

The Public Records (Scotland) Act 2011

South Lanarkshire Council and South Lanarkshire Licensing Board

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

11th March 2019

Contents

1. The Public Records (Scotland) Act 2011.....	3
2. Progress Update Review (PUR) Mechanism.....	4
3. Executive Summary.....	5
4. Authority Background.....	5
5. Assessment Process.....	5-6
6. Records Management Plan Elements Checklist and PUR Assessment.....	7-17
7. The Public Records (Scotland) Act Assessment Team's Summary.....	17
8. The Public Records (Scotland) Act Assessment Team's Evaluation.....	18

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

4. Authority Background

Created in 1996, South Lanarkshire Council is one of 32 unitary authorities and has its headquarters in Hamilton, and has 16,000 employees and a budget of almost £1bn. The large and varied council area takes in rural and upland areas, market towns such as Lanark, Strathaven and Carluke, the urban burghs of Rutherglen, Cambuslang, and East Kilbride. There are 20 council wards in South Lanarkshire, each represented on the council by 3 or 4 elected councillors using single transferable vote. South Lanarkshire operates a cabinet style system, with key decisions being taken by the Executive Committee, under the leadership of the Council Leader, and approved by the council, led by the provost.

South Lanarkshire shares borders with the unitary authorities of Dumfries and Galloway, East Ayrshire, East Renfrewshire, City of Glasgow, North Lanarkshire, West Lothian and Scottish Borders.

Some parts of the country have a single Licensing Board, but in South Lanarkshire there are four Licensing Divisions to deal with liquor and gaming applications. There is a licensing forum for each of the four licensing divisions:

- Clydesdale
- East Kilbride
- Hamilton
- Cambuslang/Rutherglen

The forums must meet at least four times a year and have at least one joint meeting with the Licensing Board. Each forum should have 12 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		R	There is a serious gap in provision for this element with no clear explanation of how this will be addressed. The Assessment
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				authority's commitment to closing a gap in provision. They will request that they are updated as work on this element progresses.			Team may choose to notify the Keeper on this basis.
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Progress Update Review (PUR) Template: South Lanarkshire Council and South Lanarkshire Licensing Board

Element	Status of elements under agreed Plan, June 2017	Status of evidence under agreed Plan, June 2017	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.	Personnel change. Colette Brown, Records Management Adviser, Legal Services, Council Offices, Almada Street, Hamilton ML3 0AA. Appointed 20 August	This update is noted with thanks. The Keeper intends to hold a familiarisation meeting for newcomers to the PRSA

					2018.	process in March and will ensure that Colette is invited.
3. Policy	G	G	G	Update required on any change.	<p>South Lanarkshire Council has reviewed and updated various policy and guidance documents in light of changes in legislation and Council initiatives in data management and a planned move to an electronic document records management system (EDRMS).</p> <p>A revised Information Strategy 2018 – 2022 and Improvement Plan has been approved by the Council's Information Governance Board and ratified by SLC Executive Committee on 16 May 2018.</p> <p>A revised Information Security Policy was approved by the Council's Executive Committee on 6 December 2017.</p> <p>Confidential waste policy was approved by the Council's Executive Committee on 6 December 2017.</p> <p>CCTV and Information Management Policy approved by Council's Executive Committee on 8 November 2017.</p> <p>Employees are informed of changes through management</p>	<p>Thank you for this information. The original submission indicated that information governance policies are routinely reviewed and updated and the Keeper's Assessment Team acknowledges the evidence that this is being pursued.</p> <p>They note and agree the requirement to prepare policies and guidance in response to a change of eRDM (see element 4 below).</p>

					bulletins, core briefs and personnel circulars. SLLC is in the process of renewing its IT system and will continue to consider adopting EDRMS.	
4. Business Classification	A	G	G	<p>The Council is currently considering replacing its EDRMS as it is reaching its end of life... The Keeper requests that he is kept informed of work in this area as this will alter the content of the RMP.</p> <p>The Keeper can agree this Element on an 'improvement model' basis. This means that the authority has identified a gap in provision (the identification of all records classes created and managed by the Council) and has identified how it intends to close this gap. As part of this agreement the Keeper requests that he is kept informed as work progresses.</p>	<p>The Council is replacing its EDRMS, used mainly in two Resources (departments), with a corporate system using a product supplied by Objective. The Council have agreed its file plan adopting LGCS/SCARRS. Objective is being rolled out on a phased basis across the Council with its Community and Enterprise Resources moving all areas of work and Social Work Resources moving its case records in Phase 1 on 3 December 2018. There are also distinct functions common to all Resources which moved on 3 December, namely complaints and information requests. Correspondence workflow will also be implemented for Chief Executive's mail. Phase 2 involves Social Work Resources moving all other areas of work and other Resources will move on a planned basis.</p>	<p>The Keeper's Assessment Team acknowledges the roll-out of Objective in the Council. This is a system with which they are familiar and they agree it should be appropriate for use as the records management solution of a Scottish local authority.</p> <p>The Assessment Team acknowledges that staff training in the new system is ongoing.</p> <p>For public records not yet managed using the eDRM solution the Council state: "All Resources of the Council are working towards using Objective. They have been developing their existing file plans to mirror that of the Objective file plan which is based on the local government classification scheme. Therefore all records while not on Objective are being actively saved into file plans on Outlook which mirror the local</p>

