

# **The Public Records (Scotland) Act 2011**

## **Scottish Children's Reporter Administration and Principal Reporter Progress Update Review (PUR) Report by the PRSA Assessment Team**

**7<sup>th</sup> December 2021**

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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 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 Scottish Children's Reporter Administration and Principal Reporter. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

### 4. Authority Background

The Scottish Children's Reporter Administration (SCRA) is a national body focused on children and young people most at risk. SCRA was formed under the Local Government (Scotland) Act 1994 and became fully operational on 1st April 1996. Its main responsibilities as set out in the Act are:

- To facilitate the work of Children's Reporters,
- To deploy and manage staff to carry out that work,
- To provide suitable accommodation for Children's Hearings.

The Children's Hearings System provides the operational setting in which SCRA and its partner agencies work. The aim is to provide a safety net for vulnerable children and young people, and deliver tailored solutions which meet the needs of the individuals involved, while helping to build stronger families and safer communities.

SCRA has nine localities, supported by a Head Office. The nine localities are: Highlands & Islands, North Strathclyde, Glasgow, Grampian, South East, Tayside & Fife, Ayrshire, Central, and Lanarkshire/Dumfries & Galloway.

<https://www.scra.gov.uk/about-scra/information-about-scra/>

## 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:

<b>G</b>	The Assessment Team agrees this element of an authority's plan.	<b>A</b>	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.	<b>R</b>	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: Scottish Children's Reporter Administration and Principal Reporter

Element	Status of elements under agreed Plan 14APR16	Status of evidence under agreed Plan 14APR16	Progress assessment status 07DEC21	Keeper's Report Comments on Authority's Plan 14APR16	Self-assessment Update as submitted by the Authority since 14APR16	Progress Review Comment 07DEC21
1. Senior Officer	G	G	G	Update required on any change.	A new SIRO was appointed in June 2019 following the retirement of Malcolm Schaffer. Alistair Hogg, Head of Practice and Policy is the new senior manager with responsibility for records management on behalf of the Principal Reporter and SCRA.	The Assessment Team thanks you for the update on the new SIRO which has been noted.
2. Records Manager	G	G	G	Update required on any change.	No change - person responsible for Records Management is Dr Gillian Henderson.  Changes - Data Protection - Stephen Eodanable appointed as Data Protection Officer.  Creation of new Personal Information Officer and Records & Information Officer posts.	Thank you for letting us know there has been no change to the Key Contacts. Update required on any change.
3. Policy	G	G	G	Update required on any change.	Policies that have changed or are new:  - Information Governance Framework (May 2019) replaces Information Governance Policy - Data Protection Policy (December 2018) replaces the Case Information Policy - Record of Processing Activity (December 2018)	Thank you for this update on up-to-date policies. These are essential in supporting an overarching records management policy statement.

					<p>- Freedom of information Policy (January 2021) - Information Sharing Guidance (June 2020)</p> <p>SCRA's Records Management Policy Statement has not changed.</p> <p>SCRA is in the process of revising its Records Management Plan to reflect changes in its systems and in legislation.</p>	<p>Thank you also for letting us know that the records management policy statement remains the same, and continues to properly reflect the SCRA business functions. The Records Management Plan revision is also noted with thanks.</p>
4. Business Classification	G	G	G	<p>Over the last few years, SCRA have been in discussion with the Scottish Government (IT provider) regarding improving the structure of the administration's corporate records. A proposal, shared with the Keeper, to create a single SCRA drive has not yet been adopted. <b>The Keeper would be interested to be kept abreast of any developments in these negotiations.</b></p>	<p>SCRA does not currently have a business classification scheme. This is in part due to the complexity of the organisation's current IT infrastructure with much of SCRA's corporate information being held electronically on multiple drives, SCRA has a Record of Processing Activities which fulfils some of this.</p> <p>SCRA's Record of Processing Activities (RoPA) was finalised in 2018. SCRA is required to have a RoPA to evidence compliance with GDPR on the personal information it processes on children, parents, members of staff etc.</p> <p>Operational Information is held on SCRA's new case management system - CSAS. The RoPA is being revised to reflect this.</p> <p>SCRA has had a Data Classification Policy in place since 2014 when the Government Security Classifications were introduced. The</p>	<p>It is clear that SCRA has made progress in terms of corporate records structure. A business classification scheme is not essential if the authority can provide an Information Asset Register or similar instead in order to demonstrate awareness of the information it keeps.</p> <p>It is reassuring that its Record of Processing Activities covers personal data handling in compliance with GDPR, which is a key</p>

