

The Public Records (Scotland) Act 2011

**East Lothian Council
East Lothian Licensing Board
Records Management Plan**

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

05 October 2016

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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 record keeping and found that thousands of records had been created, but were then lost due to an inadequate legislative framework and poor records management. Crucially, it demonstrated how former residents of children's homes were denied access to information about their formative years. The Shaw Report demonstrated that management of records in all formats (paper and electronic) is not just a bureaucratic process, but central to good governance and should not be ignored. A follow-up review of public records legislation by the Keeper of the Records of Scotland (the Keeper) found further evidence of poor records management across the public sector. This resulted in the passage of the Act by the Scottish Parliament in March 2011.

The Act requires a named authority to prepare and implement a records management plan (RMP) which must set out proper arrangements for the management of its records. A plan must clearly describe the way the authority cares for the records that it creates, in any format, whilst carrying out its business activities. The RMP must be agreed with the Keeper and regularly reviewed.

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

4. Authority Background

East Lothian borders the City of Edinburgh, Midlothian and the Scottish Borders. Its administrative centre is Haddington, although its largest town is Musselburgh.

The council area was created in 1996, replacing the East Lothian district of the Lothian region. The district has been created in 1975 under the Local Government (Scotland) Act 1973, consisting of the old county of East Lothian plus the burghs of Musselburgh and Inveresk, which until then had been in the county of Midlothian.

Licensing is the responsibility of licensing boards under powers contained in the Licensing (Scotland) Act 2005. Local licensing boards have wide discretion to determine appropriate licensing arrangements according to local needs and circumstances and their own legal advice. Each local government area must have a licensing board. East Lothian Licensing Board consists of 6 Board members.

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. Records Management Plan Elements: Checklist

East Lothian Council and East Lothian Licensing Board

For the purposes of this assessment the two scheduled authorities will be described as 'East Lothian Council' or 'the Council'

Element	Status of elements under agreed Plan, Jan 2015	Status of Evidence under agreed Plan, Jan 2015	Progress Assessment Status, Sep 2016	Keeper's report comments on Authority's Plan, Jan 2015.	Self-assessment update as submitted by the Authority since Jan 2015	Progress Review Comment – October 2016
1. Senior Officer	G	G	G	Update Required on Any Change	No Change	No further action required.
2. Records Manager	G	G	G	Update Required on Any Change	No Change	No further action required.
3. Policy	G	G	G	Update Required on Any Change	No Change	No further action required.

4. Business Classification	A	G	A	<p>The Keeper would like to know when this survey is complete and potentially view the 'targeted plan for implementation of classification scheme.'</p> <p>The Keeper requests that he is kept informed on the development of the proposal and that he may view the outcome of the "EDRMS Review" planned for 2015. He would be especially interested in information regarding any alternative solution should the CIVICA proposal be rejected.</p> <p>The RMP indicates that a restructuring of paper file store 'may' be undertaken. The Keeper will be interested to know what decision is taken regarding this</p>	<p>The survey has been declared 'complete' with a good response rate, but not 100% coverage. Later additions will be incorporated to expand this assessment as and when they become available. Sufficient information has been gathered to support the initial stages of the process. A separate summary report will be made available soon.</p> <p>File Naming convention guidance has been made available to all staff.</p> <p>The EDRMS Review was commenced in October 2015 with an initial survey of all 'software systems' being used within East Lothian Council and known to the IT department. A further detailed investigation into the informational content of these systems and if they are 'Records' systems is on-</p>	<p>The Assessment Team received a copy of the completed Records Management Survey. The survey and accompanying results and analysis provide a useful insight into records management practice within East Lothian Council. Whilst the survey did not receive a 100 per cent response rate it provides a valuable benchmark from which to assess future developments. It clearly identifies areas where improvements can be made to enable the Council to continue to take steps towards achieving full compliance under this element.</p> <p>Making file naming convention guidance available to staff should eliminate some of the risks of non-standard naming conventions.</p> <p>The Assessment Team would like to be kept informed of the progress of the EDRMS Review, and asks that the Keeper is able to view the outcome of the EDRMS Review when appropriate</p>
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				<p>going.</p> <p>The restructuring of physical filing is still an option, but has not at this time been implemented beyond the trial done with the Records Management Team.</p>	<p>As restructuring of physical filing is still being considered, the Assessment Team requests that the Keeper is kept informed of any further developments in this area.</p> <p>The Assessment Team has assessed the progress report and considers that the Council continues to make a strong commitment to restructuring its hybrid document management systems around its published business classification scheme.</p> <p>The Assessment Team considers that progress is being made and that this element should remain under improvement.</p>
5. Retention Schedule	A	G	A	<p>The Keeper requires East Lothian Council to keep him up to date on progress</p>	<p>Various 'Spring Cleaning' activities have been undertaken by the following departments:</p> <p>Licensing Committees Services Archives & Records Management - Records Store</p>

