

**The Public Records (Scotland) Act 2011**

**Lothian Valuation Joint Board**

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

**15 November 2018**

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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 Final 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 Lothian Valuation Joint Board. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

### 4. Authority Background

Lothian Valuation Joint Board state their mission as:

1. To ensure timeous publication and maintenance of the Valuation Roll.
2. To ensure timeous publication and maintenance of the Council Tax List.
3. To ensure timeous publication and maintenance of the Electoral Register through the transition and introduction of IER [Individual Electoral Registration].
4. To develop, prepare and publish reports to improve customer knowledge and ensure attainment of good Community Focus.
5. To set standards and undertake corporate improvement in Service Delivery Arrangements and review the performance management and planning framework to ensure continuous improvement.
6. To review roles, responsibilities, Structures and Processes to ensure effective balance of responsibility and authority.
7. To review, monitor and maintain organisational Risk Management and Internal Controls to ensure efficient and effective delivery of service.
8. To develop, adopt and review formal documentation and systems to ensure Standards of Conduct are adhered to.
9. To plan and deliver an organisational development strategy considering corporate initiatives to ensure efficiency and quality of service delivery.
10. To engage in key partnership working to ensure the integrated delivery of efficient government.

The Board comprises of elected members from each of the four constituent authorities. The membership reflects both the political and geographic characteristics of each of the authorities. The Board has in place an Appeals Sub-Committee, an Appointments Committee and a Joint Consultative Group.

<http://www.lothian-vjb.gov.uk/>

## 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: Lothian Valuation Joint Board**

Element	Status of elements under agreed Plan, March 2016	Status of evidence under agreed Plan, March 2016	Progress assessment status, November 2018	Keeper's Report Comments on Authority's Plan, March 2016	Self-assessment Update as submitted by the Authority since March 2016	Progress Review Comment, November 2018
1. Senior Officer	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	As previously notified Graeme Strachan is now Assessor and ERO for Lothian.	This update is noted with thanks.
2. Records Manager	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	The Records Manager for Lothian is now Bernie Callaghan, Head of Governance.	The job description of the Head of Governance has been provided. Records Management is clearly identified as one of the key responsibilities of the role. The same wording has been used from the job description of the Head of Administration previously identified in this role. The Records Management Policy additionally identifies the operational responsibilities of this senior management role.

						The Assessment Team agree that the Board have appointed an appropriate individual to this role as required by the Act.
3. Policy	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	The Records Management Policy has been updated to reflect current Data Protection/GDPR legislation.	The updated Records Management Policy has been supplied. In addition to clarifying current legislation it also clearly identifies the roles and responsibilities of the Head of Governance. This is positive action in relation to changes in legislation and internal structures.
4. Business Classification	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	This remains unchanged.	No immediate action required. Update required on any future change
5. Retention Schedule	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	This remains unchanged.	No immediate action required. Update required on any future change
6. Destruction Arrangements	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	This remains unchanged.	No immediate action required. Update required on any future change

7. Archiving and Transfer	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	This remains unchanged.	No immediate action required. Update required on any future change
8. Information Security	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	This remains unchanged.	No immediate action required. Update required on any future change
9. Data Protection	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	We have reviewed and updated our Data Protection Policy and have created separate Subject Access Request guidance. (See appendices A and B). Our Data Protection Officer is now Bernie Callaghan, Head of Governance.	The updated Data Protection Policy and Subject Access Request guidance has been provided and the Keeper thanks the authority for keeping their submission up to date. The updated Policy has been extensively re-written to explain the lawful basis for processing personal information by staff, ensure that there are procedures for complaints and for reporting any security breaches, identify the data controllers and identify the roles and responsibilities of various staff. This is best practice and demonstrates that the authority is aware of its obligations under the Data Protection Act 2018.