				<p>policy is included within the Information Security Handbook V4.0.</p> <p>SCRA routinely deals with sensitive child data as case information during a referral and when arranging children’s hearings. All case Information is protected as OFFICIAL – SENSITIVE data in accordance with the Data classification Policy.</p> <p>SCRA’s Core Systems and Applications Solution (CSAS) has been developed specifically to store and process case information. CSAS is maintained as an accredited system for safeguarding SCRA’s case data in line with the requirements for OFFICIAL-SENSITIVE data.</p> <p>SCRA has separate systems for processing HR &amp; Payroll data and financial data. SCRA uses restricted access folders on their corporate drive to store any other business sensitive data.</p> <p>SCRA maintains an Information Asset register of all their business critical assets, who is the Information asset owner for each asset and the classification of that asset.</p> <p>SCRA’s Record of Processing Activities (RoPA) is currently being revised to reflect the introduction of CSAS across the organisation.</p>	<p>part of the requirement for a register. It is also noted RoPA is being updated to reflect the line-of-business system, CSAS, used for case management.</p>
	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	<p>The Records Retention &amp; Disposal Schedule is currently being reviewed in respect of our case</p> <p>The Retention Schedule is a living</p>

<p>5. Retention Schedule</p>					<p>files. It was anticipated that the retention period for case files would increase from a young person's 18<sup>th</sup> birthday to their 19<sup>th</sup> birthday in order to meet our obligations under the United Nations Convention on the Rights of the Child (Scotland) Act. However, following the UK Government's successful challenge to the Act we are awaiting the revised legislation to determine what the retention period should be.</p> <p>The record retention schedule is provided in the SCRA Records Management Policy. This includes non-sensitive electronic files and information.</p>	<p>document and it is important that the authority's Records Management Plan demonstrates the principle that retention rules are consistently applied across all of an authority's record systems. The Assessment Team thanks you for this update on records retention &amp; disposal schedule review, and that this schedule is reviewed to comply with relevant legislation and to meet business needs.</p>
<p>6. Destruction Arrangements</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>Update required on any change.</p>	<p>Paper Shredding Services Ltd (PSS) is contracted for on-site Confidential Shredding Services, covering all of SCRA's core sites, including the islands. Thurso receives an off-site collection.</p> <p>As we are continuing to conduct Children's Hearings virtually, we have established a temporary freepost service to allow Children's Panel Members to forward their used Hearings papers directly to PSS.</p> <p>SCRA is currently decommissioning their Case Management system (CMS). All the hard disks</p>	<p>Thank you for the update on both digital and paper record destruction arrangements. Based on this update, the Assessment Team is content that SCRA continues to implement its records destruction policy regardless of the challenges posed by remote working.</p>

					<p>used to store CMS data have been securely erased using Blancco software. The hard disks are collected by our secure disposal supplier who issues SCRA with a disposal certificate once the disk have been crushed.</p> <p>All old IT equipment is disposed of using a secure disposal supplier and a disposal certificate obtained.</p>	
7. Archiving and Transfer	A	G	A	<p><b>The Keeper can agree this element of the SCRA Plan under ‘improvement model’ terms. This mean that the authority has identified a suitable repository for records selected for permanent preservation and have put processes in place to formalise transfer arrangements. The Keeper’s agreement is conditional on the MOU, between NRS and SCRA being, created, signed and forwarded to the PRSA Assessment Team.</b></p>	<p>A MOU has not been signed. Instead SCRA’s web pages are currently routinely captured by the NRS Web Crawler for preservation and these form part of the NRS Web Archive.</p>	<p>Thank you for letting us know that the SCRA web pages and their content are being appropriately captured and preserved.</p> <p>In 2016, the Keeper agreed this element of the SCRA Plan under ‘improvement model’ terms, conditional on the MOU, between NRS and SCRA being created, signed and forwarded to the PRSA Assessment Team.</p> <p>Section 1(2)(b)(iii) of the Act requires a Records Management Plan to make provision about the archiving and</p>

