

The Public Records (Scotland) Act 2011

Falkirk Council and Licensing Board

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

4th August 2023

Contents

1. The Public Records (Scotland) Act 2011.....	3
2. Progress Update Review (PUR) Mechanism.....	4
3. Executive Summary.....	4
4. Authority Background.....	5
5. Assessment Process.....	6
6. Records Management Plan Elements Checklist and PUR Assessment.....	7-18
7. The Public Records (Scotland) Act Assessment Team's Summary.....	19
8. The Public Records (Scotland) Act Assessment Team's Evaluation.....	20

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

4. Authority Background

Falkirk is one of 32 unitary authority council areas of Scotland. It was formed on 1 April 1996 by way of the Local Government etc. (Scotland) Act 1994 from the exact boundaries of Falkirk District, one of three parts of Central Region (1975-1996) and part of the historic county of Stirlingshire (pre 1975). A small part, namely Bo'ness and Blackness, was part of the former county of West Lothian.

The council area borders with North Lanarkshire, Stirlingshire, West Lothian, Clackmannanshire and Fife. The largest town, and the location of the council headquarters, is Falkirk; other notable towns include Bo'ness, Bonnybridge, Denny, Grangemouth, Larbert, Polmont, Shieldhill and Stenhousemuir.

[Falkirk Council](#)

Falkirk Council Licensing Board deals with the granting of licences for the sale and supply of alcohol and for various gambling activities. The members of the Board are appointed by Falkirk Council. Applications for licenses are made to the Licensing Section who provide the day to day administrative support to the Board.

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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: Falkirk Council and Licensing Board

Element	Status of elements under agreed Plan 16NOV21	Status of evidence under agreed Plan 16NOV21	Progress review status 04AUG23	Keeper's Report Comments on Authority's Plan 16NOV21	Self-assessment Update as submitted by the Authority since 16NOV21	Progress Review Comment 04AUG23
1. Senior Officer	G	G	G	Update required on any change.	No change.	Thank you for letting the Assessment Team know that there have been no changes to this Element. Update required on any future change.
2. Records Manager	G	G	G	Update required on any change.	No change.	Update required on any future change.
3. Policy	G	G	G	Update required on any change.	No change.	Update required on any future change.
4. Business Classification	A	G	A	The combined <i>Business Classification Scheme</i> and <i>Retention Schedule</i> is available to service users publicly at: Business Classification & Retention Schedule - All Schedules (falkirk.gov.uk) . This publication is commended. However, the RMP notes (section 4.3) that the "BCS is generally not implemented throughout the Council's shared drives, both in relation to structure and retention." This clearly shows a gap in provision. The Keeper acknowledges,	No substantive update – work is underway to develop Information Management Strategy, which will set the direction of travel in relation to the plan to manage records in shared drives.	The Assessment Team is grateful for this update on the development of Information Management Strategy which will have implications on Falkirk Council and Licensing Board's approach to