					<p>The Council has a rolling programme of training for staff on the use of Objective. It already has trained key users, introduced a series of online learning modules for employees and bespoke lessons on how to use the file plan with Objective. It is also developing suites of information on processes which staff will implement for example, naming conventions.</p> <p>Leisure and Culture is in the process of renewing its IT system and will continue to consider adopting EDRMS.</p>	<p>government classification scheme.”</p> <p>The Assessment Team thanks the Council for this update which suggests that the Council is working hard towards implementing a council-wide eDRM solution. It is to be expected that this project will take some time to develop and implement across the whole Council and the Team will be interested in hearing about further progress in future PURs.</p> <p>However, if this were a formal re-submission (including evidence) and it could be confirmed that public records are being adequately managed outwith the eDRM solution, it is possible the Keeper would be able to grade this element as Green (fully compliant).</p>
5. Retention Schedule	A	G	G	<p>The Keeper can agree this Element on an ‘improvement model’ basis. This means that the authority has identified a gap in provision (the lack of a Council-wide retention schedule) and has identified how it intends to close this gap. As part of this</p>	<p>South Lanarkshire Council is mapping retention and disposals to the Objective File Plan. Retention and disposal have been mapped to the file plan on Objective across all Council Resources and associated services. This will</p>	<p>The Assessment Team notes that retention decisions are imposed on records through the roll-out of the Objective file plan.</p> <p>They are familiar with this system and agrees that it should provide a robust retention</p>

				<p>agreement the Keeper requests that he is kept informed as work progresses.</p>	<p>allow the Council to ensure that its retention schedules are in place for Council services and that electronic and paper records are disposed of in tandem.</p> <p>Leisure and Culture are progressing retention for Libraries and Museums.</p>	<p>schedule for all areas of the Council that have transferred onto Objective.</p> <p>The Council has confirmed to the Keeper that all public records, whether on Objective or not, have retention decisions applied: "The Council has retention schedules in place and a master retention schedule and these are being reviewed and updated. For information on Objective retention periods have been applied to the electronic files. For other business areas not currently on Objective there are retention schedules in place which meet legislative requirements."</p> <p>The Assessment Team thanks the Council for this update which suggests that the Council is working hard towards implementing a council-wide eDRM solution. It is to be expected that this project will take some time to develop and implement across the whole Council and the Team will be interested in hearing about further progress in future PURs.</p> <p>However, if this were a formal</p>
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						re-submission (including evidence) and it could be confirmed that public records have adequately retention decisions imposed outwith the eDRM solution, it is possible the Keeper would be able to grade this element as Green (fully compliant).
6. Destruction Arrangements	A	G	A	<p>The Future Developments section of the Element states that the Council will take forward proposals to develop procedures for the disposal of electronic records held on bespoke business systems. The Keeper commends this commitment and requests that he is kept informed as work in this area progresses.</p> <p>The Keeper can agree this Element on an 'improvement model' basis. This means that the authority has identified a gap in provision (the lack of measures to allow the Council to delete records from some line-of-business systems) and has evidenced a commitment to closing this gap. As part of this agreement, the Keeper requests that he is kept informed as work to close the gap progresses.</p>	<p>An exercise was completed in relation to disposal of records from systems and reported to the Information Governance Board. Each Resource have been undertaking exercises to dispose of records as the move to the EDRMS progresses. Action is being taken to identify systems and how records are disposed. The Objective EDRMS has disposal and retention built in which will allow for a controlled disposal of appropriate records at the correct time in line with relevant legislation. Disposal schedules are in place for the majority of data that was migrated into the Objective system (Community and Enterprise Resources). This will enable the sentencing and destruction of documents based on agreed retention</p>	<p>South Lanarkshire Council are disposing of records held on bespoke systems as part of their eDRM project. The Assessment Team agrees that the Objective system should streamline the automatic destruction of electronic records.</p> <p>Until the Objective transition project is concluded and the eDRM fully operational this element will remain 'amber'.</p> <p>The Assessment Team thanks the Council for this update which suggests that the Council is working hard towards full compliance in Element 6. It is to be expected that this project will take some time to develop and implement across the whole Council and the Team will be interested in hearing about further progress in future PURs.</p>

