

The Public Records (Scotland) Act 2011

Stirling Council and Licensing Board

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

23 November 2018

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

4. Authority Background

The Stirling council area is one of the 32 council areas of Scotland, and has a population of about 91,000 (2012 estimate). It was created under the Local Government etc. (Scotland) Act 1994 with the boundaries of the Stirling district of the former Central local government region, and it covers most of the former county of Stirling (except Falkirk) and the south-western portion of the former county of Perth. Both counties were abolished for local government purposes under the Local Government (Scotland) Act 1973. The administrative centre of the area is the city of Stirling. Stirling Council has 22 elected members across 7 multi-member wards.

<http://my.stirling.gov.uk/home>

The Stirling Licensing Board is established under the Licensing (Scotland) Act 2005 and deals with the administration of liquor licensing and certain other statutory duties. It comprises eight members, who are elected members of Stirling Council and are appointed to the Board by the Council.

<http://my.stirling.gov.uk/services/law-and-licensing/licences,-permits-and-permissions>

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: Stirling Council and Licensing Board

Element	Status of elements under agreed Plan, Apr 2017	Status of evidence under agreed Plan, Apr 2017	Progress assessment status, Oct 2018	Keeper's Report Comments on Authority's Plan, Apr 2017	Self-assessment Update as submitted by the Authority since Apr 2017	Progress Review Comment, Oct 2018
1. Senior Officer	G	G	G	Update required on any change.	No changes	No immediate action required. Update required on any future change
2. Records Manager	G	G	G	Update required on any change.	<p>Fiona Wilbraham is named in the RMP as having operational responsibility for records management, but left Stirling Council on 19 August 2018.</p> <p>A vacancy for the post of Team Leader – Records & Information Governance was advertised on 8 August, with a closing date for applications by 22 August: https://www.myjobscotland.gov.uk/councils/stirling-council/jobs/records-information-governance-team-leader-126226</p> <p>This post was interviewed on 14th September and has been</p>	This update is noted with thanks. Filling this vacancy has clearly been treated as a priority by Stirling Council and evidence has been provided that the job description includes reference to the Public Records (Scotland) Act 2011 s.1(2)(a)(ii). The Keeper will be pleased to be notified of the post holder's contact details in due course.

					<p>offered to a preferred candidate.</p> <p>The job description specifically mentions: “operational responsibility for records management within Stirling Council in compliance with Section 1(2)(a)(ii) of the Public Records (Scotland) Act 2011”.</p> <p>We will notify the Keeper once the post is filled.</p>	
3. Policy	G	G	G	Update required on any change.	No changes.	No immediate action required. Update required on any future change
4. Business Classification	A	G	A	<p>The Keeper agrees this element of Stirling Council’s records management plan under ‘improvement model’ terms. This means that the authority has identified a gap in provision (a full business classification scheme has not yet been rolled-out in the organisation) and have put measures in place to close that gap. The Keeper’s agreement is conditional on him receiving updates as</p>	<p>Work to embed a classification scheme as the basis for information governance work has progressed as part of preparations for GDPR.</p> <p>A Council-wide survey of process which use personal data captured details of arrangements for the management of those records. Processes have been mapped to a classification scheme (LGCS). Surveys resulted in the publication of information for members of the public (in the form of Privacy Notices)</p>	<p>Evidence of the survey guidance has been supplied. It is sensible that such a detailed and complex survey should capture information beyond the immediate and important requirements of the Data Protection Act 2018. Encouraging teams to identify the appropriate classification in LGCS for their own work enables the staff to engage with the concept and uses of business classification schemes.</p> <p>The use of the business classification scheme for digital</p>

