The Public Records (Scotland) Act 2011

South Ayrshire Council and South Ayrshire Licensing Board

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

21st May 2021

Contents

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.

A33373051 - NRS - Public Records (Scotland) Act (PRSA) - South Ayrshire Council and Licensing Board - Progress Update Review (PUR) – Final Report - 21 May 2021

3

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

4. Authority Background

South Ayrshire is one of 32 council areas of Scotland. The council area was created on 1 April 1996, under the provisions of the Local Government etc. (Scotland) Act 1994.

https://www.south-ayrshire.gov.uk/

South Ayrshire Council's Licensing Board is responsible for regulating the sale of alcohol to the public, and certain gambling activities. It does this by issuing Alcohol Licences and Betting and Gaming licences and permits.

https://www.south-ayrshire.gov.uk/licensing/board/

A33373051 - NRS - Public Records (Scotland) Act (PRSA) - South Ayrshire Council and Licensing Board - Progress Update Review (PUR) – Final Report - 21 May 2021

5

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.

A33373051 - NRS - Public Records (Scotland) Act (PRSA) - South Ayrshire Council and Licensing Board - Progress Update Review (PUR) – Final Report - 21 May 2021

6

Progress Update Review (PUR) Template: South Ayrshire Council and South Ayrshire Licensing Board

Element	Status of elements under agreed Plan 01SEP17	Status of evidence under agreed Plan 01SEP17	Progress assessment status 21MAY21	Keeper's Report Comments on Authority's Plan 01SEP17	Self-assessment Update as submitted by the Authority since 01SEP17	Progress Review Comment 21MAY21
1. Senior Officer	G	G	G	Update required on any change.	The Senior Manager for South Ayrshire Licensing Board has changed. Ralph Riddiough has left the organisation and the details of the new Clerk of the Licensing Board are as follows: Catriona Caves Clerk to South Ayrshire Licensing Board & Head of Legal, HR and Regulatory Services County Buildings Wellington Square Ayr KA7 1DR Tel: 01292 612556 Email: catriona.caves@south-ayrshire.gov.uk	The Assessment Team thank South Ayrshire Council and Licensing Board for this update which is noted.
2. Records Manager	G	G	G	Update required on any change.	No update.	Update required on any change.

A33373051 - NRS - Public Records (Scotland) Act (PRSA) - South Ayrshire Council and Licensing Board - Progress Update Review (PUR) – Final Report - 21 May 2021

7

3. Policy	G	G	G	Update required on any change.	Records Management policies and procedures, including the Records Management Policy Framework, have gone through reviews with minor amendments taking place, as appropriate, to keep up with internal changes as well as any legislative change.	South Ayrshire Council and Licensing Board undertake regular review and revisions of records management policies and procedures to keep up to date with current legislation and organisational changes.
4. Business Classification	A	G	A	… it is clear from the *Plan* that the *Business Classification Scheme* is not yet fully operational in a manner that the Council considers fully efficient. The scheme is not yet fully implemented corporately and the adoption of an EDRM is being considered. This must remain a business decision for the authority and the Keeper can take no view on whether the procurement of such a system should proceed. He, of course, agrees that for an authority the size of South Ayrshire Council the adoption of a full EDRM would not be unreasonable.	A decision was taken to re-consider the introduction of a specific EDRMS as a move to Microsoft 365 (M365) was being considered by the Council. It is expected that this will assist the Council to correctly store and manage electronic records. M365 will also be used to implement the Council's Business Classification Scheme into electronic records storage. A team of staff have been involved in the deployment of M365, which includes the Council's Team Leader (Information Governance) and our Records and Data Officer who are advising on Information Governance and Records Management. The Council now has a number of guides to aid managing electronic records approved for use. These guides include: Electronic Records Naming Guidance, Managing Emails Guidance, Organising Electronic Folders Guidance and Version	Thank you for this update and confirmation that the Council has decided to adopt M365. The migration from shared drives to M365 will improve the management of electronic records. A large number of Scottish public authorities have chosen to adopt M365 and are at various stages of implementation. The Assessment Team understand the roll-out will be incremental and take some time to become fully operational. The involvement of information governance staff in the roll-out and the work of the M365 Project Board in producing an information governance framework is encouraging. It is also encouraging to hear that guidance has been developed and made available to all staff to support the transition.

