

## Public Records (Scotland) Act 2011

# Falkirk Council, Licensing Board and Central Scotland Valuation Joint Board Assessment Report

## The Keeper of the Records of Scotland

13 August 2013

### Contents

1. Public Records (Scotland) Act 2011.....	<u>2</u>
2. Executive Summary .....	<u>2</u>
3. Authority Background.....	<u>3</u>
4. Assessment Process .....	<u>3</u>
5. Model Plan Elements: Checklist.....	<u>4</u>
6. Keeper's Summary .....	<u>7</u>
7. Keeper's Determination .....	<u>7</u>

## 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 fully 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 Historic 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 record keeping 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. Executive Summary

This report sets out the findings of the Keeper's assessment of the RMP of **Falkirk Council, Licensing Board and Central Scotland Valuation Joint Board** by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on **27 June 2013**.

The assessment considered whether the RMP of **Falkirk Council, Licensing Board and Central Scotland Valuation Joint Board** was developed with proper regard to the 14 elements of the Keeper's statutory Model Records Management Plan (the Model Plan) under section 8(3) of the Act, and whether in this respect it complies with it and the specific requirements of the Act.

The outcome of the assessment and the Keeper's decision on whether the RMP of **Falkirk Council, Licensing Board and Central Scotland Valuation**

**Joint Board** complies with the Act can be found under section 7 of this report with relevant recommendations.

### 3. Authority Background

Falkirk Council is a unitary authority which provides all local government services for the Falkirk Council area, which has population of 151,570. The Council Headquarters are located in Falkirk, but there are many service points throughout the area. The Council has in the region of 7,000 employees making it one of the largest employers in the area and has a net council general fund expenditure of £344.8 million for 2012/2013. There are 32 councillors in 9 wards of 3 or 4 members each.

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. Falkirk Licensing Board consists of 10 Board members.

Since the enactment of the Lands Valuation (Scotland) Act 1854, Assessors have been responsible for the valuation of all heritable properties for local taxation purposes within their respective valuation areas. Currently all rateable properties are shown in the Valuation Roll and domestic subjects are contained within the Council Tax List. These documents form the basis for levying non-domestic rates (Valuation Roll) and Council Tax (Council Tax Valuation Lists). Each of the 32 Councils within Scotland is a valuation authority and responsible for appointing an Assessor who must in turn compile and maintain a Valuation Roll and a Council Tax Valuation List. Central Scotland Valuation Joint Board has been established since 1996 and discharges jointly the function of 3 Valuation Authorities. Central Scotland Valuation Joint Board is a body in its own right, separate from the Falkirk, Stirling and Clackmannanshire Councils, comprising 15 members, elected councillors from each of the 3 authorities for which the Board has responsibility.

### 4. Keeper's Assessment Process

The RMP was assessed by the Public Records (Scotland) Act Assessment Team on behalf of the Keeper. Assessors used the checklist elements listed in section 5, to establish whether **Falkirk Council, Licensing Board and Central Scotland Valuation Joint Board's** RMP was developed with proper regard to the elements of the Model Plan and is compliant with the Act. The assessment also considered whether there was sufficient supporting evidence of such compliance.

## 5. Model Plan Elements: Checklist

Element	Present	Evidence	Notes
1. Senior Officer <i>Compulsory element</i>	✓	Appendices 1-4 provided as evidence.	Mary Pitcaithly, Chief Executive of Falkirk Council, has been identified as senior responsible officer for the council, and Rose Mary Glackin, Clerk to the Licensing Board and Joint Board has been identified as the senior responsible officer for these authorities.
2. Records Manager <i>Compulsory element</i>	✓	Appendices 1-3 provided as evidence.	Dawn Turnbull, Records Manager of Falkirk Council has been identified as the person with operational responsibility for the RMP of Falkirk Council, Licensing Board and Central Scotland Valuation Joint Board.
3. Policy <i>Compulsory element</i>	✓	Appendix 4 provided as evidence.	The authority has published a 2006 version of their Records Management and Preservation of Archival Records Policy on their website. A 2013 version has been created, but is yet to be signed off at senior management level. The Keeper would ask that the revised policy is submitted once it has been implemented.
4. Business Classification	✓	Appendix 5 provided as evidence.	The Business Classification Scheme (BCS) appears to cover all of the functions of the council, licensing board and joint board. The authority plans to add retention schedules and identify vital records in a revised BCS. The authority plans to use the BCS as a structure for managing their unstructured server-based electronic files until an EDRMS is put in place (investigations into this are currently ongoing). This element of the RMP can be agreed as an improvement plan. The Keeper would like to see the BCS with the incorporated retention information and vital records once this has been implemented.
5. Retention schedule	✓	Appendix 6 provided as evidence.	The retention and disposal schedule (published on council website) appears to cover all the records created by the council, licensing board and joint board. As in element 4, once the BCS has been created with retention and disposal information added, the Keeper would like

