

The Public Records (Scotland) Act 2011

Lanarkshire Valuation Joint Board

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

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

4. Authority Background

The Lanarkshire Valuation Joint Board was established as part of the 1996 reorganisation of local government in terms of The Valuation Joint Boards (Scotland) Order 1995 and is vested with the functions of the valuation authorities of North and South Lanarkshire Councils. With the agreement of the two Councils, the Board also has responsibility for the Electoral Registration function for Lanarkshire. The Board comprises of 16 members who are appointed by the constituent Councils with each Council nominating 8 members. The present Board was appointed in June 2017 and elected as Convener Councillor Alex McVey (North Lanarkshire).

<http://www.lanarkshire-vjb.gov.uk/lvjb/site/index.php>

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: Lanarkshire Valuation Joint Board (LVJB)

Element	Status of Elements under Agreed Plan, August 2016	Status of Evidence under Agreed Plan, August 2016	Progress Assessment Status 2018	Keeper's Report Comments on Authority's RMP, August 2016	Self-Assessment Update as Submitted by the Authority Since August 2016	Progress Review Comment, 2018
1. Senior Officer	G	G	G	Update required on any change	No Change	No immediate action required. Update required on any future change
2. Records Manager	G	G	G	The Board have submitted a signed commitment from the Assessor that resources and training will be provided to the 'Records Manager'. The Keeper would be pleased to receive updates concerning the provision of these resources.	No Change	Training has been noted under Element 12. No immediate action required. Update required on any future change
3. Policy	G	G	G	Update required on any change	No Change	No immediate action required. Update required on any future change.

4. Business Classification	G	G	G	The Keeper would be interested to hear about the on-going project to scan paper documents into the electronic systems.	No Change	No immediate action required. Update required on any future change.
5. Retention schedule	G	G	G	Update required on any change	No Change	No immediate action required. Update required on any future change
6. Destruction Arrangements	G	G	G	Update required on any change	No Change	No immediate action required. Update required on any future change
7. Archiving and Transfer	A	G	A	<p>The Board have committed to pursuing a formal 'archiving agreement in the form of a memorandum of understanding to ensure the transfer and preservation of any future records of enduring value'. The Keeper requires that this is forwarded to him when concluded.</p> <p>The Keeper agrees that Lanarkshire Valuation Joint Board has identified a suitable archive for the</p>	<p>Formal Agreement concluded between LVJB and South Lanarkshire Council to ensure the transfer and preservation of any records of enduring value. Copy of Agreement to send on to Assessment Team</p> <p>LVJB accepts that the Memorandum of Understanding relates only to paper records. No electronic records are currently able to be</p>	<p>A copy of the Memorandum of Understanding has been provided and the Keeper thanks LVJB for this. LVJB have acknowledged that there remains a gap in provision in relation to digital preservation. LVJB have identified digital records of enduring value and are working towards preserving these. Like most authorities, digital preservation will take some time to develop but</p>

				<p>permanent preservation of historically significant records. He agrees that transfer arrangements have been put in place under 'improvement model' terms. This means that the authority has identified a gap in provision, in this case a lack of a formal archiving agreement, but the Keeper is satisfied that steps are being put in place to close that gap. The Keeper's agreement is conditional on a formal agreement being concluded between the Board and the Council and his receiving a copy of that agreement.</p>	<p>transferred as South Lanarkshire Council's archive does not have an electronic repository. However under the retention schedules, records are identified as records which should be retained permanently and care is taken to ensure their continuous accessibility. The ability to preserve and archive digital records has been identified as area for future development and LVJB provide a commitment that we will work with South Lanarkshire Council who provide our IT services to find a solution to this gap in provision.</p>	<p>LVJB are taking positive steps to ensure that in the meantime digital records remain accessible.</p>
8. Information Security	G	G	G	Update required on any change	LVJB continue to operate a clear desk	This is a good example of straightforward and

					procedure. Managers are required to monitor adherence to this procedure and this is a standing item on the agenda of the monthly meeting of the Management Team, demonstrating the importance placed by LVJB on Information Security.	sensible working practices which encourage an awareness of the importance of information security.
9. Data Protection	G	G	G	Update required on any change	To comply with GDPR, LVJB have appointed a Data Protection Officer. In addition as previously advised LVJB has a qualified data protection practitioner who will continue to provide advice and guidance where required. Together this should ensure LVJB are well placed to comply with all Data Protection requirements	The appointment of a Data Protection Officer is both good practice and a requirement of the Data Protection Act 2018. This builds on the existing resources and is a welcome move.
10. Business Continuity and Vital Records	G	G	G	Update required on any change	No Change	No immediate action required. Update required on any future change