				<p>the SharePoint project progresses.</p>	<p>which are published in a way that uses the same classification scheme. See Register of Personal Data Processing at: https://my.stirling.gov.uk/services/council-and-government/data-protection-and-freedom-of-information/data-protection/how-we-use-your-data</p> <p>Tools for managing and assessing data protection issues are based on the same classification scheme being used to manage retention etc.</p> <p>Similar work is planned in relation to functions which do not use personal data.</p> <p>In addition, work on identifying records for permanent and long term preservation is likely to require an asset register which maps to other asset registers according to the same classification scheme. See update in 7 – Archiving and Transfer.</p> <p>SharePoint is still being used within the Council as a “library”</p>	<p>records identified as having long-term or permanent preservation requirements is a sensible way to facilitate mapping to the retention schedules and to asset registers.</p> <p>The on-going work to investigate the functionality of SharePoint is an important process. It is a business matter for the Council to determine whether SharePoint meets their business requirements to manage records. It would be inadvisable to adopt any system without the appropriate functionality and a steady, careful approach is good practice.</p>
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					and not yet being used to manage records. Work is continuing to investigate new functionality which would allow us to classify records and use retention.	
5. Retention Schedule	A	G	A	<p>the Council states (<i>Plan</i> page 9) “Further work will be required to ensure that the adopted retention rules can be implemented in all the specific systems and databases used throughout the organisation” and “The retention rules will be used as the basis for tools within any new SharePoint projects for managing electronic records”.</p> <p>The Keeper agrees this element of Stirling Council’s <i>Records Management Plan</i> on ‘improvement model’ terms. This means that he acknowledges that the authority has identified a gap in provision (retention schedules are not fully implemented and the SharePoint development is not complete). The Keeper agrees that the authority</p>	<p>Work to ensure that retention rules are up to date and captured has been taken forward as part of preparations for GDPR. See updated on DP below.</p> <p>Similar work is now needed in relation to records which do not contain personal data.</p> <p>SharePoint is still being used within the Council as a “library” and not yet being used to manage records. Work is continuing to investigate new functionality which would allow retention to be enforced and implemented.</p> <p>We have identified opportunities to embed retention in other systems for electronic records as new systems are implemented. For example, the Council requires a replacement for the Swift social work case recording system.</p>	<p>It is positive to hear that the retention schedules relating to personal information have been reviewed and updated and that the need to develop this for other records is recognised.</p> <p>The on-going work on SharePoint is important for the implementation of retention schedules across the Council in relation to electronic records. Embedding retention schedules into other systems is equally important and it is positive to see (as in Element 7) that the long-term preservation of digital records is being addressed, particularly in regard to social work case files which relate directly to the reason for the existence of the Public Records (Scotland) Act.</p>

				has instigated projects to close that gap and his agreement is therefore conditional on his being updated as these projects proceed.	Work on embedding retention rules for electronic social work case files will take place as part of that project, rather than SharePoint.	
6. Destruction Arrangements	A	G	A	Electronic : The Council is currently developing an electronic records system utilising SharePoint with a bolt-on (see element 4) and until this is operational the controlled destruction of electronic records remains difficult to police. The Council state in their <i>Plan</i> “further work will be required to ensure that the records kept in specific systems and databases can be destroyed in line with agreed retention rules” and, regarding the SharePoint solution, “It has been identified that additional tools will be needed to support basic SharePoint functionality, so that we can ensure electronic records are destroyed in line with agreed retention rules.” The Keeper agrees these statements.	Same update as for retention. Destruction is an outcome of retention on retention. SharePoint is still being used within the Council as a “library” and not yet being used to manage records. Work is continuing to investigate new functionality which would allow retention to be enforced and implemented.	The authority recognises that additional work is required in order to manage secure destruction of electronic records in accordance with the retention schedules. It is a business matter for the Council whether SharePoint remains their preferred option going forward. It is to be expected that this process will take longer than the year that has elapsed since the Records Management Plan was agreed by the Keeper and that it is dependent on the work being undertaken for Elements 4 and 5.

				<p>The Keeper agrees this element of the Council's <i>Plan</i> under improvement model terms. This means that he acknowledges that the Council have identified a potential gap in provision (electronic record destruction is not fully controlled), but have put processes in place to close that gap (the SharePoint development). His agreement will be conditional on his being updated as the project progresses.</p>		
7. Archiving and Transfer	G	G	G	Update required on any change.	<p>The Council's Information Management Group has established a sub-group looking at preservation of Digital records. Work is underway to compile a Digital Asset register to identify records required for long term or permanent preservation, which can link to other information asset registers such as the Records Register (retention, ownership, vital records etc.), Register of Data processing (personal data processing, retention etc.).</p>	<p>Developing systems for the preservation of digital records is a very welcome initiative. The outline plan for digital preservation including a digital asset register is a practical way forward.</p> <p>The Assessment Team suggest it may be helpful to use the NDSA Levels of Digital Preservation as a guide to continuing development. https://ndsa.org/activities/levels-of-digital-preservation/</p>