						The authority is to be commended for this useful and comprehensive policy.
10. Business Continuity and Vital Records	G	G	G	Update required on any change.	This remains unchanged.	No immediate action required. Update required on any future change
11. Audit Trail	A	G	A	<p>...The Plan states that electronic records can be tracked by the application in which they were created and that this can be backed up by the imposition of naming conventions and version control. The Keeper notes that the Board is currently working on relevant file naming conventions (<i>Plan</i> page 10). He agrees that this should assist in locating records when necessary. The <i>Records Management Policy</i> also indicates the value of naming conventions and version control (section 3.2)...</p> <p><b>The Keeper can agree this element of the Board's plan under 'improvement model'</b></p>	Sharepoint is now fully utilised for all corporate and business documentation. Data is tagged and classified to enable ease of retrieval. Security controls restrict unauthorised access. Separate core business areas have been created and are maintained by relevant staff.	<p>The development of Sharepoint for corporate and business records has been carefully tailored to meet the business requirements for sensible classification and secure management of the records.</p> <p>This element remains under improvement at present but there are positive steps forward in dealing with the identified gap in provision and it is to be expected that this will take some time to complete.</p>

				<p>terms. This means that he acknowledges that the Board has identified a gap in provision (version control and naming convention improvements are not yet fully in place). The Keeper recognises that the Board have put processes in place to close this gap (the adoption of SharePoint). The Keeper's agreement is conditional on his being updated as this project progresses.</p>		
12. Competency Framework	G	G	G	Update required on any change.	See Head of Governance job description (appendix C). Information security awareness training is provided to all new employees to the organisation. GDPR training sessions have been rolled out to all staff (see appendices D & E). Refresher sessions are rolled out annually. An updated version of the Records Management Policy which reflects the new	Changes to data protection are driving training of staff at present and this is to be expected. The training powerpoints that have been provided to the Assessment Team are user friendly and appear comprehensive, covering records and information in all formats.  In future PURs, the Assessment Team would welcome updates on professional development opportunities in records

					reporting structure has been attached (see appendix F).	management that are accessed by the Head of Governance.
13. Assessment and Review	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	Assessment and review of all documentation is now the responsibility of the Governance Team which operates under a formal terms of reference (see appendix G).	The terms of reference of the Governance Committee have been supplied and the Keeper thanks the authority for this additional documentation. The authority has explained that the Records Management Group continue to review records management at the operational level, meeting twice per year while the Governance Committee provides a strategic role. It is positive to see the challenge function of this Committee clearly articulated along with its reporting and quality assurance functions. Assessment and review of the Records Management Plan is therefore being maintained within the new structure.
14. Shared Information	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	This remains unchanged.	No immediate action required. Update required on any future change.

## Version

The progress update submission which has been assessed is the one received by the Assessment Team on 27 August 2018. The author of the progress update submission is Bernie Callaghan, Head of Governance.

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

## 7. PRSA Assessment Team's Summary

The Assessment Team has reviewed Lothian Valuation Joint Board's Progress Update submission and agrees that the proper record management arrangements outlined by the fourteen 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

It is clear that Lothian Valuation Joint Board continues to take its records management obligations seriously and is working to bring all elements into full compliance. Changes in relation to the Data Protection Act 2018 have understandably taken priority since the Records Management Plan was agreed two years ago. The resulting Data Protection Policy is an excellent example of a clear and comprehensive policy and the Assessment Team recommend that this policy is shared with other similar authorities as an example of best practice.

The Assessment Team would be glad to see further development of the arrangements for version control and file naming conventions and related methods for ensuring control and tracking of records. This element remains under improvement but the authority are clearly working towards the development of this element.

The authority has made changes to its management structure and the role of the Records Manager has been given to a new post which the Assessment Team are content has the same level of authority and responsibility as the previous post. Details have been provided of the new strategic oversight of records management obligations as well as the operational arrangements which are

unchanged. This is a business matter for the authority but it is clear that the authority has ensured that records management responsibilities are appropriately accounted for.

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.

Where 'no change' has been recorded under the update on provision by the authority, the Assessment Team is happy to agree that these elements require no further action for the time being.

#### 8. PRSA Assessment Team's Evaluation

Based on the progress update assessment the Assessment Team considers that **Lothian 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,



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**Elspeth Reid**  
Public Records Officer

