

The Public Records (Scotland) Act 2011

**East Renfrewshire Council and East Renfrewshire Licensing Board
Progress Update Review (PUR) Report by the PRSA Assessment Team**

02 March 2023

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

4. Authority Background

East Renfrewshire is one of 32 council areas of Scotland. Until 1975 it formed part of the county of Renfrewshire for local government purposes along with the modern council areas of Renfrewshire and Inverclyde. Although no longer a local authority area, Renfrewshire still remains the registration county and lieutenancy area of East Renfrewshire.

The East Renfrewshire local authority was formed in 1996, as a successor to the Eastwood district, along with Barrhead, which came from Renfrew district. It borders onto the City of Glasgow, East Ayrshire, North Ayrshire, Renfrewshire and South Lanarkshire.

<http://www.eastrenfrewshire.gov.uk/>

The East Renfrewshire Licensing Board handles the administration of a range of licences. The Board is constituted as an independent regulatory body by virtue of Section 5 of the Licensing (Scotland) Act 2005.

The main function of the Board is to regulate premises that sell alcohol to the public. The Licensing Board is also required by the Gambling Act 2005 to regulate certain gambling activities within the Council area.

The board is made up of five councillors with various temporary licences granted under powers delegated to appointed East Renfrewshire Council officers, and all licensing fees are put back into the council to fund the licensing system which is entirely hosted and administered by council employees.

<http://www.eastrenfrewshire.gov.uk/article/2074/Licensing-Board>

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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6. Progress Update Review (PUR) Template: East Renfrewshire Council and East Renfrewshire Licensing Board

Element	Status of elements under agreed Plan 16MAY16	Progress assessment status 03JUN21	Progress assessment status 02MAR23	Keeper's Report Comments on Authority's Plan, 16MAY16	Self-assessment Update 30APR21	Progress Review Comment, 03JUN21	Self-assessment Update as submitted by the Authority since 03JUN21	Progress Review Comment 02MAR23
1. Senior Officer	G	G	G	Update required on any change.	No change, but re-committed to Lorraine McMillan, Chief Executive, through a report approved by the Corporate Management Team, March 2021.	The Keeper's Assessment Team thanks you for this update.	No change.	Thank you for letting the Assessment Team 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.	Same officer, but job title of responsible officer changed in April 2019. Re-committed through a report approved by the Corporate Management Team, March 2021.	The Assessment Team thanks you for this update which has been noted.	No change.	Update required on any change.
3. Policy	G	G	G	Update required on any change.	New Records Management Policy approved by the Corporate Management Team in March 2021. This is now supported by general "Records Management Procedures". Previously, there was a range of guidance notes under this element. These have now been moved to a new section – see 16 below.	The Assessment Team is pleased to hear that a new Records Management Policy has recently been put in place, and that a formal plan is supported by agreed procedures. Thank you also for an update on an additional section for the RMP (16). This has been added to the ERC PUR Template.	No change.	Update required on any change.
4. Business Classification	G	G	G	Update required on any change.	Complete overhaul, with the development of an updated combined BCS and RRS. The previous "guide" has been incorporated in the published doc. file and a formal procedure for amending and updating the BCS RRS has also been included here.	Thank you for letting us know that an updated, combined Records Retention Schedule and Business Classification System has been developed. This is exciting news, and shows dedication to good records management, especially as the overhaul has taken place during the COVID-19 pandemic. For comments on the Records Retention Schedule, see element 5 below.	See 5. RRS, below.	Thank you for the update give under Element 5 regarding the combined Records Retention Schedule and Business Classification System. Update required on any change.
5. Retention Schedule	G	G	G	Update required on any change.	See above.	Thank you for this update, which shows commitment to improving as well as maintaining responsible records management processes.	Multiple updates to reflect amended practice or re-assessment of previous retentions. The update control mechanism maintains a full audit of all changes.	Thanks you for indicating that updates have been made to retention schedule documentation following a review. This is a 'living document' which benefits from frequent reviews to ensure it is fit for purpose. Update required on any future change.