						<p>destruction, or other disposal, of an authority's public records, ensuring that records of enduring value are deposited in an appropriate archive repository. In their Records Management Plan, approved by the Keeper, SCRA states that they 'have identified the National Records of Scotland as the repository to which it will transfer records for permanent preservation' and that 'An MOU between SCRA and NRS has been drafted and is being finalised.'</p> <p>The keeper's Assessment Team would strongly advise SCRA to address this residual action in order to reach full compliance in this element.</p>
8. Information Security	G	G	G	Update required on any change.	All staff must complete SCRA's Data Protection training, Cyber-security e-learning and Information Governance e-learning, all of	The Assessment team thanks you for this update on compulsory

					<p>which include information security. SCRA has well established procedures in place for reporting breaches of case information and non-disclosure orders which staff are trained on (please see element 9 for further information).</p> <p>SCRA recognises that by utilising digital technologies we can improve the security of case information. SCRA's new case management system - The Core System and Applications Solution (CSAS) has been developed to realise the many benefits offered by adopting digital technologies. Going 'Digital' provides both SCRA and Children's Hearings Scotland (CHS) the ability to collaborate, share services and information securely to improve outcomes for children and young people in Scotland.</p> <p>CSAS has been designed to include the similar case management functionality to SCRA's previous Case Management System. CSAS has been designed and built using Microsoft Cloud technologies including MS SharePoint, which is used for managing our case records.</p> <p>From April 2020 onwards, SCRA has carried out risk profile assessments on all potential contracts using the Scottish Cyber Assessment Service as promoted by Scottish Government.</p> <p>As SCRA is a public sector organisation the development of CSAS was required to pass a Digital First Technical review to ensure that the</p>	<p>information security training for staff, including the procedures in place for the reporting of data breaches.</p> <p>Thank you also for the update on new Microsoft SharePoint-based case management system. This will certainly have implications on information security as the weight of risks shift from analogue records to digital, which offer operational benefits.</p> <p>The approach to all potential contracts by means of risk profile assessments is commended and noted with thanks.</p>
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					<p>security of the system was adequate for storing and processing OFFICIAL-SENSITIVE data.</p> <p>SCRA has a contract with a consultancy, who specialises in government system security, to accredit CSAS and SCRA are maintaining CSAS as an accredited system.</p>	
9. Data Protection	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	<p>In 2020 an internal audit of SCRA's Data Protection compliance was carried out, this gave a level of assurance. All audit recommendations have been implemented.</p> <p>SCRA worked with Who Cares? Scotland and the ICO to improve how we deal with subject access requests, and in particular how we provide a more personalised approach. In November 2020 SCRA produced guidance on this new approach for the public.</p> <p>It is a requirement of the ICO that all SCRA staff receive annual GDPR training to ensure that they are aware of their responsibilities in complying with Data Protection Law and SCRA's Data Protection Policies.</p>	<p>The Assessment Team commends SCRA for undertaking an internal audit on its Data Protection compliance, and it is positive to hear that all audit recommendations have been implemented.</p> <p>The new procedures to deal with Subject Access Requests and the associated guidance produced for the public are also noted with thanks, as is the annual GDPR and Data Protection training.</p>
10. Business Continuity and Vital Records	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	<p>The Risk Reference Group is now disbanded. Risks are now covered by the Planning and Performance Network with Risk register being</p>	<p>Thank you for this update. No action required.</p>