A33373051 - NRS - Public Records (Scotland) Act (PRSA) - South Ayrshire Council and Licensing Board - Progress Update Review (PUR) – Final Report - 21 May 2021

8

				On this matter the *Plan* states (page 10): "This Plan recognises that work is ongoing to fully implement the functional classification scheme for both paper and electronic records, particularly in terms of rationalising the process of staff storing unstructured data in electronic records in multiple different shared drives. The Council is committed to scoping up to date and effective solutions to the management of such records and, as part of the Transform South Ayrshire programme, work is underway to undertake a scoping exercise to establish if an EDRMS solution is suitable for corporate use." The Keeper should be informed of the results of the scoping exercise and of the specific plans around this element going forward from that exercise.	Control Guidance. Each of these guides help to improve the way all services within the Council manage their electronic records. These guides have been put on the Council's intranet so all staff have access to them as required. These guides will be further highlighted to staff when rolling out M365 so all records held within M365 are managed correctly. These Guides are being used by the M365 project board as a basis for introducing an Information Governance Framework to promote the successful management of electronic records.	As M365 will be used to implement the Council's Business Classification Scheme this work will be ongoing as the deployment progresses. While this is underway the element remains Amber. We look forward to updates in future PUR submissions.

A33373051 - NRS - Public Records (Scotland) Act (PRSA) - South Ayrshire Council and Licensing Board - Progress Update Review (PUR) – Final Report - 21 May 2021

9

| | | | | This work is confirmed in the *Records Management Guide to Staff* (see element 3) section 5.0.

Furthermore the *Plan* states (page 10) "Work is ongoing in relation to the development of file naming conventions, including piloting the conventions in a number of service areas. The Records Management Service is currently meeting with Chief Officers of the Council to ensure the Business Classification Scheme, once fully developed and rolled-out corporately, will be implemented throughout every service."…

The Keeper agrees the above actions suggest a commitment to an improvement plan (see also elements 5, 6 and 11 for future improvements around the record-keeping structure… | | |

A33373051 - NRS - Public Records (Scotland) Act (PRSA) - South Ayrshire Council and Licensing Board - Progress Update Review (PUR) – Final Report - 21 May 2021

10

				The Keeper agrees this element of South Ayrshire Council and South Ayrshire Licensing Board's *Records Management Plan* under 'improvement model' terms. This is in acknowledgement of the authority being in a state of transition regarding imposing the Business Classification Scheme on an electronic records management solutions (see above). He is convinced of the commitment to complete this work, however his agreement is conditional on his being updated as the project progresses. The Council have committed to doing this (*Plan* page 32).		
5. Retention Schedule	A	G	A	The Plan explains that currently the Information Governance Team (see under General Comments below): "are in the process of	The Council has now fully engaged with all services and each service has approved retentions relating to their work. The fully approved retention schedule is available on the Council's	Engagement with local business areas is important in developing appropriate retention decisions and is to be commended. Progress has clearly been made with completion of this work

A33373051 - NRS - Public Records (Scotland) Act (PRSA) - South Ayrshire Council and Licensing Board - Progress Update Review (PUR) – Final Report - 21 May 2021

11

	🟧	🟩	🟧	meeting with each service area to discuss which of the function, activity and transaction sections of SCARRS are relevant to each service area, and agree the appropriate retention period, given different business needs." **The Keeper agrees this action, commends local involvement in the creation of the schedule and requests that he is informed when this activity has been concluded.** It is understood that a revised Corporate Retention Schedule will include reference to vital records (*Vital Records Policy* page 4) (see element 10). **The Keeper requests that he is informed when this is done**… The Keeper agrees this element of South Ayrshire Council and South Ayrshire Licensing Board's *Records Management Plan* under	website as well as the intranet for ease of access for services to find and use. It is a live document so any amendments can be added to it if they come up. The only exception to the completion of the retention schedule is the Roads service. This section is not approved yet as it is being led by East Ayrshire Council. The Roads service for both Council's is run jointly as Ayrshire Roads Alliance and East Ayrshire Council is the lead authority therefore South Ayrshire Council is awaiting confirmation from our partner Authority, once this retention has been approved. South Ayrshire Council is in regular contact with East Ayrshire Council regarding this and will advise the Keeper when this element is complete. Consideration is now being given to specifically categorising our Vital records within the Council's retention schedule, this work is planned to take place over 2021/2022.	and the resulting approved retention schedule. The authority make clear they acknowledge the retention schedule will be subject to change and commits to amending it accordingly. The outstanding work regarding the inclusion of the Roads Service in the retention schedule is noted, as is the planned work to categorise vital records within the retention schedule. We look forward to updates on both in future PUR submissions. The application of the approved retention schedule to electronic records will be gradual as M365 is rolled out. See element 4. As work is ongoing this element will remain Amber.