6. Destruction Arrangements	G	G	G	Update required on any change.	All documentation updated, including copies of a (paper) destruction certificate, a data removal certificate, a process note describing back-up destruction, and a screen grab showing the recording of disposals in the Records Store management database.	The Assessment Team is grateful for this positive update on Destruction Arrangements. It appears that ERC has robust new processes in place.	A new control has been established to record disposals of material at the corporate records store to replace the somewhat outdated database.	Thank you for this positive update, which shows that East Renfrewshire Council and LB continue to be committed to improvement as well as the continuing maintenance of responsible records management processes.
7. Archiving and Transfer	G	G	G	Update required on any change.	All documentation reviewed and updated. Now includes improvement actions to reconsider physical archival provision, to formalise "Archives Service Standards" and policies for e-archiving.	The Assessment Team is grateful for this update on element 7 with regard to policy and plan update and review. It appears that ERC has a sufficiently ambitious plan in place to improve provision. The Team looks forward to updates on this in consecutive PURs.	No change.	Update required on any future change.
8. Information Security	G	G	G	Update required on any change.	All policies and procedures have been reviewed and updated. New documentation on "Handling Information" and "Passphrase Guidance" have been included.	The Assessment Team is grateful for this update.	New training on cyber security has been delivered.	Thank you for this update which has been noted. See Element 12.
9. Data Protection	G	G	G	Update required on any change.	All policies and procedures have been reviewed and updated. New documentation on "Redaction Guidance" has been included.	Thank you for this update. The Assessment Team is contented that the authority continues to appreciate the importance of Data Protection policies and procedures, including guidance to members of staff.	The process for managing Subject Access Requests has been completely revised.	This update has been noted with thanks.
10. Business Continuity and Vital Records	G	G	G	Update required on any change.	No change.	Update required on any change.	No change.	Update required on any change.
11. Audit Trail	G	G	G	Update required on any change.	New evidence of audit and information governance practice included in redacted screen shots from our HR, Social Work, finance and Customer Relationship line-of-business systems. Other documentation revised and updated. Improvement actions include the implementation of the new Information Asset Register and the completion of the extensive "Taking Control of our Digital Records" guidance.	Thank you for this update on audit and information governance practice, letting us know that plans and policies have been updated and reviewed, and that the ERC has identified improvement actions to address. The Assessment Team remain reassured that the authority continues to maintain its focus on audit processes and are happy to maintain this element at Green.	No change.	Update required on any change.
12. Competency Framework	G	G	G	Update required on any change.	Section renamed "Records Management Training".	The Assessment Team is grateful for this update on what is included in the revised records management plan under this element. The Team looks	A new online RM training module has been developed and has been incorporated in to the Council's e-learning	Thank you for updating the Assessment Team on staff records management training. It is good to hear a new module has

					Now includes "Learning and Development Policy", "RM competencies" and extracts from the online training module and p/point slides.	forward to receiving updates on Element 15 in consecutive PURs, following the new agreed records management plan.	program. New face-to-face training sessions on RM will be delivered in 2023.	been developed recently, and that face-to-face training will also take place in 2023. Thank you also for letting us know that new cyber security training has been delivered (as reported under Element 8).
13. Assessment and Review	G	G	G	Update required on any change.	This element now includes "Compliance, Risk and Performance Framework", a "Business Systems Recordkeeping Tool" and an "M365 adopters' baseline survey".	The Assessment Team is grateful for this update on what is included in the revised records management plan under this element. The Team looks forward to receiving updates on Element 15 in consecutive PURs, following the new agreed records management plan.	No change.	Update required on any change.
14. Shared Information	G	G	G	Update required on any change.	Updated DP Policy.	Thank you for letting us know that the ERC Data Protection Policy has recently been updated.	No change.	Update required on any change.
15. Records Created or Held by Third Parties	N/A	N/A	G	N/A	In recognition of the Keeper's emerging guidance on best practice, ERC have included an "Element 15" in our updated RMP. This new element contains the updated 3 rd party contract conditions, the new Records Management Policy, and the new Corporate Records Management Procedures.	The Keeper's Assessment Team commends ERC for taking initiative in making the PUR process work for them with regard to the RMP format and content. The Team is happy to add a section on the PUR template to reflect this, and looks forward to receiving updates on Element 15 in consecutive PURs, following the new agreed records management plan.	No change.	Thank you for indicating there have been no major changes to this new Element. The Act makes it clear that records created by a contractor in carrying out a scheduled authority's functions are public records (Part 1 section 3.1 (b)). This has been recognised by East Renfrewshire Council and Licensing Board. It is important that public authorities continue to consider the implications of the Act to the content of third-party contracts, and it is positive that East Renfrewshire Council and Licensing Board are already actively doing this. To celebrate progress, this Element has been given a Green status. However, in the absence of an RMP Assessment benchmark, this status is relevant to the PURs only until a formal RMP resubmission is made and assessed, either voluntarily under Section 5(6) of the Act, or as invited by the Keeper.

16. <i>Guidance</i>	N/A	N/A	N/A	N/A	<p>As with previous iterations of the RMP, ERC was keen to include as much of our RM guidance as possible in the Plan. Previously, this had been held under Element 3 but with the Policy having been revamped (see Element 3 above) and considerable work having been done developing the guidance, it was decided to set up a new area within the RMP for all the guidance.</p> <p>This new area comprises:</p> <ul style="list-style-type: none"> • Managing your files • Email Guidance • Version Control • Using the Records Store • Records Store Procedures • Scanning Guidelines • Meta-data guidance • Taking care of our digital records • Redaction Guidance <p>All of these guidance notes are either new or have been substantially refreshed and revised from previous versions.</p>	<p>The Keeper's Assessment Team commends ERC for taking initiative in making the PUR process work for them with regard to the RMP format and content. The Team is happy to add a section on the PUR template to reflect this, and looks forward to receiving updates on records management guidance in consecutive PURs.</p>	<p>The "Using the Records Store" document has been revised and updated, and guidance on naming conventions is currently being developed.</p>	<p>Thank you for reporting on staff guidance review and update as structured to be part of the Records management Plan. It does seem intuitive to incorporate guidance within the RMP if this assists in the documents' discovery, regular review, and regular implementation.</p>
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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 04 October 2022. The progress update was submitted by Craig Geddes, Senior Information and Improvement Officer.

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

The Assessment Team has reviewed the Progress Update submission for East Renfrewshire Council and East Renfrewshire Licensing Board, 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

East Renfrewshire Council and East Renfrewshire Licensing Board continue to take their records management obligations seriously and are working to keep all elements in 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 East Renfrewshire Council and East Renfrewshire Licensing Board continue to take their statutory obligations seriously and are working hard to keep all the elements of their records management arrangements in 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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