

The Public Records (Scotland) Act 2011

Dunbartonshire and Argyll and Bute Valuation Joint Board

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

19th December 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 Dunbartonshire and Argyll and Bute Valuation Joint Board. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

The Dunbartonshire and Argyll & Bute Valuation Joint Board was established as part of the 1996 reorganisation of local government in terms of The Valuation Joint Boards (Scotland) Order 1995 and is vested with the functions of the three valuation authorities (Argyll & Bute Council, East Dunbartonshire Council and West Dunbartonshire Council) in the former Strathclyde Region. With the agreement of the three councils the Board also has responsibility for the Electoral Registration function.

The Board will comprise 16 members who are appointed by the three councils with the Argyll and Bute Council and West Dunbartonshire Council each nominating 5 members and East Dunbartonshire Council 6 members.

The quorum for Board meetings is 4 members with at least one from each council area.

For ease of reference during the assessment of the Progress Update Review, the authority will be referred to as 'The Board'.

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: Dunbartonshire and Argyll & Bute Valuation Joint Board (The Board)

Element	Status of elements under agreed Plan, Feb 2016	Status of evidence under agreed Plan, Feb 2016	Progress assessment status, October 2018	Keeper's Report Comments on Authority's Plan, Feb 2016	Self-assessment Update as submitted by the Authority since Feb 2016	Progress Review Comment, October 2018
1. Senior Officer	G	G	G	Update Required on Any Change	This remains unchanged	No immediate action required. Update required on any future change.
2. Records Manager	G	G	G	Update Required on Any Change	This remains unchanged	No immediate action required. Update required on any future change.
3. Policy	G	G	G	Update Required on Any Change	This remains unchanged	No immediate action required. Update required on any future change.
4. Business Classification	G	G	G	Update Required on Any Change	This remains unchanged	No immediate action required. Update required on any future change.
5. Retention Schedule	G	G	G	Update Required on Any Change	This remains unchanged	No immediate action required. Update required on any future change.

6. Destruction Arrangements	A	A	A	<p><u>Electronic</u> The updated Data Structure Project Plan (evidence item DAB 09a) shows the progress made in imposing the BCS structure upon the records held in shared drives. This will allow electronic records stored on the drives to be more easily identified and disposed of according to the requirements of the retention schedule. Evidence item DAB 37 provides guidance on disposal arrangements for records which will be amended as necessary as the abovementioned Project progresses.</p> <p>The Keeper can agree this element on an 'improvement model' basis. This means that the authority has identified a gap in provision (deletion of electronic records from shared drives) and has provided evidence of its commitment to putting procedures in place to close the gap. As part of this agreement, the Keeper</p>	<p>The shared drive project has progressed significantly from the initial submission date. The IT, Non Domestic, Business Support (formerly called management) and Electoral Registration areas have been designed and are in use. Unfortunately we failed to meet the envisaged completion date and there remains work to be done. The review, and moving or cleansing of the files in the existing shared drives has proven to be resource intensive and is an ongoing project. A revised Project plan is submitted as evidence.</p>	<p>There has been considerable progress in this project which was started in 2014. Delays in projects of this magnitude are understandable and it is clear from the revised project plan that these are being sensibly managed. Although the gap in provision has not yet been closed, the Board is working hard towards completion of this project.</p>
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				requests that he is kept updated as the project moves forward.		
7. Archiving and Transfer	G	G	G	Update Required on Any Change .	This remains unchanged	No immediate action required. Update required on any future change.
8. Information Security	G	G	G	Update Required on Any Change .	This remains unchanged	No immediate action required. Update required on any future change.
9. Data Protection	G	G	G	Update Required on Any Change	There has been significant change within this heading over the last 12 months. An External DPO has been appointed. Separate notifications have been made to the ICO for VJB (Z697104X), Assessor (A8400039) and ERO (ZA455894). The Depute Assessor and ERO completed a GDPR Practitioner Certificate Course. Training has given to all staff. Privacy Notices, updated Data Protection Policy, Data Breach Procedures and Subject Access Request information are all available on our website	The Data Protection Act 2018 has, of course, driven changes in many authorities and the Board has made appropriate changes to its training and procedures. It is a business decision to appoint an external Data Protection Officer, which the Act allows.

					https://www.saa.gov.uk/dab-vjb/privacy-notices/	
10. Business Continuity and Vital Records	G	G	G	Update Required on Any Change	This remains unchanged	No immediate action required. Update required on any future change.
11. Audit Trail	A	A	A	<p>The RMP states that, at present, the Board does not have comprehensive audit trail systems in place.</p> <p>Paper Council Tax and Non-Domestic records are stored in Council Tax List and Valuation Roll order and are kept within a secure area. Physical access is controlled under the provisions of the Visitor Access Policy (evidence item DAB 20) but there is no tracking mechanism in place for when records are removed from storage areas. There is however a commitment in the RMP to develop a file tracking system. The Board has submitted evidence showing its proposed process for providing audit trail functionality for its paper Non Domestic filing</p>	<p>A process for recording the removal and return of files has been implemented. A copy of the procedure has been submitted as evidence along with a screen shot from our intranet.</p>	<p>Details of the Non Domestic (ND) Paper File Audit Procedures have been supplied. This is a straightforward manual system which should be easy to follow and use on a regular basis. It should help staff to find files when required by identifying where a file has been removed to in the course of routine business.</p>