				<p>however, that the authority has identified an improvement project to close that gap (see under <u>Digital Shared Drives</u> below).</p> <p>[...]</p> <p>The Council notes that the roll out of the <i>Business Classification Scheme</i> will improve records management. The Keeper agrees that it should assist in directing staff <u>where</u> to save public records (<i>RMP</i> section 11.4 page 26). However, this will not necessary alleviate the problems around multiple copies, version control and naming convention (see element 11). The Keeper also notes that the statement in the <i>RMP</i> refers only to records held digitally. An overarching scheme should include public records in all formats.</p> <p>[...]</p> <p>It would appear that, eight years ago, the Council identified that shared drives were not a satisfactory long-term solution for their business. The Council acknowledges that : “... for a number of years that electronic information, which might form part of records, has not been managed properly on shared drives. The Council’s recently-implemented M365 project did not include any element of records management functionality. However, it is recognised that this now needs to be addressed as a follow-up to the original project, and that we now have a foundation in place to enable this.”</p> <p>The work reported here provides very strong support for an improvement plan agreement</p>		<p>shared drives. The full implementation of M365 as the authority’s EDRMs (including the move away from shared drives) will enable Falkirk Council and Licensing Board to develop a suitable Business Classification scheme, which in turn will help inform and set up appropriate the automated records destruction processes in the new system, and enable the tracking of any changes made to documents. This is a major project with implications, and it is anticipated that it will take a significant amount of time to implement properly.</p> <p>This Element will remain at Amber while work on this major project continues. We look forward to</p>
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				<p>of this element. A gap in provision has been identified and practical steps have been proposed to close that gap. This is commendable.</p> <p>[...]</p> <p>The Keeper agrees this element of the RMP on 'improvement model' terms while the transition to the new digital records management solution is underway. The Keeper's agreement is conditional on his being updated on progress. The Keeper's Assessment Team will provide Falkirk Council with a Progress Update Review (PUR) template each year. This would seem an ideal opportunity for the Council to provide updates against the timetable they have submitted.</p>		receiving updates in subsequent PURs.
5. Retention Schedule	G	G	G	Update required on any change.	No change.	Update required on any future change.
6. Destruction Arrangements	A	G	A	The Keeper agrees that the proposed move to M365, discussed under element 4, should, if set up appropriately, greatly improve the centralised control over destruction. However, as at June 2021, the full disposition functionality of M365 is still not quite clear to the Keeper nor is the licensing arrangements required to allow automatic approval in series as described for the Council's records below. The Council has confirmed that they are aware of possible limitations in this area and are investigating in	See element 4.	See comments under Element 4. This Element will remain at Amber while work on this major project continues. We look forward to receiving updates in subsequent PURs.

				<p>conjunction with other Scottish local authorities.</p> <p>Until the Council is confident and can evidence that all public records in all formats can be deleted in a controlled manner this element remains at amber.</p> <p>[...]</p> <p><u>Back-Ups</u>: Falkirk Council, quite rightly keep back-ups of public records for business continuity purposes (see element 10). The <i>RMP</i> (section 8.18) explains that records stored on shared drives or within database systems are backed up nightly. Backups are stored for an <u>agreed period of time (In time, the Keeper will need to know who is involved in this agreement)</u> before being destroyed.</p> <p>[...]</p> <p>The Keeper agrees this element of the Council's <i>RMP</i> as an area for improvement. He acknowledges that the authority has identified a gap in provision and is satisfied that they have identified processes that will close that gap. His agreement is conditional on his being updated on progress, perhaps through a Progress Update Review (see element 4 above).</p>		
7. Archiving and Transfer	G	G	G	The Archivist is currently working on a Digital Preservation Strategy which will be reviewed by the Information Management Working Group (see under General Comments below) and trailing a third-party digital preservation	Falkirk Council brought the services of Falkirk Community Trust (the Trust) back in-house on 1 st April 2022. The Trust provided cultural and leisure	The Assessment Team thanks you for this update which has been noted.