					Transportation/Roads Services Until such time as the destruction recording implementation has occurred, this progress is mostly anecdotal.	various departments within the Council. The Assessment Team looks forward to learning about the authority's 'destruction recording implementation' process and asks that the Keeper is informed of developments made in this area. The Assessment Team considers that progress is being made and that this element should remain under improvement.
6. Destruction Arrangements	A	G	A	The Council is planning to set protocols for the use of internal shredders. The Keeper requests sight of these protocols when they are available. Electronic Records Destruction. The Keeper accepts that the Council has properly identified a gap in provision and has appropriate mechanisms in place to close that gap.	Draft Protocols disseminated, implementation plan proposed for May 2016.	The Assessment Team commends the dissemination of draft protocols for the use of internal shredders. The Assessment Team requests that the Keeper is given sight of these protocols when appropriate The Assessment Team considers that progress is being made and that this element should remain under improvement.

7. Archiving and Transfer	G	G	G	<p>The Keeper requests the two new documents (Acquisitions Policy & Transfer Procedures) planned relating to the management of archival material are forwarded to him when appropriate.</p>	<p>Archive Acquisition Policy approved at April Cabinet meeting.</p>	<p>The Assessment Team commends the development of the Council's Archive Acquisition Policy and asks that the policy is forwarded to the Keeper when appropriate.</p> <p>The Assessment Team would like to be informed of the progress of the planned document on Transfer Procedures and again requests that a copy is forwarded to the Keeper when appropriate.</p> <p>The assessment team recognises the ongoing initiative being undertaken by the authority under this element.</p>
8. Information Security	G	G	G	<p>The Keeper requests that if any changes occur as part of the review of the Information Security Policy in December 2015 that he is provided with an updated version.</p>	<p>No updates</p>	<p>The Records Management Survey notes that a proportion of those surveyed felt there was a need for improvements in their security arrangements and this would be explored with the relevant teams in conjunction with Information Security Specialists. The Assessment Team would like to be kept informed of any changes or</p>

						<p>developments in this area.</p> <p>The Assessment Team recognises the ongoing initiative being undertaken by the authority under this element.</p>
9. Data Protection and 14. Shared Information	G	G	G	The Keeper requests that he is provided with the Board's registration number when it becomes available	Number Provided: ZA112276 (notification made 20th April 2015 & will continue to be renewed).	<p>As requested, the Council has provided the Keeper with East Lothian Licensing Board's Registration number with the Information Commissioner's Office, fulfilling the Keeper's initial request. This was confirmed by checking against the registration listed on the Information Commissioner's website.</p> <p>The Records Management Survey notes that the Council has tightened controls on sharing information in line with Data Protection procedures, and that specialist training was delivered to all local authority schools. This was an area where the Council had identified a need to improve. The Assessment Team commends the authority for this initiative.</p>

