

The Public Records (Scotland) Act 2011

**North Lanarkshire Council
North Lanarkshire Licensing Board**

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

3rd February 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 North Lanarkshire Council and North Lanarkshire Licensing Board. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

North Lanarkshire is one of 32 council areas of Scotland. It borders onto the northeast of the City of Glasgow and contains many of Glasgow's suburbs and commuter towns and villages. It also borders East Dunbartonshire, Falkirk, Stirling, South Lanarkshire and West Lothian. The council covers parts of the traditional counties of Dunbartonshire, Lanarkshire and Stirlingshire.

The area was formed in 1996, largely made up from the Cumbernauld and Kilsyth, Motherwell and parts from the former Monklands District Council (1975-1996) as well as significant elements of Strathclyde Regional Council.

<http://www.northlanarkshire.gov.uk/index.aspx?articleid=27397>

North Lanarkshire Licensing Board was constituted under Section 5 of the Licensing (Scotland) Act 2005 and Section 2 of the Gambling Act 2005 as the relevant Licensing Board for the local authority area of North Lanarkshire

The Board is responsible for administering the liquor licensing system under the Licensing (Scotland) Act 2005 Act and certain gambling licensing under the Gambling Act 2005 within North Lanarkshire. In particular, the Board is responsible for processing applications for the following: -

- Grant / renewal of licences for the sale of alcohol in premises and to individuals to supervise or authorise the sale of alcohol
- Grant occasional licences allowing the sale and consumption of alcohol
- Grant licences for premises where gambling is to take place
- Grant various permits under the Gambling Act 2005

The Board comprises 10 elected members of the Council.

<http://www.northlanarkshire.gov.uk/index.aspx?articleid=20112>

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	R	There is a serious gap in provision for this element with no clear explanation of how this will be addressed. The
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				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.			Assessment Team may choose to notify the Keeper on this basis.
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Progress Update Review (PUR) Template: North Lanarkshire Council and North Lanarkshire Licensing Board

Element	Status of elements under agreed Plan 08JUN17	Status of evidence under agreed Plan 08JUN17	Progress status 03FEB21	Keeper's Report Comments on Authority's Plan 08JUN17	Self-assessment Update as submitted by the Authority since 08JUN17	Progress Review Comment 03FEB21
1. Senior Officer	G	G	G	Update required on any change.	Senior Officer is now Katrina Hassell, Head of Business Solutions (reported on 28/2/2019)	The Keeper's Assessment Team thanks North Lanarkshire Council for this update which has been noted.
2. Records Manager	G	G	G	Update required on any change.		No immediate action required. Update required on any future change.
3. Policy	G	G	G	Update required on any change.		No immediate action required. Update required on any future change.
4. Business Classification	A	G	A	The Keeper commends the development of an <i>Information Asset Register</i> and ask that he is informed when it can be considered	The Information Asset Register is regularly reviewed and an extract of this is publically available on	In their original submission North Lanarkshire Council committed to keeping their documents under review and