					<p>periods. Resources are also carrying out an exercise to identify systems where destruction may not be possible. The Council has a confidential waste disposal contract in place– contract awarded on 1/2/2017 for 3 years. Leisure and Culture have removed outdated data from its CRM systems.</p>	
7. Archiving and Transfer	G	G	G	Update required on any change.	No change.	No immediate action required. Update required on any future change.
8. Information Security	G	G	G	Update required on any change.	Revised Information Security approved by Executive Committee on 6 December 2017.	The Council has an updated Information Security Policy The Keeper thanks the Council for alerting him to this update.
9. Data Protection	G	G	G	Update required on any change.	<p>A series of actions are being taken by the Council in terms of GDPR and the Data Protection Act 2018. It has in place a GDPR action plan which has been approved by the Corporate Management Team. Revised policies and processes including Information Security Incident Notification Process, Privacy Policy, DPIA procedures and training. A suite of briefing notes have</p>	<p>The Council has made significant progress in this area, in compliance with GDPR and the Data Protection Act 2018, and are to be commended for these developments.</p> <p>Staff training, Data Protection Impact Assessments and public statements http://www.southlanarkshire.gov.uk/downloads/file/10455/privacy_policy demonstrate compliance with</p>

					been issued to staff on GDPR and the Data Protection Act 2018 as well as training for staff through learn on line. Leisure and Culture have issued briefing notes for staff and developed bespoke learn-on-line training modules for coaches and front of house staff.	GDPR.
10. Business Continuity and Vital Records	G	G	G	Update required on any change.	Vital record guidance was reviewed and uploaded to the intranet for staff in January 2017. Vital records are reviewed on an annual basis. The Council has in place a business continuity plan which is reviewed on a regular basis.	The Assessment Team thanks the Council for this update.
11. Audit Trail	A	G	A	The Council recognises that a large number of electronic records are managed using shared drives and bespoke electronic systems and is aware of the difficulty of maintaining an auditable record of access and changes made to records on these systems. Only those employees with a legitimate business need are permitted access to the relevant areas of each. The RMP states that the Council intends to improve the level of provision in this area by encouraging the use of document naming guidelines, version	A new EDRMS called Objective is being rolled out across the Council which has an advanced audit trail functionality. There will be proactive monitoring of electronic files on Objective. There is a planned move away from using shared network drives. It is planned to cease using network shared drives by 2020 this will be on an incremental basis. Naming conventions have been issued to all staff. For those that will be moving to	See also element 4 The Assessment Team is familiar with the functionality of the Objective eDRM. They agree that it offers robust document tracking and identification. They agree it should offer a suitable solution for the records management provision in a local authority. The Assessment Team thanks the Council for this update which suggests that the Council is working hard towards full compliance in Element 11. It is

				<p>control, and email management (evidence 032-036). The procurement of a new EDRMS is likely to improve the audit trail capabilities for the Council's electronic records.</p> <p>The Keeper can agree this Element on an 'improvement model' basis. This means that the authority has identified a gap in provision (the lack of audit trail capabilities for electronic records managed by shared drives) and has identified how it intends to close this gap. The Keeper requests that he is kept informed of the progress of work to close this gap.</p>	<p>Objective in Phase1 and for remaining staff to use the conventions for existing systems. Further guidance and advice will be developed and issued to employees as use of the Objective system develops.</p> <p>Version control guidance is available for existing systems and version history can be viewed within the Objective system.</p> <p>There has been a move to Outlook 2013 across the Council.</p>	<p>to be expected that this project will take some time to develop and implement across the whole Council and the Team will be interested in hearing about further progress in future PURs.</p>
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	G	G	G	Update required on any change.	The Council has updated PIA procedures and data sharing processing agreements. Training is available on Objective and Information Governance.	

15. Contractors	G	G	G	Update required on any change.	Updated procedures in terms of GDPR. Data Protection Procurement Toolkit updated and available.	<p>This extra element is of significant importance to the implementation of robust records management provision under the Public Records (Scotland) Act 2011 in which the records created by third parties, while carrying out the functions of public authorities, are specifically included.</p> <p>The Council has acknowledged this by featuring this aspect as element 15.</p> <p>In a formal submission the Keeper would expect to see evidence of contractual clauses imposing adequate records management provision on these third parties. For the purpose of PUR the assessment team are happy to indicate a green rating for this element without evidence.</p>
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Version

The progress update submission which has been assessed is the one received by the Assessment Team on 18th January. The progress update submission is authorised by Geraldine McCann, Head of Administration and Legal Services, South Lanarkshire Council.

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

7. PRSA Assessment Team's Summary

The Assessment Team has reviewed **South Lanarkshire Council and South Lanarkshire 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

South Lanarkshire Council and South Lanarkshire 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.

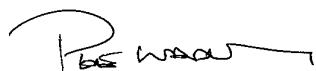
Where 'no change' has been recorded under the update on provision by the authority, the Assessment Team is happy to agree that these elements require no further action for the time being.

8. PRSA Assessment Team's Evaluation

Based on the progress update assessment the Assessment Team considers that **South Lanarkshire Council and South Lanarkshire 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