					Initial briefing paper to Information Management Group is attached.	
8. Information Security	G	G	G	Update required on any change.	Corporate Management Team agreed a new Information Security Strategy in March 2018 and is attached.	The Information Security Strategy has been supplied to the Assessment Team. It is modelled on the International information security standard ISO/IEC 27001 and addresses issues such as staff training and awareness of their responsibility for information security as well as systems and methods.
9. Data Protection	G	G	G	Update required on any change.	<p>A great deal of this year was taken up with preparations for new Data Protection legislation – GDPR and DPA 2018.</p> <p>The Council has nominated a Data Protection Officer (Audit Manager), and has established a new post of Data Compliance Officer to assist the DPO in his duties.</p> <p>Practical preparations (such as surveying all council services in relation to their handling of information) were designed to capture information about classification, retention, destruction etc. which would</p>	It is eminently practical to use activities to comply with more than one statutory requirement. The extension of the data protection survey to cover all records is a sensible approach and the results should enable improvements in Elements 4, 5 and 11 as well as Element 9.

					<p>also assist implementation of RM Plan. An example GDPR Survey is attached, for information.</p> <p>The priority in 2017/18 was obviously functions which use personal data - further work will now be undertaken to ensure all functions are covered in a similar way.</p>	
10. Business Continuity and Vital Records	G	G	G	Update required on any change.		No immediate action required. Update required on any future change.
11. Audit Trail	G	G	G	The Keeper agrees that the roll-out of a records management system based on SharePoint should automatically impose an audit trail on electronic records as they are created and amended. The Keeper requests that he is kept informed of this work as it progresses.	<p>No update in relation to SharePoint at present, although audit trails are being kept in mind as the project develops.</p> <p>SharePoint is not the only system being used to manage electronic records – for example, there will be an opportunity in major new system for social work client data.</p>	The choice of systems for electronic record-keeping is a business matter for the Council and it is to be expected that no single system will be appropriate for every local authority function. It is important that the Council continues to have procedures in place that will allow them to locate their records and assure themselves that the located record is the correct version.
12. Competency Framework	G	G	G	The Council have stated a future development in this area: “The Information Management group will be undertaking further work to build a framework of training	Discussions have taken place with Organisational Development, regarding the core training required by all council staff. Full Information	Once the new Records Manager is in post, the Assessment Team would welcome updates on the support provided for professional development for this post along with the main record-keeping

				and guidance on all information management topics..." The Keeper commends this and would like to be updated once this framework is operational.	Management framework is not yet operational.	teams (records management and archives) as well as the core training for all staff.
13. Assessment and Review	G	G	G	The self-assessment process will utilise a checklist which will be completed by local service areas. These actions are supported by a report to the Corporate Management Team dated 18 th October 2016 which has been submitted to the Keeper. The Keeper requests that a sample 'checklist' is submitted when available.	<p>During the last 12 months, the checklist has been used to support implementation of GDPR, by looking first at processes which involve personal data.</p> <p>An example of the survey form completed by all services across the Council is attached here.</p> <p>An update on progress of implementation of RM Plan was also given to the Council's Corporate Management Team in March 2018 – report attached, for information. An update will also go to the Licensing Board on 18th October and this is also attached.</p>	<p>A sample survey form or checklist has been supplied as well as comprehensive guidance for completing it. The Keeper is grateful for the submission of the requested documentation.</p> <p>The reports to Corporate Management Team and to the Licensing Board evidence that the Records Management Plan is being reviewed at a high level.</p>
14. Shared Information	G	G	G	Update required on any change.	No changes	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 17 September 2018. The author of the progress update submission is Heather Robb, Technology & Information Manager.

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

7. PRSA Assessment Team's Summary

The Assessment Team has reviewed **Stirling Council and 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

It is clear from this submission that Stirling Council and Stirling Licensing Board continue to take their records management obligations seriously.

The commitment to the preservation of digital records for both business and archival purposes is particularly welcome. The Council has recognised that digital records which are held for long periods require active intervention and deliberate preservation methods to deal with technology obsolescence, bit-rot and other factors which cause digital records to deteriorate or become inaccessible and unusable over a relatively short time. The collaboration of archives and records management staff along with ICT professionals is a sensible way forward and the support of senior management is essential. The Assessment Team commends the progress evident in this work and would welcome updates on this project in future PUR submissions

It appears that developments in the implementation of the retention schedules, the rollout of the business classification scheme and the assurance of appropriate destruction in accordance with the retention schedules are all dependent on the development of appropriate functionality in the Council's preferred SharePoint option. The Assessment Team appreciate that this takes time but would be glad to hear of interim measures to ensure that important records are managed appropriately.

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.

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 **Stirling Council and 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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Robert Fotheringham
Public Records Officer