The Public Records (Scotland) Act 2011

Highland Council and Licensing Board

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

13 August 2018

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.

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

4. Authority Background

Highland is a council area in the Scottish Highlands and is the largest local government area in the United Kingdom. It shares borders with the council areas of Aberdeenshire, Argyll and Bute, Moray and Perth and Kinross. Their councils, and those of Angus and Stirling, also have areas of the Scottish Highlands within their administrative boundaries. The Highland area covers most of the mainland and inner-Hebridean parts of the former counties of Inverness-shire and Ross and Cromarty, all of Caithness, Nairnshire and Sutherland and small parts of Argyll and Moray.

The Highland Council headquarters is located in Inverness with most previous district council offices retained as outstations.

The Highland Council represents 22 wards, of which each elects three or four councillors by the single transferable vote system of election, to produce a form of proportional representation in a council of 80 members.

The remit of the Highland Licensing Board (HLB) is to consider applications in relation to Liquor licensing under the Licensing (Scotland) Act 2005 and Gambling under the Gambling Act 2005.

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.

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

Element	Status of elements under agreed Plan, March 2016	Status of evidence under agreed Plan, March 2016	Progress assessment status, 2018	Keeper's Report Comments on Authority's Plan, March 2016	Self-assessment Update as submitted by the Authority since March 2016	Progress Review Comment, 2018
1. Senior Officer	G	G	G	Update required on any change	For Highland Council Michelle Morris has been replaced by Derek Yule, Depute Chief Executive and Director of Corporate Resources. For Highland Licensing Board Alaisdair Mackenzie has been replaced by Susan Blease as Clerk to the Board.	This update is noted with thanks.
2. Records Manager	G	G	G	Update required on any change	No change.	No immediate action required. Update required on any future change
3. Policy	G	G	G	Update required on any change	The Records Management Policy and connected Information Management Policy Framework have not	This update is noted with thanks. It is positive to hear that these documents are being reviewed.

					been changed since February 2015. A review is underway. However, the current Records Management Policy is fit for purpose. The Data Protection Policy has been updated to reflect changes in legislation.	
4. Business Classification	**A**	**G**	**A**	The Council have developed a Business Classification Scheme using the Scottish Council on Archives Records Retention Schedules (SCARRS) and will use this to impose a structure on previously unstructured information held on shared drives. A new electronic store has also been created and the Council intend to migrate the vast majority of their unstructured information to this store over the coming years. The Keeper commends these initiatives and asks that he be kept informed of the progress of this project.	The electronic drive has been created but there has been no large scale migration of unstructured data to it. However work has been carried out to expand the existing Business Classification Scheme from two levels to three with the addition of 'Transaction' to 'Function' and 'Activity'. This has since been applied to the structure of the electronic drive in preparation for when the migration progress begins.	Developing a transaction level in the business classification scheme is good practice and the Council may find it helpful to allow for the possibility of adding further levels. Some of the transactions in Council business benefit from more detailed analysis than a single transaction level permits.
				The Plan also indicates that the Council currently use	The Council looked at the purchase of an add-on to	Implementing an EDRMS in a local authority within available

| | | | | SharePoint but not as an EDRMS. Investigations are underway to research add-ons in order to add records management functionality to SharePoint. The Keeper would be interested to learn of any developments taking place in this area.

The Keeper can agree this element on an 'improvement model' basis. This means that the Council has identified a gap in provision (a fully rolled-out BCS) and has put measures in place to close that gap. This agreement is conditional upon the Keeper being kept informed of progress. | SharePoint in order to give it more of the functionality of an Electronic Document Records Management System (EDRMS). The re-procurement of the council's core ICT services meant that there was a need to delay this work until the new ICT operating model was fully in place. In particular, before an EDRMS add-on can be implemented the council must have its new SharePoint Online platform in place and used by the majority of council users. Due to this, work on a project to procure and implement EDRMS add-on was put on hold. Once the new ICT platform is fully in place and embedded we will start work to identify the properties any EDRMS or add-on will need to have to bring the platform up to the standards required by the Keeper. The Office 365 platform (which includes SharePoint Online) is constantly improving and we | budgets is complex, relying on collaboration across several services and a clear understanding of the what the Council hopes to achieve, what the software is capable of achieving and whether the Council has the appropriate skills, budget and commitment to support on-going development once a particular software is identified. It is sensible not to rush these decisions and to ensure the correct infrastructure is in place.