			to see this.
6. Destruction Arrangements <i>Compulsory element</i>	✓	Appendices 7-13 and 52 provided as evidence.	There is considerable evidence for destruction policies, procedures and guidance being in place for in-house destruction of records by council staff. Some of it is disseminated through the council's intranet. The council recognises the need to improve methods for destruction of electronic records – the rolling out of the BCS to manage files on servers and introduction of a new email system is evidence of planned improvements. A sample destruction certificate has been supplied as evidence of destruction undertaken by external contractor.
7. Archiving and Transfer <i>Compulsory element</i>	✓	Appendices 14-19 and 4 provided as evidence.	There is considerable evidence to the fact that there are agreements and procedures in place to transfer records to the council's own archive.
8. Information Security <i>Compulsory element</i>	✓	Appendices 20-22 provided as evidence.	The evidence submitted, the Information Security Policy and Acceptable Use Policy (both published on council's website), and other supporting evidence, both in the plan itself and submitted separately, shows that there are policies and procedures in place to ensure the security of the council's information and that this is supported at a high level and by appropriate training.
9. Data Protection	✓	Appendices 23-27 provided as evidence.	A copy of the authority's ICO registration entry details, including their registration number is included in the evidence package. The authority's Data Protection guidelines and Information Security Policy have been submitted as evidence as well as procedures for accessing sensitive personal information contained in Social Work and Pupils' records. There is clear evidence that Data Protection is taken seriously. A lot of these are published on the council's website.
10. Business Continuity and Vital Records	✓	Appendices 28-34 provided as evidence.	Vital records have been identified and included on the submitted retention schedule (see also Element 5). The authority has provided evidence of a contract with a document restoration company which would cover records affected in case of a disaster. Also provided is a template Business

			Continuity Plan, including guidance, for each service area. The Disaster and Prevention Recovery Plan sets out procedures for the prevention of disasters and is published on the council's website.
11. Audit trail	✓	Appendices 35-38 and 5 provided as evidence.	The authority has provided evidence in support of the fact that the movement of paper records is properly audited. They have also stated that they currently do not have version control procedures in place but have committed to investigate this once their electronic records solution is in place. This element of the RMP can be agreed as an improvement plan. The Keeper would recommend that any policy/procedure document is submitted to him once implemented.
12. Competency Framework for records management staff	✓	Appendices 39-46 and 4 provided as evidence.	Records management posts are recognised as being specialist which is evidenced by the job descriptions for the records manager and the Corporate Records Team. The authority recently committed funds to allow the records manager and the corporate records administrator to undertake post-graduate records management training. The RMP and policy document also commits to the continuing professional development of records management staff.
13. Assessment and Review	✓	Appendices 47-48 provided as evidence.	The RMP commits the authority to a biannual review as agreed by their PRSA Working Group and has also provided details of how the review will take place. It will encourage each service area to self-assess their compliance with the Act and feeding this back to the records manager who will collate the information and establish the level of compliance of the authority as a whole. A sample spreadsheet of the review procedure has been submitted as evidence.
14. Shared Information	✓	Appendices 49-51 provided as evidence.	The authority has entered into a general information sharing agreement with other regional authorities, using SASPI as a basis, called the Forth Valley Accord. A second level of Information Sharing Protocols will cover specific occasions where information is shared between authorities. This information is also published on the authority's website.

			<p>Procedures are in place to cover the records created by a contractor carrying out functions on the authority's behalf using the SOLAR template clauses for insertion into contracts. A sample contract has been included as evidence.</p>
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## 6. Keeper's Summary

Elements 1-14 that the Keeper considers should be in a public authority records management plan have been properly considered by **Falkirk Council, Licensing Board and Central Scotland Valuation Joint Board**. Policies and governance structures are in place to implement the actions required by the plan.

Parts of the Records Management Plan of **Falkirk Council, Licensing Board and Central Scotland Valuation Joint Board** can be agreed by the Keeper as an improvement model and he accepts that there is a commitment to rationalise the hybrid record systems into a single system, perhaps an organisation wide EDRMS or by introducing structured drives based around the BCS. This authority is not alone in submitting their plan during a transition period.

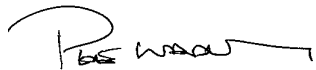
It is accepted that, being among the first to submit, **Falkirk Council, Licensing Board and Central Scotland Valuation Joint Board** have not been able to scrutinise any other agreed plans. The Keeper thanks the authority for agreeing to become an early adopter especially as the records management system will clearly be developing over the next few years. Any electronic records management solution implemented in the authority will fundamentally affect this RMP, certainly in areas such as element 11 'Audit Trail'. The Keeper asks that the authority resubmits this plan when this system is in place. At the very least, as soon as the BCS is rolled out throughout the organisation (after an electronic records solution is chosen) it should be reviewed to test its appropriateness and the result of that review communicated to the PRSA assessment team.

## 7. Keeper's Determination

Based on the assessment process detailed above, the Keeper agrees the RMP of **Falkirk Council, Licensing Board and Central Scotland Valuation Joint Board**.

The Keeper recommends that **Falkirk Council, Licensing Board and Central Scotland Valuation Joint Board** should publish its agreed RMP as an example of good practice within the authority and the sector.

This report follows the Keeper's assessment carried out by,



**Pete Wadley**  
Public Records Officer



**Robert Fotheringham**  
Public Records Officer

## **8. Endorsement of Report by the Keeper of the Records of Scotland**

The report has been examined and is endorsed under the signature of the Keeper of the Records of Scotland as proof of compliance under section 1 of the Public Records (Scotland) Act 2011, and confirms formal agreement by the Keeper of the RMP as submitted by **Falkirk Council, Licensing Board and Central Scotland Valuation Joint Board**. In agreeing this RMP, the Keeper expects **Falkirk Council, Licensing Board and Central Scotland Valuation Joint Board** to fully implement the agreed RMP and meet its obligations under the Act.



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**Tim Ellis**  
Keeper of the Records of Scotland