				'improvement model' terms. This is in acknowledgement of the authority still in the process of finalising the *Corporate Retention Schedule* with local service areas and imposing retention decisions on the chosen records management solution. **The Keeper is convinced of the commitment to complete this work, however his agreement is conditional on his being updated as the project progresses**. The Council have committed to doing this (*Plan* page 32).		
6. Destruction Arrangements	**A**	**G**	**A**	Paper (external): There is no indication that South Ayrshire Council holds records with a third party storage supplier. **For completeness the Keeper requests confirmation of this**. Electronic: The *Records Disposal Policy* (see below)	Within the last year the Council has moved from holding all non-current paper records in-house to using an outside company to store our records. There was a tender exercise carried out, following this Restore Plc was awarded the contract to store the Council's non-current records. They will carry out any destructions, after records meet their retention, once requested and authorised by the Council. Appropriate procedures have been introduced to support	The Assessment Team note that a third party contractor (Restore Plc) has been engaged to store and dispose of the authority's non-current paper records. From this update the authority appear to have procedures in place for managing the destruction of offsite paper records.

A33373051 - NRS - Public Records (Scotland) Act (PRSA) - South Ayrshire Council and Licensing Board - Progress Update Review (PUR) – Final Report - 21 May 2021

13

| | | | | does not provide staff guidance for the deletion of electronic records held on shared drives or of e-mails.

The Plan states (section 6.8 page 15): "the activity of meeting with every service area to discuss and agree the records retention schedule will ensure that all members of staff are aware of their responsibilities to destroy records in the correct way and at the correct time. The business classification scheme will also aid the correct destruction of electronic records as records will be similarly structured by function and easily located and audited." The Keeper agrees this action. The Plan goes on to state (6.10 page 16): "the Council is currently piloting proposed naming conventions for electronic records within several selected service areas, to receive user feedback | destruction arrangements in line with the PRSA.

Restore Plc comply with a number of standards relating to environmental conditions, fire detection and suppression, flooding and system security. These standards include BSEN16893, BS4971, BS5839 and BS 6266, as well as being accredited under ISO 14001, ISO 18001 and ISO 27001.

The Council is satisfied our records are held appropriately by Restore Plc, this comes from the tendering process as well as a visit to the site where our records are stored, prior to the records being transferred to the site.

The Council's Records Management Service continues to manage all records held with Restore Plc and will liaise with services prior to any disposals taking place. The same disposal authorisation is still required before any records are disposed of.

Consideration is being given to the governance of electronic records by the M365 Project Board, which includes mandatory metadata fields within files and documents to include record retention periods and a two-stage authorisation process for record disposals. M365 is in early adoption within South Ayrshire | M365 will allow for a more controlled destruction of electronic records. The application of retention periods in M365 and development of disposal authorisation processes will be gradual as the roll-out progresses.

This element remains Amber while work continues. We look forward to updates in future PUR submissions. |

				on the conventions being proposed, prior to consideration for corporate use. If the introduction of standardised naming conventions is agreed it is anticipated it will also aid accurate destruction of electronic records, as records will be easily identifiable and will contain the date of creation in the file name." The Keeper agrees that a more robust structure should allow confidence that electronic records are being deleted securely when appropriate. Generally, the development of a centralised records management solution (see element 4 above) should allow more controlled deletion of electronic records. The adoption of an EDRM (which is currently being considered) should allow this process to be automated if desired…	Council and will be adopted over 2021/2022.	

	🟧	🟩	🟧	The Keeper agrees this element of South Ayrshire Council and South Ayrshire Licensing Board's *Records Management Plan* under 'improvement model' terms. This means that he acknowledges that the authority has recognised a gap in provision (the systematic destruction of electronic records could be improved). He agrees that the authority has instigated processes to close that gap (for example, the potential of a migration to an EDRM solution). **The Keeper's agreement is conditional on him being updated as this project progresses** (see element 4). The Council have committed to doing this (*Plan* page 32).		
7. Archiving and Transfer	**G**	**G**	**G**	Update required on any change.	Ayrshire Archives are currently in the process of moving to a new purpose-built Archive Centre. This move has been delayed by COVID-19, however once current restrictions have been	Thank you for this update. The delay to Ayrshire Archives move to new premises because of Covid-19 is understandable.