				<p>system (evidence item DAB 32). This will mean that a record will be kept of who has withdrawn a file and when and when it has been returned. The agenda for the Admin Meeting on 20 January 2016 has also been submitted (evidence item DAB 33) showing that this proposed system will be discussed there. The Keeper looks forward to being kept updated on the progress of this project.</p> <p>The Board is currently in the process of developing a new structure for its shared drives. This will be based on the Data Structure (evidence item DAB 09) and appropriate access permissions will be allocated to the folder structure. The timescales for this project are laid out in the Data Structure Project Plan (evidence item DAB 09) with completion envisaged for roll out by April 2016.</p> <p>The Board has submitted an email from the records</p>	<p>The shared drive project has progressed significantly from the initial submission date. The IT, Non Domestic, Business Support (formerly called management) and Electoral Registration areas have been designed and are in use. Unfortunately we failed to meet the envisaged completion date and there remains work to be done.</p> <p>The review, and moving or cleansing of the files in the existing shared drives has proven to be resource</p>	<p>As with Element 6, it is understandable that a resource-intensive project of this magnitude will be subject to delays and it is clear that these issues are being managed.</p>
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				<p>manager (see Element 2) detailing the file naming conventions in place for Non Domestic Valuation records stored on the shared drives.</p> <p>The Keeper can agree this element on an ‘improvement model’ basis. This means that the authority has identified a gap in provision (lack of comprehensive audit trail processes) and has provided evidence of the means by which it will close the gap. This agreement is dependent upon the Keeper being kept informed of the progress of work to close the gap.</p>	<p>intensive and is an ongoing project. A revised Project plan is submitted as evidence.</p>	<p>There has been considerable progress evident from the paper file audit trail system which has been devised and implemented and from the project plan for the IT project. Although this is not yet complete, it is well on track and requires only time and resources to resolve this gap in provision.</p>
12. Competency Framework	G	G	G	Update Required on Any Change	Records Manager has continued to attend NRS surgeries and has also given a presentation at one. The Records Manager is the Secretary of the Scottish Assessors Association	The Board is clearly supportive both of the professional development of the designated Records Manager and of wider training for all relevant staff. This is exemplary for a relatively

					Governance Committee which aims to share good practice in a number of areas including Records Management. Information Security and Information management online training continues to be an annual requirement for all members of staff. All staff have also participated in GDPR information sessions.	small organisation and the Board is to be commended for its approach and attitude towards ensuring its staff have the on-going training and support to undertake these statutory roles.
13. Assessment and Review	G	G	G	Update Required on Any Change	This remains unchanged	No immediate action required. Update required on any future change.
14. Shared Information	G	G	G	Update Required on Any Change	Number of Data Sharing agreements have been created or revised since the initial submission.	

Version

The progress update submission which has been assessed is the one received by the Assessment Team on 30 October 2018. The author of the progress update submission is Robert Nicol, Depute Assessor & Electoral Registration Officer.

The progress update submission makes it clear that it is a submission for **Dunbartonshire and Argyll and Bute Valuation Joint Board**.

7. PRSA Assessment Team's Summary

The Assessment Team has reviewed **Dunbartonshire and Argyll and Bute Valuation Joint 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

Dunbartonshire and Argyll and Bute Valuation Joint Board continues to take its records management obligations seriously and is working hard to bring all elements into full compliance. Significant progress has been made in Elements 6 and 11 as the Board works towards dealing with all its electronic records in a planned and managed project. The support that the Board has given to the professional development of its designated Records Manager is exemplary and the work to comply with the Data Protection Act 2018 is commendable.

If this were a statutory submission, the RAG rating for Elements 6 and 11 would be likely to remain Amber until the IT projects to develop audit trails for electronic records and review the legacy electronic records are completed. The Assessment Team commends the progress evident in this PUR, however, and would expect that it is only a matter of time before this work can be achieved. The Assessment Team would welcome updates on these projects in future PUR submissions.

Section 5(2) of the Public Records (Scotland) Act 2011 provides the Keeper of the Records of Scotland (the Keeper) with authority to revisit an agreed plan only after five years has elapsed since the date of agreement. Section 5(6) allows authorities to revise their agreed plan at any time and resubmit this for the Keeper's agreement. The Act does not require authorities to provide regular updates against progress. The Keeper, however, encourages such updates.

The Keeper cannot change the status of elements formally agreed under a voluntary submission, but he can use such submissions to indicate how he might now regard this status should the authority choose to resubmitted it plan under section (5)(6) of the Act.

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

8. PRSA Assessment Team's Evaluation

Based on the progress update assessment the Assessment Team considers that **Dunbartonshire and Argyll and Bute Valuation Joint 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,

Pete Wadley

A handwritten signature in black ink, appearing to read 'Pete Wadley', with a stylized flourish at the end.

Public Records Officer