

The Public Records (Scotland) Act 2011

**East Renfrewshire Council
East Renfrewshire Licensing Board**

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

29 June 2017

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

4. Authority Background

East Renfrewshire is one of 32 council areas of Scotland. Until 1975 it formed part of the county of Renfrewshire for local government purposes along with the modern council areas of Renfrewshire and Inverclyde. Although no longer a local authority area, Renfrewshire still remains the registration county and lieutenancy area of East Renfrewshire.

The East Renfrewshire local authority was formed in 1996, as a successor to the Eastwood district, along with Barrhead, which came from Renfrew district. It borders onto the City of Glasgow, East Ayrshire, North Ayrshire, Renfrewshire and South Lanarkshire.

<http://www.eastrenfrewshire.gov.uk/>

The East Renfrewshire Licensing Board handles the administration of a range of licences. The Board is constituted as an independent regulatory body by virtue of Section 5 of the Licensing (Scotland) Act 2005.

The main function of the Board is to regulate premises that sell alcohol to the public. The Licensing Board is also required by the Gambling Act 2005 to regulate certain gambling activities within the Council area.

The board is made up of five councillors with various temporary licences granted under powers delegated to appointed East Renfrewshire Council officers, and all licensing fees are put back into the council to fund the licensing system which is entirely hosted and administered by council employees.

<http://www.eastrenfrewshire.gov.uk/article/2074/Licensing-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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6. Records Management Plan Elements: Checklist

East Renfrewshire Council and East Renfrewshire Licensing Board

Element	Status of elements under agreed Plan, May 2016	Status of evidence under agreed Plan, May 2016	Progress assessment status, June 2017	Keeper's Report Comments on Authority's Plan, May 2016	Self-assessment Update as submitted by the Authority since May 2016	Progress Review Comment – June 2017
1. Senior Officer	G	G	G	Update Required on any Change	No change	No immediate action required. Update required on any future change
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	No change	No immediate action required. Update required on any future change
4. Business Classification	G	G	G	Update Required on any Change	No change as yet, although a new Information Asset Register is in the early stages of development. It remains unclear how far this will	The Assessment Team commends the planned development of a new Information Asset Register and would welcome future updates

					<p>subsume the role of the BCS; further details will be made available in due course.</p>	<p>concerning its role and its impact on the current Business Classification Scheme.</p> <p>Should substantial changes occur in relation to the existing BCS the Assessment Team would like to be informed of these.</p> <p>The Assessment Team recognises the on-going initiative being undertaken by the authority under this element.</p>
5. Retention Schedule	G	G	G	Update Required on any Change	Multiple minor revisions and amendments. Updated version available on the RS page of the RMP online	<p>The Keeper's Report recognised that this authority's retention schedule is a 'living' document which should rightly be amended as record-creating activities change. The Assessment Team therefore commends the revisions and amendments undertaken and which are reflected in the comprehensive retention schedule which has been published online at http://www.eastrenfrewshire.gov.uk/CHttpHandler.ashx?id=1428</p>

						<p>6&p=0.</p> <p>The authority's commitment to the regular review of the Retention Schedule (next review date: 31/12/2017) and the accompanying Retention Schedule Guide (next review date: 15/04/2018) is also welcomed.</p> <p>The Assessment Team welcomes the insertion of a warning within the published retention schedule not to destroy records which may fall within the scope of the 'Scottish Child Abuse Inquiry'.</p> <p>The Assessment Team recognises the on-going initiative being undertaken by the authority under this element.</p>
6. Destruction Arrangements	G	G	G	Update Required on any Change	No change	No immediate action required. Update required on any future change

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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	Update Required on any Change	No change as yet, but policies and procedures are currently being reviewed by Info Security Officer	<p>The regular review of policies and procedures is admirable and is regarded as fulfilling the expectations under the Act for authorities to engage in continuous review and improvement.</p> <p>The Assessment Team consider that the Information Security Officer is the most suitable individual to conduct this review.</p> <p>Should changes occur as a result of this review the Assessment Team would like to receive updates.</p> <p>The Assessment Team recognises the on-going initiative being undertaken by the authority under this element.</p>
9. Data Protection	G	G	G	Update Required on any Change	No change as yet, but policies and procedures are currently being reviewed by Legal	The Assessment Team consider the introduction of GDPR in 2018 as likely to have a