A33373051 - NRS - Public Records (Scotland) Act (PRSA) - South Ayrshire Council and Licensing Board - Progress Update Review (PUR) – Final Report - 21 May 2021

16

					lifted they will hopefully move shortly thereafter. Although the Council's records are no longer stored within the same building as the Ayrshire Archives the services continue to work very closely together to ensure any records of archival significance are transferred in line with our Agreements. The same procedures for transferring records to Records Management continue to be in place even though it will be Restore Plc who are storing these records.	It is noted that close working with Ayrshire Archives Service continues to ensure appropriate records are transferred for permanent preservation. We also acknowledge that procedures remain the same for the transfer of non-current paper records, although these records are now stored by Restore Plc. See element 6.
8. Information Security	G	G	G	Update required on any change.	No update.	Update required on any change.
9. Data Protection	G	G	G	Update required on any change.	All data protection policies and procedures have been updated since the General Data Protection Regulation 2016 and the accompanying Data Protection Act 2018 have come in to place.	New Data Protection legislation in recent years has meant updates to policies and procedures has been a requirement for all public authorities. Notification of this work is acknowledged.
10. Business Continuity and Vital Records	G	G	G	Update required on any change.	No update.	Update required on any change.
11. Audit Trail	A	G	A	The *Plan* also states "The implementation of the Council's business	The roll out of Microsoft 365 will help implement the corporate file plan, and it is expected it will introduce in	See element 4 for M365 comments. Improved audit trail functionality and

A33373051 - NRS - Public Records (Scotland) Act (PRSA) - South Ayrshire Council and Licensing Board - Progress Update Review (PUR) – Final Report - 21 May 2021

17

| | | | | classification scheme will assist in developing a corporate file plan that will be introduced across Council services to use a single standard filing system for electronic records (*Plan* section 11.4) The Keeper agrees this principle.

Furthermore, the *Plan* states "Within the scoping exercise for an EDRMS, one of the requirements for the system is that it must have the functionality for monitoring the audit trail of records." The Keeper notes this and agrees it is an important requirement of any records management system.

The staff information leaflet *Records Management* supplied to the Keeper requires that staff should "To ensure the current version of an electronic record is in use, use a version control number". This | turn an audit trail for electronic records. This element of M365 is being further explored by the M365 project group and we will report back to the Keeper on this element when it becomes known.

Meantime, the publishing of Guides on Naming Electronic Records; Version Control; Managing Emails and Structuring File Folders is allowing our services to re-design how they store their electronic records, and apply meta-data to their names, improving searchability and structures of electronic documents and records held in an unstructured format by services.

The records management guides previously mentioned will also help with this as they will aid staff in identifying records and whether they are within their retention. | version control capabilities will be achieved with the move to M365. We look forward to updates as this work progresses.

The Assessment Team note several published guidance documents (Naming Electronic Records, Version Control, Managing Email, and Structuring File Folders) are now available to staff and will improve the current management of electronic records on unstructured shared drives. These guides will enhance the searching and tracking of documents.

This element will remain Amber while the transition to M365 continues. |

| | | | | is confirmed in the *Records Management Guide to Staff* (see element 3) section 6.0. However, more detailed guidance on version control and document naming conventions is currently in a draft stage (supplied). This is partly due to the exercise detailed at element 4 which may result in the Council installing an automated system which may impose certain tracking arrangements (such as version control).

The Keeper can agree this element on an 'improvement model' basis. This means that the Council has identified a gap in provision (tracking of records will be dependent on the records management solution adopted by the Council going forward) and has identified a solution to close this gap. This agreement is | | |

A33373051 - NRS - Public Records (Scotland) Act (PRSA) - South Ayrshire Council and Licensing Board - Progress Update Review (PUR) – Final Report - 21 May 2021

19

	🟧	🟩	🟧	conditional upon the Keeper being kept informed of progress (see element 4). The Council have committed to doing this (*Plan* page 32).		
12. Competency Framework	**G**	**G**	**G**	Update required on any change.	The Records and Data Officer has now achieved a Postgraduate Diploma from Dundee University in Records Management and Digital Preservation.	Thank you for this update which is noted and congratulations on the successful completion of this qualification.
13. Assessment and Review	**G**	**G**	**G**	Update required on any change.	No update.	Update required on any change.
14. Shared Information	**G**	**G**	**G**	Update required on any change.	No update.	Update required on any change.

A33373051 - NRS - Public Records (Scotland) Act (PRSA) - South Ayrshire Council and Licensing Board - Progress Update Review (PUR) – Final Report - 21 May 2021

20

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 15 March 2021. The progress update was submitted by Deborah McVey, Team Leader (Information Governance).

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

The Assessment Team has reviewed South Ayrshire Council and South Ayrshire Licensing Board'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

South Ayrshire Council and South Ayrshire 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 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 South Ayrshire Council and South Ayrshire 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,

Liz Course
Public Records Officer