This Element remains at Amber at present but there is work in progress which when completed will move the Council towards full compliance. |

					are also keeping a watch on whether the platform feature set is evolving sufficiently to provide the required EDRMS functionality without the need for an add-on. The council has to be cognisant of the financial situation and therefore will attempt to meet standards using our existing products and services if this is at all possible.	
5. Retention Schedule	G	G	G	Update required on any change	A comprehensive review of the Corporate Retention Schedules was approved by the Information Management Governance Board (IMGB) in September 2017. To date amendments to 5 of the 25 schedules have been approved by IMGB and many of the other schedules have had extensive work done on them to identify improvements. The review is taking account of updates to SCARRS and intelligence from council professionals. We have also focused on	Comprehensive reviews require significant resources and the Council is to be commended for instigating this. Legislative changes will impact on retention periods, in particular the need to ensure that the retention of personal records comply with the new Data Protection Act 2018. Council staff will be aware of changes in regulatory controls that apply to their business area and it is practical to use their professional expertise to inform changes in the retention schedules.

					introducing improvements in consistency of style and terminology.	
6. Destruction Arrangements	**G**	**G**	**G**	Update required on any change	No change.	No immediate action required. Update required on any future change
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**	The Council have adopted an approach to information security in compliance with standards ISO 27001 and 27002 and have set out what kind of information security framework they intend to implement and how they will measure compliance. The Keeper commends the adoption of internal standards and would be interested in receiving updates on work in this area.	We have been reviewing our approach to information risk management and whilst recognising the significant challenge for any organisation to fully implement an information risk aware culture we are starting on this journey. We have drafted an Information Risk Strategy and this has been discussed amongst senior management service representatives (IM Lead Officers) in the IMGB. We have sought independent assessment of the council's progress in	This update is noted with thanks. The Council is to be commended for adopting this approach which will assist with compliance with the Data Protection Act 2018 and cyber security risks along with other information security risks.

					information governance through the Zurich Insurance Risk Consultancy team. Zurich undertook an Information Governance Health Check with a mix of a desk review and on site interviews and produced a report. The report has been discussed by professionals and service representatives and learning from this has been integrated into the council Information Management Programme Plan.	
9. Data Protection	G	G	G	The Council is currently implementing a Security Classification Scheme which will allow staff to more easily identify the sensitivity of the information they are handling. This is linked to the Council's adoption of the Public Services Network (PSN). The Keeper would be pleased to receive updates on the implementation of this security scheme.	The council was intending to progress the implementation of a technology supported protective marking solution. However, following a trial with around a thousand users the implementation of this was withdrawn due to flaws in the supplier solution. Since then the activity to re-procure the council's core ICT services meant that there was a need to delay this work until the new ICT operating model was fully in place.	The Keeper thanks the Council for providing this update. As with the business classification scheme, the aspiration to implement a security classification scheme to assist with data protection and information security is laudable and updates on this are very welcome.

					We are currently assessing the ability of Office 365 to provide a protective marking solution and allow the use of the council/government security classification scheme. Work to date with our ICT provider is suggesting that a reduced scope solution may be possible to implement but we are progressing discussions to implement the most effective solution within council budgets.	
10. Business Continuity and Vital Records	A	G	A	The Plan states that ICT Services will develop their own Business Continuity Plan and that they will provide ICT advice to other Services in relation to their own BCPs. The Keeper would welcome updates concerning developments in this area.	The ICT services business continuity planning is included as part of the directorate level Corporate development business continuity plan that was developed in 2017. When services were working on their directorate Business Continuity plans ICT Services engaged with all services to provide them with advice and guidance regarding systems.	This update is noted with thanks. It is essential that ICT maintain business continuity plans for hardware and software in the event of an emergency affecting any of the Council's digital services and information. The support of ICT services is essential to enable services to make appropriate business continuity arrangements in relation to all electronic records.

				The Council is currently using its Information Asset Register to identify vital records. Once identified these records will be noted in a separate column in the Retention Schedules. The Keeper commends this approach and requests having sight of the updated retention schedules once these have been approved. The Keeper can agree this element on an 'improvement model' basis. This means that the Council has identified a gap in provision (identification of vital records) and has shown a commitment to closing this gap. This agreement is conditional upon the Keeper being updated as work on closing this gap progresses.	Work to compile a list of Council vital records is being carried out in conjunction with the review of corporate retention schedules mentioned at item 5 above. An additional column labelled 'Vital Records' has been added to each of the reviewed schedules and Services have been co-operating with the Records Manager in identifying their respective vital records.	The use of the retention schedules to identify vital records is practical and reasonable. It ensures that all staff are able to discover which records are considered vital and take steps to protect them and/or make authorised reliable copies. The Keeper thanks the Council for this update and commends this work in progress. Achieving a Green RAG rating for this element under a formal review of the authority's agreed plan will require the provision of evidence. This option is available under section 5(6) of the Act once the Council is satisfied that all vital records have been identified and that a system exists to keep this under review and identify changes.
11. Audit Trail	**A**	**G**	**A**	The Council uses a number of bespoke electronic systems which have varying records	See the response to item 4 above in respect of the purchase of an add-on to	As noted under Element 4, implementing an EDRMS in a local authority within available