				<p>solution. The Keeper would be particularly interested in receiving updates on this important work when appropriate.</p>	<p>services on behalf of the Council, including its archive service. Falkirk Council has summarised the changes to appendices at the end of this PUR as a result of this move.</p> <p>Management of the archive service now sits with the Council's Place Services. It is not anticipated that the change in management from the Trust to the Council will affect the Keeper's assessment of the plan.</p> <p>The post of Archivist became vacant in December 2022. The Council intend to advertise this post early in 2023 and, due to budgetary constraints, to reduce the full-time position to a part-time one (21 hours)</p> <p>One of the posts of Archives Assistant became vacant in December 2022.</p> <p>Although the opening hours of Callendar House remain unchanged, the current reduction in Archives staff has meant that the team continue with their pandemic arrangements and are not able to facilitate in-person visits. The Falkirk Leisure and Culture website has been updated to inform the public of the changes. Individuals can email the Archives team with any enquiries.</p>	<p>An authority's RMP <u>must</u> detail its archiving and transfer arrangements and ensure that records of enduring value are deposited in an appropriate archive repository. It is understood that regardless of the changes to the management structures, Falkirk Archives at Callendar House remains operational as Falkirk Council and Licensing Board's named archive repository. While challenges of resourcing and staffing have created challenges to the smooth operation of the archive service, it is understood that a Transfer Agreement with Falkirk Archives remains in place.</p> <p>We look forward to hearing further updates, including on</p>
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					<p>Although the Archive service is not directly managed by the Information Governance Manager (see Element 2 of the Council's Plan), she has informed NRS of the staffing issues and has met with NRS to discuss the impact of this.</p> <p>As a result of the changes above, there has been no progress made with a Digital Preservation Strategy. It is hoped that this work will continue once a new archivist is in post.</p>	the Digital Preservation Strategy, in subsequent PURs.
8. Information Security	G	G	G	Update required on any change.	<p>Falkirk Council headquarters at Municipal Buildings closed in January 2022. As a result, all corporate records and the corporate records team have moved into new premises at Earls Road, Grangemouth. Therefore, there are some changes to paragraph 8.10 (Corporate Records Centre).</p> <p>The building at Earls Road is solely occupied by Information Governance. Only authorised staff have a fob to access the building. Records are located in various rooms and those requiring long term preservation are kept in a secure area which requires a PIN code to enter. Visitors or contractors to the building must sign</p>	<p>Thank you for this update on the move of corporate records, alongside the corporate records team. This update indicates that the new premises remain secure for the Team's operations. Thank you also for letting us know that the Council's Data Centre has moved.</p> <p>Considering the updates given on access control, backup tapes, on-premise data,</p>

					<p>in and are escorted whilst on the premises.</p> <p>As a result of the Municipal Buildings closure, the Council's data-centre was moved to the Foundry in Larbert (temporary headquarters). Updates as a result of this move are detailed below:</p> <p>8.17 Access Control:</p> <ul style="list-style-type: none"> • Access is limited to Team Leaders and the Network & Infrastructure Team with door access. Access is also monitored with CCTV. • The CCTV has an intrusion detection system. This area is alarmed out of office hours. • The suite is protected by an HFC227 gas extinguishing system. <p>8.19 – Backup Tapes</p> <ul style="list-style-type: none"> • We are implementing the new hybrid backup strategy. <p>On-premise Data</p> <p>1- We are backing our data to an S3 object-locked disc on-premise and then offloading data to an immutable S3 object locked on the cloud. We have achieved 50% of this so far and continue</p>	<p>Office365 backups, password/passphrase policy update and encryption in MS Intune, it is clear that Falkirk Council and Licensing Board have used the move of premises as an opportunity to strengthen their information security provision. This is commended by the Assessment Team.</p> <p>Update required on any future change.</p>
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					<p>migrating our new backup platform</p> <p>2- Backup tapes are kept in a locked fireproof safe. Identified individuals have access to the safe and keys for the safe are stored within locked key cabinets. This will reduce overtime as new technology has been implemented.</p> <p>Office365 Backups We are backing Office365 to cloud storage</p> <p>Other updates</p> <p>8.20 - Password Security Falkirk Council has updated its password security protocol as detailed below. We enforce a strong password and passphrase policy. Staff can choose which one they wish to use but the passphrase policy is the preferred option.</p> <p>National Cyber Security Centre guidelines recommend a move away from strong password and use of passphrase policy instead.</p> <p>Strong password policy</p> <ul style="list-style-type: none"> • expires in 45 Days • min password length 8 characters 	
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					<ul style="list-style-type: none"> • must not contain the words like password, Falkirk • min 1 upper case characters (e.g. A-Z) • min 1 lowercase characters (e.g. a-z) • min 1 Number (e.g. 0-9) • min 1 special characters (e.g. ~ ! @ # \$ % ^ & * () - _ + =) <p>New passphrase policy</p> <ul style="list-style-type: none"> • Expires in 1 year • must contain at least 20 characters, 3 random words, with at least 6 characters in each word separated by spaces (eg. “purple mountain sleeps”) • must not contain the words like password, or Falkirk. • no special characters <p>8.23 The rollout of MS Intune is now complete.</p> <p>Encryption is enforced on mobile devices by Microsoft Intune Mobile Device Management software. MS Intune maintains a database of all Council IT devices.</p>	
9. Data Protection	G	G	G	Update required on any change.	Paragraph 9.3 to be deleted given the Trust has been dissolved.	Thank you for this update which has been noted.

