

The Public Records (Scotland) Act 2011

East Renfrewshire Council and East Renfrewshire Licensing Board

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

18th March 2019

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

4. Authority Background

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

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

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

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

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

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

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

5. Assessment Process

A PUR submission is evaluated by the Act's Assessment Team. The self-assessment process invites authorities to complete a template and send it to the Assessment Team one year after the date of agreement of its RMP and every year thereafter. The self-assessment template highlights where an authority's plan achieved agreement on an improvement basis and invites updates under those 'Amber' elements. However, it also provides an opportunity for authorities not simply to report on progress against improvements, but to comment on any new initiatives, highlight innovations, or record changes to existing arrangements under those elements that had attracted an initial 'Green' score in their original RMP submission.

The assessment report considers statements made by an authority under the elements of its agreed Plan that included improvement models. It reflects any changes and/or progress made towards achieving full compliance in those areas where agreement under improvement was made in the Keeper's Assessment Report of their RMP. The PUR assessment report also considers statements of further progress made in elements already compliant under the Act.

Engagement with the PUR mechanism for assessment cannot alter the Keeper's Assessment Report of an authority's agreed RMP or any RAG assessment within it. Instead the PUR Final Report records the Assessment Team's evaluation of the submission and its opinion on the progress being made by the authority since agreeing its RMP. The team's assessment provides an informal indication of what marking an authority could expect should it submit a revised RMP to the Keeper under the Act, although such assessment is made without prejudice to the Keeper's right to adopt a different marking at that stage.

Key:

G	The Assessment Team agrees this element of an authority's plan.		A	The Assessment Team agrees this element of an authority's progress update submission as an 'improvement model'. This means that they are		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: East Renfrewshire Council and Licensing Board

Element	Status of elements under agreed Plan, May 2016	Status of evidence under agreed Plan, May 2016	Progress assessment status, <Date>	Keeper's Report Comments on Authority's Plan, June 2017	Self-assessment Update as submitted by the Authority since June 2017	Progress Review Comment, <Date>
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	Update required on any change	No change	No immediate action required. Update required on any future change.
3. Policy	G	G	G	Update required on any change	All documentation updated and wording on online RMP amended. New guidance note on e_RM added.	The original submission indicated that information governance policies are routinely reviewed and updated and the Keeper's Assessment Team acknowledge the evidence that this is being pursued. The Council continues to publish

						its (updated) Records Management Plan. The Keeper has previously commended this as an example of good practice within the authority and for the sector. https://www.eastrenfrewshire.gov.uk/Records-management-senior-responsibility
4. Business Classification	G	G	G	Update required on any change	No change	No immediate action required. Update required on any future change.
5. Retention Schedule	G	G	G	Update required on any change	Multiple amendments to the RS reflecting changes in practice, policy and legal requirements.	The Assessment Team agrees that a retention schedule is a living document and must be amended to account for changes in practice, policy and legal requirements. https://www.eastrenfrewshire.gov.uk/CHttpHandler.ashx?id=14286&p=0
6. Destruction Arrangements	G	G	G	Update required on any change	Documentation updated	The original submission indicated that information governance policies are routinely reviewed and updated and the Assessment Team

						acknowledge the evidence that this is being pursued.
7. Archiving and Transfer	G	G	G	Update required on any change	Documentation updated	The original submission indicated that information governance policies are routinely reviewed and updated and the Assessment Team acknowledge the evidence that this is being pursued.
8. Information Security	G	G	G	Update required on any change	Documentation updated	The original submission indicated that information governance policies are routinely reviewed and updated and the Assessment Team acknowledge the evidence that this is being pursued.
9. Data Protection	G	G	G	Update required on any change	Fully revised. Online RMP amended and all documentation updated to reflect the DPA and the GDPR. New guidance note on RM and "Special category data" added.	The introduction of GDPR and DP2018 in May of last year has required all data controllers to review their DP processes and the Assessment Team acknowledges that East Renfrewshire Council have done this: https://www.eastrenfrewshire.gov.uk/dataprotection

10. Business Continuity and Vital Records	G	G	G	Update required on any change	Documentation updated and wording on online RMP amended. Several documents removed on advice of Info Security (these still form part of the element of our RMP but have not been presented as evidence).	<p>The original submission indicated that information governance policies are routinely reviewed and updated and the Assessment Team acknowledge the evidence that this is being pursued.</p> <p>The Assessment Team notes that some documents originally referred to in evidence are now superseded or withdrawn as no longer appropriate. This is to be expected over time. The Assessment Team thanks the Council for alerting them that this has happened.</p>
11. Audit Trail	G	G	G	Update required on any change	Documentation updated.	The original submission indicated that information governance policies are routinely reviewed and updated and the Assessment Team acknowledge the evidence that this is being pursued.
12. Competency Framework	G	G	G	Update required on any change	Included screenshot from the revised online training module	There is a new screen-shot evidencing training (one was supplied in the initial 2016 submission). There is no need

						to submit this to the Keeper at this time. The Assessment Team thank the Council for this update.
13. Assessment and Review	G	G	G	Update required on any change	All documentation updated and wording on online RMP amended. Included internal audit review report	The Assessment Team notes the updated (and published) text of element 13 including the five years Internal Audit timetable https://www.eastrenfrewshire.gov.uk/assessment-review
14. Shared Information	G	G	G	Update required on any change	Updated T&C, including new Special Conditions re. records	The Assessment Team acknowledge that the Council have considered the latest information governance best practice when undertaking information sharing exercises.

Version

The progress update submission which has been assessed is the one received by the Assessment Team on 20th December 2018. The progress update was submitted by Craig Geddes, East Renfrewshire Council Records Manager .

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

7. PRSA Assessment Team's Summary

The Assessment Team has reviewed East Renfrewshire Council and East Renfrewshire Licensing Board's 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

East Renfrewshire Council and East Renfrewshire 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 resubmitted it plan under section (5)(6) of the Act.

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 Renfrewshire Council and East Renfrewshire 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,



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Pete Wadley
Public Records Officer