				management functionality. It is anticipated that the use of an add-on to SharePoint will improve provision in this area. The Keeper requests that he is kept informed of the results of the Proof of Concept that the Council is undertaking.	SharePoint.	budgets is complex and identifying the most appropriate software product to resolve audit trail capability is not a straightforward process. The Keeper thanks the Council for this update on progress and asks for further updates as the work progresses.
				Audit trail capability should also be enhanced following the migration of much of the structured and unstructured information held on the shared drives to a new electronic store informed by the structure of the BCS. The Keeper therefore asks that he is kept up to date on the progress on this work.	See the response to item 4 above in respect of the electronic drive.	
				The Keeper can agree this element on an 'improvement model' basis. This means that the authority has identified a gap in provision (audit trail functionality in some electronic systems) and has identified a potential solution. As part of this agreement, the Keeper requests that he is kept informed of progress in closing this gap in provision.		

	G	G	G	Update required on any change	Staff continue to maintain professional skills and competencies.	No immediate action required. Update required on any future change
12. Competency Framework						
13. Assessment and Review	G	G	G	The Council are committed to scheduled reviews of their information governance arrangements and reporting on progress made under their agreed Plan. The Records Manager and SISO are responsible for an annual review of the RMP and through regular meetings will discuss and report on the progress being made. These reviews will lead to reports being issued to the IMGB for approval and sent to the Keeper as evidence of compliance with the provisions set out in their Plan. The Keeper welcomes these endeavours and looks forward to receiving these reports.	The Records Manager has kept the IMGB up to date with progress reports as follows:\n\nNovember 2016 (6 months)\n\nMay 2017 (1 year)\n\nSeptember 2017 (IMGB formally approved the Council's participation in the voluntary PUR process).\n\nIn addition, each IMGB meeting contributes to delivery of effective information governance through strategic direction and sharing of information.	This update is noted with thanks. The provision of regular progress reports to the IMGB is a positive internal mechanism for ensuring that the Records Management Plan is kept under review, as required by the Public Records (Scotland) Act. This participation in the PUR process is welcome and enables the Council to have an external view of progress towards full compliance.
14. Shared Information	G	A	A	The Council is a partner in the Highland Data Sharing Partnership and an Information Sharing Policy has been created between the partners	Police Scotland is not presently in a position to sign off the agreement and this is not a decision they are able to make locally.	This is primarily a procedural problem and the previous data sharing agreements from pre-2013 are still in place and being adhered to.

| | | | | and submitted as evidence. However this Policy was due to be reviewed in March 2015 but had not taken place due to restructuring within Police Scotland and the Scottish Fire and Rescue Service, and also because of the impact of changes in the provision of health and social care between NHS Highland and the Argyll and Bute Council. The Keeper acknowledges this but requests that he is sent an updated copy of the Policy once it has been reviewed and approved.

The Keeper can agree this element on an 'improvement model' basis. This means that the Council have identified the need to review and update one of their key evidence documents (the Highland Data Sharing Partnership Information Sharing Policy) and will provide the Keeper with a copy of the Policy once reviewed. | The Director of Care & Learning intends to have further discussions with other chief officers, to decide what the next steps will be. | There is no substantive risk to the information but the Council will be aware of the importance of resolving this and reaching agreement with Police Scotland along with its other partners. |

<u>Version</u>

The progress update submission which has been assessed is the one received by the Assessment Team on 27 June 2018. The author of the progress update submission is Trevor Nicol, Records Manager.

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

7. PRSA Assessment Team's Summary

The Assessment Team has reviewed the **Highland Council and Licensing Board** 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.

<u>General Comments</u>

Highland Council and Licensing Board are putting significant resources into maintaining compliance in those Elements affected by recent legislative changes. They are considering carefully their options for establishing good management of digital records and it is to be expected that this will take time, that there will be changes as the project proceeds and that there are a number of dependencies which affect the final decision and implementation. The Assessment Team welcome this careful approach and would be glad to see further development in due course.

Data sharing agreements have been delayed by one of the partners. However, as this has been escalated to the Chief Officers of all partners, it is clear that Highland Council continues to take its responsibilities in this area seriously. The Assessment Team would look to see these difficulties being resolved as soon as possible by all parties who include other public authorities covered by the Public Records (Scotland) Act.

The Team commends the progress evident in this work and would welcome updates on these projects in future PUR submissions.

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 the **Highland 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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Elspeth Reid
Public Records Officer