						Update required on any future change
10. Business Continuity and Vital Records	G	G	G	Update required on any change.	No change.	Update required on any future change.
11. Audit Trail	A	G	A	<p>The Keeper expects an authority to have processes in place to track public records in such a way that their location is known and changes recorded.</p> <p>[...]</p> <p>Mr Lawrie's statement is dated June 2020 and is published on the Council website: Records Management and Preservation of Archival Records Policy (falkirk.gov.uk)</p> <p>However, despite this high level recognition, the RMP states clearly "It is recognised that the Council does not currently have adequate procedures in place in relation to audit trails covering all transactions undertaken" and "Currently, most digital records held within the Council are not held in a structured format and have neither an audit trail nor a limit on the copies or versions of the same document. Within directory structures on servers there is also no capability of doing so. The proof of concept that we are currently undertaking should demonstrate that Office 365 can provide effective audit trail functionality" (RMP section 11.1 and 11.2, page 26). The Keeper agrees that the adoption of M365 will greatly help with this situation as it</p>	See element 4.	See comments under Element 4. This Element will remain at Amber while work on this major project continues. We look forward to receiving updates in subsequent PURs.

				<p>should automatically apply version control. Staff will still be required to name records correctly in order that the M365 search facility (which is quite powerful) can be properly utilized. The Council have provided the Keeper with a copy of their <i>File Naming Guidance</i> document which will help with this.</p> <p>[...]</p> <p>The Keeper agrees this element of the RMP on 'improvement model' terms while the transition to the new records management solution is underway. However, his agreement is conditional on his being provided with updates as the project progresses.</p>		
12. Competency Framework	G	G	G	Update required on any change.	The Records Manager completed the Act Now GDPR Practitioner Certificate on 18th August 2022.	The Assessment Team thanks you for this positive update on the Records manager's CPD.
13. Assessment and Review	G	G	G	Additional to the Records Manager's annual review of progress against the <i>RMP</i> , Falkirk Council have opened up a dialogue to establish a peer review arrangement with another local authority's records management team. This is an excellent idea and the Keeper highly commends it. He considers that this could be used as an example of best practice for the public sector generally. He would be very interested to know if an agreement has been concluded and in feedback on this project once it is at an appropriate point.	No change.	Update required on any future change.

				[...] At the time of submission the Council was undertaking a series of workshops as part of a project to consider a corporate digital records management solution. The Keeper would be interested in any update on that situation (see element 4 above).		
14. Shared Information	G	G	G	Update required on any change.	No change.	Update required on any future change.
15. Records Created or Held by Third Parties	G	G	G	Update required on any change.	No change.	Update required on any future change.

Summary of changes to RMP as a result of the winding up of the Trust and its services coming back under Council control

Various appendices	The wording on appendices will need to be reviewed to ensure they refer to the Council and any mention of the Trust is removed
Element 7 – Archives	Appendix 19 and 21 are no longer required. Appendix 20 will be changed to a service level agreement
Element 9 – Data Protection	The Trust has been dissolved and is therefore no longer a data controller as of 1st April 2022. All former Trust services are now Council services and any personal data held has been transferred to the Council.

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 28th February 2023. The progress update was submitted by Suzanne O'Reilly, Records Manager.

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

The Assessment Team has reviewed Falkirk Council and Licensing Board'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

Falkirk Council and Licensing Board 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 Falkirk Council and Licensing 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

A handwritten signature in blue ink that reads "Iida Saarinen". The signature is written in a cursive style and is positioned above the printed name and title.

Iida Saarinen
Public Records Officer