						The assessment team recognises the ongoing initiative being undertaken by the authority under this element.
10. Business Continuity and Vital Records	A	G	A	<p>The Keeper requires that the Council provide him with a redacted sample of a Service Business Continuity Plan when they are completed.</p>	<p>All current Business Continuity Plans make reference to the Vital Records Guidance. There is scope for further improvement on this area before seeking to evidence progress. Annual reviews are undertaken.</p>	<p>The Records Management Survey notes that additional guidance was created to advise people on how to identify vital records, and this has been included in the Business Continuity training. The Records Management Survey also notes that a Business Continuity AGM was introduced, as well as review reminders to ensure Business Continuity plans are updated where necessary. The Assessment Team commends these efforts as they indicate continuing progress and development of the Council's business continuity strategy.</p> <p>The Assessment Team asks that the Keeper is provided with a redacted sample of a Service Business Continuity Plan as originally requested in the Keeper's report of 5th January 2015.</p>

						The Assessment Team considers that progress is being made and that this element should remain under improvement.
11. Audit Trail	A	G	A	The Keeper requests that he is kept up to date with the project as it progresses.	No change - destruction protocols will support this development	<p>The Assessment Team asks that the Keeper is kept informed of progress with the Council's EDRMS Audit Survey.</p> <p>The Assessment Team considers that progress is being made and that this element should remain under improvement.</p>
12. Competency Framework	G	G	G	Update Required on Any Change	RM training formally made compulsory by Council Management Team 21/01/16. Paper version & Electronic available.	<p>The Assessment Team commends the Council Management Team's approach to formally make Records Management training compulsory earlier in the year. This supports previous evidence supplied in the authority's original submission and it is a strong indicator of the Council's</p>

						commitment towards continuous improvement. The Assessment Team requests that the Keeper is kept informed of any further changes made in this area.
13. Assessment and Review	G	G	G	The Keeper requests that if any changes result from the review he is provided with the updated version. The Keeper would be interested in the results of the Data Protection Health Check, if appropriate.	This report is the first full formal review of progress. Some elements are still progressing. Data Protection Health Check is underway.	<p>The assessment team recognises the ongoing initiative being undertaken by the authority under this element.</p> <p>Confirmation that the Data Protection Health Check is underway shows that the action points laid out in the initial submission are being addressed. The Assessment Team asks that the Keeper is provided with the results of the Health Check when completed.</p> <p>The Assessment Team has considered the improvement report and commends East Lothian Council's Records Management Survey as it reflects good records management practice.</p>

					<p>The survey demonstrates the active operation of the self-assessment procedure as used by the Council to direct and inform its programme of improvements within the Records Management Plan. It provides a detailed insight into levels of staff confidence and awareness of records issues, as well as providing data on the physical storage of records. The survey also highlights areas where developments within the Council's records management practices are still needed. It is seen as providing a solid base from which to carry out future surveys and assess growing user confidence and measure culture change.</p> <p>The assessment team recognises the ongoing initiative being undertaken by the authority under this element.</p>
14. Shared Information		See 9. Data Protection			

15. Freedom of Information	G	G	G			No further action required
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Version

The progress update submission which has been assessed is the one dated 30 May 2016. The author of the progress update submission is Alex Fitzgerald, East Lothian Council, Information Governance Team Leader.

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

7. PRSA Assessment Team's Summary

The Assessment Team has reviewed **East Lothian Council** and **East Lothian Licensing 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

The results of the EDRMS Review, commenced in October 2015, will influence the development of systems in the future, particularly for Elements 4, 5 and 11. The Assessment Team asks that they are kept informed of the progress of the Review. The Assessment Team should also be informed of the progress of the Data Protection Health Check which is now under way.

When appropriate, East Lothian Council should forward updated destruction arrangements under Element 6, updated security arrangements under Element 8, and the newly formed Archive Acquisition Policy to show evidence of the progress being made in these areas.

As Element 10 was identified as an area where further improvements must be made before evidence of progress can be provided the Assessment Team requests that they are kept updated on any progress made.

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 **East Lothian Council** and **East Lothian Licensing Board** continue to take their statutory obligations seriously and are working hard to bring all elements of their records management plan 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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