					Services in light of the imminent GDPR	<p>significant impact on data protection policies and guidance. This authority is rightly considering this impact at an early stage by undertaking a review through their Legal Services department. The updated versions of these data protection policies should be submitted in future updates should substantial changes occur as a result of this review.</p> <p>The Assessment Team recognises the on-going initiative being undertaken by the authority under this element.</p>
10. Business Continuity and Vital Records	G	G	G	Update Required on any Change	No change	No immediate action required. Update required on any future change
11. Audit Trail	G	G	G	Update Required on any Change	No change	No immediate action required. Update required on any future change

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12. Competency Framework	G	G	G	Update Required on any Change	No change	No immediate action required. Update required on any future change
13. Assessment and Review	G	G	G	The Keeper requests that the Council provide him with updates to the named documents as they become available, in order that he may keep the authority's submission up-to-date.	<p>All of the specified documents forming part of the RMP submission have been checked for accuracy and currency, with amendments and reviews as appropriate. All are now up-to-date (with the exception of DP and Security; see notes above).</p> <p>With regard to the first review as specified in our submission, this has been rolled in with the Internal Audit review of the RMP (see para below).</p> <p>Internal audit are currently reviewing the operation and implementation of the RMP. Their report, and the initial response and action plan thereto, are included for information with this present submission.</p>	<p>The Assessment Team commends the assessment and review of the policies and guidelines which accompany the RMP and which are vital for ensuring proper records management provisions.</p> <p>The authority should be especially congratulated on their on-going commitment in publishing these updated policies and documents on the RMP pages of their website at http://www.eastrenfrewshire.gov.uk/records-management-policy.</p> <p>The Assessment Team believes that undertaking an internal audit to complement this first review of the authority's record management provisions is a wholly suitable and logical approach.</p> <p>The submission of the <i>Internal</i></p>

						<p><i>Audit Report on Records Management Plan and Action Plan</i> are indicative of this authority's strong commitment to continuous improvement. Particularly welcome are the recommendations of the internal audit to raise the profile of the RMP within the organisation by improving staff training and awareness. It is also clear that the authority is considering giving greater attention to the issue of the deletion of records in line with the retention schedule, the validity of the retention schedule timetable, and the storage and deletion of electronic records. The Assessment Team would welcome future updates on these developments.</p> <p>The internal audit also raised the issue of missed policy review deadlines and has stated the need to conduct these reviews as soon as possible.</p> <p>Should any substantial changes</p>
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						<p>occur following future reviews the Assessment Team requests to be informed of these and to be supplied with the updated documentation.</p> <p>The Assessment Team recognises the on-going initiative being undertaken by the authority under this element.</p>
14. Shared Information	G	G	G	Update Required on any Change	No change	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 18 May 2017. The author of the progress update submission is Craig Geddes, Council Records Manager.

The progress update submission makes it clear that it is a submission for East Renfrewshire Council and East Renfrewshire Licensing Board

7. PRSA Assessment Team's Summary

The Assessment Team has reviewed **East Renfrewshire Council** and **East Renfrewshire 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.

General Comments

This authority shows strong, continuing commitment to maintaining and improving upon their records management provisions. This is illustrated by their regular review of key policies and documentation.

The authority is to be commended for the publication, where appropriate, of their record management policies and accompanying documentation on their website. The Assessment Team considers this an effective way of demonstrating compliance and publicising on-going initiatives. This is an approach which we would recommend other public authorities to adopt.

The Assessment Team would welcome future updates following the development of the new Information Asset Register and the updating of policies in light of upcoming legislation such as GDPR.

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 **East Renfrewshire Council** and **East Renfrewshire Licensing Board** continue to take their statutory obligations seriously and are working hard to maintain all elements of their records management plan in full compliance with the Act and fulfil the Keeper's expectations.

Assessment Report

- 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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Neil Adams
Public Records Officer