				<p>'complete'. The Council have committed to do this.</p> <p>The Keeper agrees this element of North Lanarkshire Council and North Lanarkshire Licensing Board's <i>Records Management Plan</i> under 'improvement model' terms. This is in acknowledgement of the authority being in a state of transition between electronic records management solutions (see above). He is convinced of the commitment to complete this work, however his agreement is conditional on his being updated as the project progresses. The Council have committed to do this.</p>	<p>the council website - . Information Asset Register extract.</p> <p>North Lanarkshire Council has changed approach since approval of its RMP in 2017 and has now committed to moving its electronic records to O365 rather than an on-premise solution.</p> <p>The council is designing a functional information architecture that is equivalent to that which was outlined in the RMP. It will reflect the council's retention schedule and the Local Government Functional Classification Scheme.</p> <p>We are currently in the pilot phase of the project and full rollout of the information architecture is expected to be completed by March 2021.</p> <p>All records, barring technical exceptions, which are within their retention period will be moved to this O365 environment within a 2 year time frame.</p>	<p>the Assessment Team acknowledges that this is being done. This is a recognition that an information asset register is a 'living document' and will be subject to continual minor change year on year.</p> <p>In their original submission of 2016 North Lanarkshire Council Council indicated that they held public records in line-of-business systems, EDRM (TRIM) and on shared drives. However, in 2015 a decision was taken to move from this system to a SharePoint on-premise solution. This work was still underway at the time of the Keeper original agreement.</p> <p>This PUR specifies that they are now adopting the O365 (Cloud service) version of this solution.</p> <p>That aside, generally a SharePoint solution is bound to be incremental and take several years to bed-in properly. The Assessment Team remind the Council of the importance of appropriate polices, governance</p>
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						<p>and staff training in making this major project a success.</p> <p>The Assessment Team looks forward to updates in subsequent PURs.</p> <p>This element remains at Amber while this work is ongoing.</p>
5. Retention Schedule	G	G	G	Update required on any change.		<p>See element 4 above.</p> <p>The Assessment Team can accept that currently records are managed under the retention schedule/IAR agreed by the Keeper in 2017. However, the adoption of O365 is likely to change how retention is applied and operates.</p>
6. Destruction Arrangements	A	G	A	<p><u>Electronic:</u> Until the SharePoint/RecordPoint solution is fully implemented (see element 4) the Council cannot be confident that all electronic records are destroyed timeously. The Plan states (page 9) "It is acknowledged that some improvement could be made in the management of destruction of records held in shared drives. The Council has already undertaken various data cleansing exercises in</p>	<p>North Lanarkshire Council has committed to using a records management bolt-on (AvePoint Cloud Records) in order to automate some or all of the review and destruction processes in O365, in line with the council's retention schedule.</p> <p>The schedule of works has been signed with AvePoint and initial meetings have taken place. This</p>	<p>See element 4 above for comment around the adoption of O365. The ability to apply retention decisions and the recording of those actions is obviously of prime importance to the authority's records management provision. It is hoped that the bolt-on will adequately address this.</p>

				<p>preparation for migration to the initial EDRMS and this will continue as part of the current SharePoint/RecordPoint EDRMS project. Once records have been migrated to the EDRMS they will be more effectively managed.” The Keeper agrees these actions. The Council has committed to ensuring that the Keeper is updated regarding these agreed actions.</p> <p>The Keeper agrees this element of North Lanarkshire Council and North Lanarkshire Licensing Board’s <i>Records Management Plan</i> under ‘improvement model’ terms. This means that he acknowledges that the authority has recognised a gap in provision (the systematic destruction of electronic records held on shared drives could be improved). He agrees that the authority has instigated processes to close that gap (migration to the new SharePoint solution). The Keeper’s agreement is conditional on him being updated as this project progresses (see element 4). The Council has committed to do this.</p>	<p>project will include transfer of physical records management from HP TRIM into the O365 environment.</p> <p>Full rollout of O365/AvePoint retention/destruction design is expected to be in place by March 2021.</p> <p>All records, barring technical exceptions, which are within their retention period will be moved to this O365 environment within a 2 year time frame.</p>	<p>The Assessment Team looks forward to updates in subsequent PURs.</p> <p>This element remains at Amber while the transition to the new solution progresses.</p>
7. Archiving and Transfer	G	G	G	Update required on any change.		No immediate action required. Update required on any future change.

8. Information Security	G	G	G	Update required on any change.		No immediate action required. Update required on any future change.
9. Data Protection	G	G	G	As with all other Scottish public authorities North Lanarkshire Council have been required to review and update their data protection procedures in light of the 2018 legislation. Update required on changes including URL to public facing privacy pages.	North Lanarkshire Council has undertaken a range of measures to bring itself into line with GDPR/Data Protection Act 2018. These included updating the councils Data Protection Policy, privacy notices, data sharing agreements and providing staff training appropriate to the role. Guidance and templates relating to Data Protection Impact Assessments have also been developed to encourage compliance with obligations in relation to data protection by design. Formal systems of data breach reporting and recording are in place. https://www.northlanarkshire.gov.uk/index.aspx?articleid=12657	As with all other Scottish public authorities North Lanarkshire Council have been required to review and update their data protection procedures in light of the 2018 legislation. The Assessment Team acknowledges that the public facing North Lanarkshire Council website has been updated appropriately: https://www.northlanarkshire.gov.uk/your-council/council-strategies-and-plans/data-protection
10. Business Continuity and Vital Records	A	G	A	The 2010 <i>Information Management Guidelines</i> (supplied to the Keeper) state that: "Vital records, as detailed in service business continuity plans, require special consideration because they contain information which, in the event of loss, cannot be	A guidance note on Vital records has been written and approved by the council's Data Governance Board. This guidance note provides instruction on how to identify vital records, record them in the council's Information Asset	The Keeper agreed the original North Lanarkshire Council Records Management Plan on an improvement model basis partly on the grounds that the authority did not have a method

