

The Public Records (Scotland) Act 2011

South East of Scotland Transport Partnership (SEStran)

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

29 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 South East of Scotland Transport Partnership (SEStran). The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

Before December 2005, SEStran was a voluntary partnership of local authorities formed to identify, develop, implement and monitor matters of "mutual transport interest". On becoming a statutory body, under the Transport (Scotland) Act 2005, SEStran was given the task of producing a Regional Transport Strategy for South East Scotland. SEStran is one of 7 Regional Transport Partnerships in Scotland. The partnership area includes 8 local authorities, within an area of 3,180sq miles and is home to 28% of Scotland's population. The local authorities are; Borders, East Lothian, West Lothian and Midlothian, Edinburgh, Fife, Falkirk and Clackmannanshire. The Scottish Government has published guidance on Regional Transport. Paragraph 112 of the Guidance requires the preparation of an annual delivery or business plan to be submitted to Scottish Ministers. SEStran's current business plan can be accessed on their website:

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

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: South East of Scotland Transport Partnership (SEStran)

Element	Status of elements under agreed Plan, July 2017	Status of evidence under agreed Plan, July 2017	Progress assessment status, <Date>	Keeper's Report Comments on Authority's Plan, July 2017	Self-assessment Update as submitted by the Authority since July 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.	No change.	No immediate action required. Update required on any future change.
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.	No change.	No immediate action required. Update required on any future change.

6. Destruction Arrangements	A	G	A	<p>The Keeper agrees this element of SEStran's Records Management Plan on improvement model terms. This means that an authority has identified a gap in their records management provision (in this case that electronic records and e-mails are not yet destroyed at the end of their retention period to the satisfaction of the authority), but have put processes in place to close that gap. The Keeper's agreement is conditional on his being updated as the project is progressed. He acknowledges that an update has been supplied during the assessment process and is content that progress on this element is proceeding satisfactorily.</p>	<p>SEStran have devised a new protocol; Managing Records and Documents. This sets out how our record keeping and email systems are managed. It specifies a retention period for email mailboxes and provides guidance on the use of sharepoint and document naming etc.</p>	<p>The new protocol "Managing Records and Documents (v0.3 May 2018) has been provided. This requires that emails and/or attachments are stored into the Sharepoint or OneDrive folders, as appropriate, enabling them to be subject to the standard retention schedules. This protocol shows that progress has been made towards ensuring that electronic records are disposed of in accordance with the retention schedules and are deleted at the right time.</p> <p>If this were a statutory submission, it is likely that more detailed evidence of the operation of this protocol would be required to enable this element to be assessed at Green. However, it is clear that the authority is making good progress towards closing the gap in this element and the Assessment Team commend the work that has been undertaken.</p>
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7. Archiving and Transfer	A	G	G	<p>SEStran have supplied evidence that archiving arrangements are being discussed with City of Edinburgh Archives and the <i>Plan</i> states (page 11) that a formal memorandum of understanding will be created. The Partnership state “MOU has just been finalised and will be signed July 2017.” The Keeper needs sight of this document before he can fully agree this element.</p> <p>The Business Manager is responsible for the SEStran archive (<i>Records Management Policy</i> section 3.5) and therefore liaison with City of Edinburgh Archives (see element 2).</p> <p>The Keeper agrees this element of SEStran’s <i>Records Management Plan</i> under ‘improvement model’ terms. This means that he acknowledges that the authority has identified a gap in provision (there is no formal transfer agreement with the</p>	<p>Since the RMP was agreed, SEStran have signed (14/12/2017) a MOU with City of Edinburgh Archives for the archiving of vital records.</p>	<p>The Keeper thanks SEStran for the Memorandum of Understanding (MoU) with Edinburgh City Archives which has been supplied to the PRSA Assessment Team. The MoU sets out the legislative basis which enables the City of Edinburgh Council Archives to accept records of enduring value from SEStran as well as the PRSA requirement for SEStran to deposit such records in an archives. The MoU specifies the records which will have enduring value, covers records in any format, makes arrangements for any restricted data including personal data to be identified and appropriately managed, and makes arrangements for the records to be arranged, catalogued and disseminated to the public by appropriate archival methods.</p> <p>This MoU meets the Keeper’s requirements and accordingly it is likely that if this were a statutory submission the RAG</p>
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				archive) and have put processes in place to close that gap. The Keeper's agreement is conditional on his PRSA Assessment Team being provided with a copy of the signed MOU when available.		status for this element would be Green.
8. Information Security	G	G	G	Update required on any change.	The Information Security Policy has been updated to include reference to GDPR	The Information Security Policy along with a copy of a report on the changes to the Performance and Audit Committee in September 2018 has been supplied. These are relatively minor updates but they demonstrate that SEStran is committed to keeping its information security under review. This steady and constant review is very positive and to be commended.
9. Data Protection	G	G	G	Update required on any change.	A new privacy policy and update to the Data Protection Policy to comply with introduction of GDPR.	A report to the Partnership Board along with the draft privacy policy and the minute of approval of this policy have been supplied. These documents demonstrate continuing compliance in this Element and SEStran is to be

						commended for its steady and practical commitment to keeping its policies up to date and compliant with recent legislation.
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	G	G	G	Update required on any change.	No change.	No immediate action required. Update required on any future change.
12. Competency Framework	G	G	G	Update required on any change.	No change.	No immediate action required. Update required on any future change.
13. Assessment and Review	G	G	G	Update required on any change.	No change.	No immediate action required. Update required on any future change.
14. Shared Information	N/A	N/A	N/A	Update required on any 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 15 November 2018. The author of the progress update submission is Angela Chambers, Business Manager.

The progress update submission makes it clear that it is a submission for **South East of Scotland Transport Partnership (SEStran)**.

7. PRSA Assessment Team's Summary

The Assessment Team has reviewed **South East of Scotland Transport Partnership (SEStran)**'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

South East of Scotland Transport Partnership (SEStran) 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. The required evidence for Element 7 has now been provided and it is likely that if this were a statutory submission the RAG status for Element 7 would move from Amber to Green. There has also been progress in developing arrangements for the destruction of emails in accordance with the retention schedules and the evidence submitted shows that protocols are in place to ensure that staff save relevant emails into SharePoint or One Drive where the retention schedules can be applied, and that a blanket retention date has been applied to emails left in the email system. It is possible that in conjunction with the other destruction arrangements

already in place that the Keeper would be satisfied that this closes the gap but until further evidence of the use of this protocol has been supplied the RAG status remains at Amber.

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 **South East of Scotland Transport Partnership (SEStran)** 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