					regularly reviewed by Executive Management Team.	
11. Audit Trail	G	G	G	Update required on any change.	<p>In the new CSAS, role based accounts have been implemented which limits the user on which cases they are able to access. Strict controls on RESTRICTED case files have been implemented so that no unauthorised users can access RESTRICTED case files.</p> <p>CSAS is hosted in the cloud and all users get access through the internet. New CSAS policies and controls have been put in place to ensure that SCRA staff access CSAS from the SCOTS environment using a SCRA computer.</p> <p>Quality and Data Assurance -Scheduled reviews of Non-Disclosure cases and Orders (where a decision has been made to make one) are currently done twice a month, these are reportable to the Executive Management Team. The Data Management Team also continually monitor and review, secure authorisation cases; Hearing decisions with no reasons; upcoming appointments without grounds linked; upcoming Hearings without order linked; Hearings with no Record of Proceedings linked and orders not flushed onto the child record screen. Ad hoc checks are also done as a result of any emerging issues or changes to processes.</p> <p>Version control and audit history are enforced within CSAS.</p>	<p>The update on access restrictions to electronic case files is received with thanks. Access through SCOTS network using SCRA hardware only is also good practice.</p> <p>Thank you also for the update on quality and data assurance checks.</p>

12. Competency Framework	G	G	G	Update required on any change.	Data Protection Officer has achieved the Data Protection Practitioner Certificate.	Thank you for this update, as well as notes on organisation-wide training throughout this PUR.
13. Assessment and Review	G	G	G	The <i>Plan</i> mentions (pages 23 and 30) that SCRA have “internal auditors”. SCRA’s internal auditors are reviewing information governance in 2016-17 and SCRA will ask that the RMP is included. <b>The Keeper requests that he is informed if this proposal is accepted.</b>	<p>In 2020 an internal audit of SCRA’s Data Protection compliance was carried out, this gave a moderate level of assurance. All audit recommendations have been implemented.</p> <p>In 2020 an internal audit of SCRA’s freedom of information compliance was carried out - this gave a moderate level of assurance. SCRA are working towards implementing all recommendations by 2022.</p> <p>SCRA is currently updating its Records Management Plan.</p>	<p>The completion of an internal audit on Data Protection Compliance and the implementation of recommended actions is welcome news. The audit on FOISA compliance is to be similarly commended, even though the implementation of recommendations is still in progress. Internal audits are a very useful tool for determining improvement needs.</p> <p>It is very positive to hear that SCRA is currently updating its records management plan.</p>
14. Shared Information	G	G	G	Update required on any change.	The SPR2 system allows SCRA to receive electronic juvenile offence information in SPR2 Extensible Markup Language (XML) format from Police Scotland. SCRA has implemented	The Assessment Team is grateful for this update on information sharing

					<p>a process where they receive all of the child concern reports securely via Egress from Police Scotland into Locality Team Mailboxes where they are processed in line with the Retention Policy.</p> <p>SCRA's Information sharing guidance was revised in June 2020.</p> <p>The SCRA wishes to establish a standardised data sharing agreement with all 32 local authorities. The SCRA's DPO has been in discussion with one of the solicitors from the Society of Local Authority Lawyers &amp; Administrators in Scotland (SOLAR) sub group since 2018. Throughout the course of these discussions, several amendments to the initial draft agreement have been made and the data sharing agreement was submitted to SOLAR group in April 2021.</p> <p>The draft agreement was not approved by the SOLAR group and we are currently awaiting on suitable dates to meet with representatives from the group, in order to learn what further amendments are required and hopefully agree upon a final version. It is important to highlight that although these agreements are not in place, this is certainly not preventing effective data sharing between the SCRA and the local authorities in accordance with our statutory responsibilities.</p>	<p>guidance revision, and the processes in place to receive confidential reports securely.</p> <p>The process to pursue data sharing agreements with local authorities is very positive news. While this is a long process, the Assessment Team would like to commend SCRA for engaging with it, and would like to state it has no concerns over this Element. We hope to hear updates on the required draft review in consecutive PURs.</p>
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## 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 26 July 2021. The progress update was submitted by Gillian Henderson, Information & Research Manager.

The progress update submission makes it clear that it is a submission for **Scottish Children's Reporter Administration and Principal Reporter**.

The Assessment Team has reviewed Scottish Children's Reporter Administration and Principal Reporter'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

Scottish Children's Reporter Administration and Principal Reporter 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 Scottish Children's Reporter Administration and Principal Reporter 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, flowing style.

Iida Saarinen  
Public Records Support Officer