11. Audit trail	A	G	G	<p>The Board recognises that it does not yet have comprehensive procedures in place in relation to audit trails covering all transactions undertaken. There is for example no audit trail in place to monitor the movement and changes to the content of Domestic and Non-Domestic paper property records. As the Scanning Project is in its final stages and all property records will shortly be in an electronic format it was considered this is not necessary. The Keeper asks that be kept up-to-date on the progress of this project.</p> <p>The Keeper agrees this element of Lanarkshire Valuation Joint Board's Plan under 'improvement model' terms. This means that the authority has identified a gap in provision (paper property</p>	<p>As previously advised LVJB introduced a project to scan all paper records to a digital format using an unique reference number to facilitate searches. The scanning project covers all domestic and non-domestic property records. An audit trail allows monitoring of the movement and changes to the content of each record. In terms of domestic property records this part of the project is complete and the records of over 326,000 domestic properties are now on a digital format. Any new domestic record is automatically scanned into the digital format. Due to the upgrading of the document imaging system, the scanning of</p>	<p>This is a resource-intensive project undertaken for business purposes which has significant benefits in managing the records. Investing in a system which enables tracking and audit is best practice. The authority has made good progress in this area and only 5% of paper records remain to be scanned and added to the software systems that track records appropriately.</p> <p>LVJB has submitted evidence that changes to the records of Electoral Registration, Council Tax and Non Domestic Rates are routinely tracked within the software system in use.</p> <p>At present 5% of the records are not tracked because they remain in paper format for the time being. The scanning</p>
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				<p>records are not sufficiently tracked) and the Keeper acknowledges that the authority has procedures in place to close that gap. His agreement is conditional on his being updated as the scanning project progresses.</p>	<p>approximately 20,000 non-domestic property records has not been completed. LVJB will report on the progress of this part of the project in next year's progress update review.</p> <p>LVJB would take this opportunity to submit the documents listed in Appendix 1 as evidence that this organisation has in place an audit trail for our records.</p>	<p>project will deal with this issue very soon. As the authority has effectively closed most of this gap, the Assessment Team consider that there is nothing to hinder moving the RAG status from Amber to Green.</p>
<p>12. Competency Framework for records management staff</p>	A	G	G	<p>The Board acknowledges that the nominated records manager lacks a number of the core competencies required to carry out their role and responsibilities. The Board has notified the Keeper that the records manager will be provided with the required training as part of a personal development programme. The Keeper welcomes</p>	<p>LVJB remain committed to ensuring that LVJB's Records Manager is provided with the required training to carry out his duties as a record manager. As part of the Management Team, the Records Manager ensures that records management is kept on the agenda and that where</p>	<p>LVJB have provided evidence of the training provided for all staff and the professional development of the Records Manager. There is clearly continuing commitment to providing appropriate training and professional development opportunities for staff engaged in record-keeping activities.</p>

				<p>this commitment and would like to receive updates on the work being done in this area. The Keeper would also be pleased to have sight of the Board's induction procedures.</p> <p>The Plan also states that the records manager will identify and procure information governance training for appropriate staff. The Keeper asks that he be informed of developments in staff training.</p> <p>The Keeper agrees this element of the Board's Plan on 'improvement model' terms. This means that the authority has correctly identified a gap in provision (the records manager has specific records management training needs) and has committed to closing that gap. This agreement is conditional on him being</p>	<p>appropriate training is identified, the Record Manager is in the position to promote the requirement for the training. LVJB Records Manager has attended a number of training events run by the Keeper's Assessment Team and undertaken a number of online training courses. He also keeps abreast of any articles and reading materials on Records Management, thereby building on his knowledge and examples of best practice.</p> <p>The Records Manager has identified an appropriate online training course on Records Management. This course has been made compulsory for all staff. Further courses on Information Management have also been identified</p>	<p>The identification of appropriate online training for all staff is very positive.</p> <p>The authority is making positive progress in this area and is to be commended for its commitment to the process of developing new skills in staff at all levels. This ensures that records management is part of business as usual for the authority.</p> <p>If this were a statutory review it is likely that this would be sufficient to move the RAG status to Green.</p>
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				<p>kept apprised on progress in this area. The Keeper agrees that the Board considers information governance training for appropriate staff.</p>	<p>and made compulsory for all staff. Managers are able to monitor that staff undertake the courses during annual personnel development reviews. The Records Manager will continue to identify further appropriate training for staff. In addition all new starts at LVJB are briefed by the Records Manager who is also a member of the Senior Management Team on the importance of the Records Management Policy and the Clear Desk Procedure as part of the Staff Induction Procedures.</p> <p>In respect of supporting formal evidence, the documents listed in Appendix 2 are submitted.</p>	
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13. Assessment and Review	G	G	G	The Board have committed to regular reviews of their Plan, with the first scheduled review to take place in October 2016. Such reviews are the responsibility of the Management Team. Supporting policies such as the Retention Schedules and the Records Management Policy shall similarly be reviewed at regular intervals. The Keeper commends these initiatives and requests that he be kept informed of their findings and be sent any new or revised documents following these self-assessments.	No Change	No immediate action required. Update required on any future change
14. Shared Information	G	G	G	Update required on any change	No Change	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 29 June 2018. The author of the progress update submission is David Combe, Assistant Assessor & Electoral Registration Officer.

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

7. PRSA Assessment Team's Summary

The Assessment Team has reviewed the **Lanarkshire Valuation Joint Board** 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

Lanarkshire Valuation Joint Board continues to take its records management obligations seriously and is working hard to bring all elements into full compliance.

Over the last year the authority has sensibly concentrated on information security and data protection issues in relation to the implementation of the Data Protection Act 2018 and on progressing the business decision to scan records which has incorporated audit trail functionality. This type of steady development is practical and contributes to continuing compliance with the Public Records (Scotland) Act. The Team commends the progress evident in this work and would welcome updates in future PUR submissions.

The commitment to developing the records management skills of the designated Records Manager is considerable. As noted in the agreement of the Records Management Plan, it is appropriate for a public authority of the size and complexity of a Valuation Joint Board not to have a full-time records manager. The designated Records Manager therefore undertakes this role alongside other senior management responsibilities and it takes time and effort to develop these additional new skills. The benefits of this professional development are evident in the progress made in Elements 7, 8 and 11.

The Keeper cannot change the RAG 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 the plan under section (5)(6) of the Act. Sufficient evidence has been provided to indicate that it is likely that Element 12 would move from Amber to Green. With only 5% of records not yet fully tracked, and evidence of continuing commitment to complete this work shortly it is reasonable to move the RAG status of Element 11 to Green.

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 **Lanarkshire 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