				<p>recovered. Consideration should be given to actions which might mitigate the risk of losing vital records". The <i>Information Security Policy</i> states that "Continuity plans must identify critical operational processes based on risk, and address workarounds and resumption of activity on a prioritised basis." (<i>IS Policy</i> section 19.2.1). However, the identification of those records is not complete throughout the Council.</p> <p>The Keeper agrees this element of North Lanarkshire Council and North Lanarkshire Licensing Board's <i>Records Management Plan</i> under 'improvement model' terms. This means that he acknowledges that the authority has recognized a gap in provision (vital records are not fully identified). He agrees that the authority has instigated processes to close that gap (an exercise to identify vital records and producing staff guidance). The Keeper's agreement is conditional on him being updated as this project progresses (see element 4). The Council has committed to do this.</p>	<p>Register and what additional protective measures may be required.</p> <p>The next step is to communicate with Information Asset Owners and establish a process for updating their entries in the Information Asset Register.</p> <p>This approach has been approved by the Data Governance Board and will be rolled out by the Data Management Team at its next meeting.</p>	<p>to identify vital records rolled-out throughout the business. He was convinced that processes were in place to remedy this. The Assessment Team is pleased to acknowledge that the authority has taken major steps towards compliance in this element.</p> <p>The Assessment Team notes that "The next step is to communicate with Information Asset Owners and establish a process for updating their entries in the Information Asset Register."</p> <p>The achievement of this objective will mark a measurable improvement in the records management provision in the authority.</p> <p>This element remains at Amber while this work is ongoing.</p>
11. Audit Trail	A	G	A	<p>Staff guidance for the naming of electronic records has been provided in the <i>Records and Information Management Guidelines</i>. This document has been provided to the</p>	<p>North Lanarkshire Council has started a project to move the records currently held on its shared drives into an O365</p>	<p>See element 4 above.</p> <p>The O365 migration should greatly increase the control over</p>

				<p>Keeper (version 1.0 October 2010). As noted above, this guidance will be reviewed in line with the improvements noted in element 4 above. In order to keep North Lanarkshire Council's submission up-to-date, the Keeper requests the updated version of this guidance when available.</p> <p>The Keeper agrees this element of North Lanarkshire Council and North Lanarkshire Licensing Board's <i>Records Management Plan</i> under 'improvement model' terms. This means that he acknowledges that the authority has recognised a gap in provision (not all electronic records can be centrally tracked). He agrees that the authority has instigated processes to close that gap (migration to the new SharePoint solution). The Keeper's agreement is conditional on him being updated as this project progresses (see element 4). The Council have committed to do this.</p>	<p>environment with appropriate audit tools in place.</p> <p>All records, barring technical exceptions, which are within their retention period will be moved to this O365 environment within a 2 year time frame.</p>	<p>document tracking although it will take some time for this to be universally applied in the authority.</p> <p>The O365 should provide automatic version control, but staff will still be required to name records in a consistent way so that the search functionality can be properly applied. The Assessment Team would expect to see a Naming Convention Policy imposed alongside the new structure.</p> <p>The Assessment Team looks forward to updates on this matter in subsequent PURs.</p> <p>This element remains at Amber while this work is ongoing.</p>
12. Competency Framework	G	G	G	Update required on any change.		No immediate action required. Update required on any future change.
	G	G	G	The <i>Records and Information Management Strategy and Improvement Plan</i> states under 'Next Steps' (section 3.4): "The Information		No immediate action required. Update required on any future change.

13. Assessment and Review				<p>Governance Working Group has committed to carrying out an initial baseline assessment of senior managers. This will be followed up by targeted self-assessment using the Archives and Records Management Service Quality Improvement Tool (ARMS) to provide a more detailed picture of the level of awareness and compliance with records management standards across the functions of the council.” The Keeper agrees these actions.</p> <p>All policies supplied in evidence are scheduled for review within two years of approval. Most information governance framework policy documents are due for review by the winter of 2018.</p>		
14. Shared Information	G	G	G	Update required on any 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 24 September 2020. The progress update was submitted by Fiona Hughes, Corporate Records Manager.

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

The Assessment Team has reviewed North Lanarkshire Council'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

North Lanarkshire Council 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 North Lanarkshire Council 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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Pete Wadley
Public Records Officer