, Communities and Facilities (CCCF) Service.	No immediate action required. Update required on any future change.	No change - The Council still uses our own in-house Archive Service.	Update required on any change.
8. Information Security	G	G	G	Update required on any change.	The Information Security and Acceptable Use policies were updated in 2019 and approved by Council. Please see attachments.	The Assessment Team thanks the authority for this update and acknowledges receipt of the Information Security and Acceptable Use policies (version 1.0, August 2019). This demonstrates continued commitment to regular updates and reviews of information governance policies.	The Information Security and Acceptable Use policies were updated in 2019 and approved by Council.	Thank you for letting us know there have been no updates since the last PUR. We look forward to hearing about any changes in consecutive PURs.
9. Data Protection	G	G	G	Update required on any change.	The Data Protection Policy was updated in 2018 to reflect GDPR and DPA 2018. It will be reviewed in 2021 once any Brexit implications regarding data protection are clarified. No	The Assessment Team acknowledges receipt of the authority's Data Protection policy (version 1.1, May 2018) and that a planned review of this policy is scheduled for later this year.	DPA Policy updated. Please see attached.	The Assessment Team acknowledges receipt of the updated West Dunbartonshire Council and Licensing Board's Data Protection Policy with thanks.

					major material changes are anticipated. Please see attachment.	Thank you for this update and we would welcome updates in subsequent PURs of any future changes.		
10. Business Continuity and Vital Records	G	G	G	Update required on any change.	Vital Records are now identified as part of the Council's Information Asset Register (IAR) which is reviewed and updated regularly by service areas.	The development of a separate Information Asset Register in addition to the Business Classification Scheme is welcomed by the Assessment Team. Regular input from different service areas will ensure this document remains up to date and relevant. No immediate action required. Update required on any future change.	No change.	Update required on any change.
11. Audit Trail	G	G	G	Update required on any change.	Secure destruction of paper records continues to take place even during the closure of most Council assets due to Covid 19. A large volume of confidential material was destroyed by a third party partner in October 2020. However, due to access restrictions in a small number of closed buildings there is still a requirement to arrange some more confidential destruction when circumstances allow.	See Element 6 above. Update required if any change to record tracking and identification procedures.	As noted above, any destruction of confidential waste is carried out by third party certified partners.	Update required if any change to record tracking and identification procedures.
12. Competency Framework	G	G	G	Update required on any change.	As per previous responses the Council continues to provide a hybrid of data protection training. This is an online module for corporate employees. Education colleagues are provided with access to an online awareness booklet which they must electronically acknowledge and sign that they understand. Data Protection awareness booklets in paper format are distributed to blue collar employees such as Facilities Management, Building Services, and Greenspace staff. There is Records Management information including the aforementioned Information Handling and Classification procedure and updated Records Management policy. There is also a Records Management Guidance document which has been attached for your information.	The Assessment Team thanks the authority for this update on the continued provision and development of its training modules. The use of electronic signatures to acknowledge completion of mandatory training is noted as is the availability of hybrid training materials to ensure all sectors of staff have access to the necessary information. The addition of new guidance and procedure documents is commended by the Assessment Team. The Assessment Team acknowledges receipt of a screen-shots of the Data Protection and Records Management learning modules. For Records Management Guidance document see element 3 above.	As per previous responses the Council continues to provide a hybrid of data protection training. This is an online module for corporate employees. Education colleagues are provided with access to an online awareness booklet which they must electronically acknowledge and sign that they understand. Data Protection awareness booklets in paper format are distributed to blue collar employees such as Facilities Management, Building Services, and Greenspace staff	The Keeper's Assessment Team thanks you for this update on staff training on records management matters. Update required on any change.

13. Assessment and Review	G	G	G	The RMP is scheduled for review in November 2015 with individual policies such as the Records Management Policy, the Archive Policy, and the Business Continuity Plan being reviewed throughout 2015-16. The Keeper commends the Council's commitment to undertake regular self-assessments and looks forward to receiving updates should significant changes in policies or practices have occurred.	As mentioned, an Information Handling and Classification procedure has been produced and an updated Records Management policy as well as Records Management guidance.	The Assessment Team commend the authority on the regular review and updates to its information governance policies and procedures. These include the Records Management policy (element 3) and Information Security and Acceptable use policy (element 8). The creation of additional documents, namely an Information Handling and Classification procedure and Records Management Guidance, also demonstrates commitment to self-assessment as does the engagement with the PUR process in 2018 and 2020.	No change.	Update required on any change.
14. Shared Information	G	G	G	The provisions under this element are to be reviewed at the end of 2015 by the Records Management Officer and partner agencies. The Council has committed to providing the Keeper with any revised documents that result from these reviews in order to keep the Council's submission up-to-date.	Data Sharing and Data Processing agreements have been updated on a rolling basis as they have come up for review. We have Data Sharing and Data Processing spreadsheets which identifies the relevant agreements, who is responsible and review dates. This is reviewed routinely by the Records Management Officer to ensure that agreements are still relevant and up to date.	The Assessment Team thanks the authority for this update. The authority has in place a rolling programme for the review of Data Sharing and Data Processing agreements, managed and monitored through the use of spreadsheets. This ongoing work to ensure agreements are fit for purpose and up to date is commendable.	No change.	Thank you for letting us know that there have been no changes to this element. Update required on any change.
15. Public Records Created by Third Parties	N/A	N/A	N/A				Discussions taking place with Procurement and Service Area colleagues to identify and monitor records held by external partners with a view to engaging with these partners to audit them as required. We would suggest that as there seems to be gaps in the current contract provision when using some of the services that we will need guidance and help from NRS when it comes to engaging with the external providers. Would welcome further guidance on this moving forward. Happy to have further discussion on this.	The Assessment Team is grateful for this update on public records created by external partners. The authority is to be commended for reviewing its current arrangements and the Team look forward to being updated on this Element in subsequent PURs. The PRSA Team will address third-party provision this year, and will be delighted to draw on the experience of WDC and others with a view to reaching a better understanding of our obligations and developing solutions to guide our public authority colleagues.

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

<u>Version</u>

The progress update submission which has been assessed is the one received by the Assessment Team on 24 November 2020. The progress update was submitted by Michael Butler, Data / Information Protection Officer.

The progress update submission makes it clear that it is a submission for **West Dunbartonshire Council and West Dunbartonshire Licensing Board**.

The Assessment Team has reviewed West Dunbartonshire Council and West Dunbartonshire Licensing 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.

<u>General Comments</u>

West Dunbartonshire Council and West Dunbartonshire Licensing 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 West Dunbartonshire Council and West Dunbartonshire Licensing 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

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