

The Public Records (Scotland) Act 2011

Lothian Valuation Joint Board

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

5th July 2024

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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 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 Lothian Valuation Joint Board. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

Lothian Valuation Joint Board state their mission as follows:

1. To ensure timeous publication and maintenance of the Valuation Roll.
2. To ensure timeous publication and maintenance of the Council Tax List.
3. To ensure timeous publication and maintenance of the Electoral Register and registration services at elections.
4. To develop, prepare and publish reports to improve customer knowledge and ensure attainment of good Community Focus.
5. To set standards and undertake corporate improvement in Service Delivery Arrangements and review the performance management and planning framework to ensure continuous improvement.
6. To deliver changes and improvements identified under the Transformation Programme and through the ongoing process of Structure and Process review.
7. To review, monitor and maintain organisational Risk Management and Internal Controls to ensure efficient and effective delivery of service.
8. To develop, adopt and review formal documentation and systems to ensure Standards of Conduct are adhered to.
9. To plan and deliver an organisational development strategy considering corporate initiatives to ensure efficiency and quality of service delivery.
10. To engage in key partnership working to ensure the integrated delivery of efficient government.
11. To attract, retain and reward quality staff by valuing them through a structure of HR strategies.
12. To lead the necessary policies and interventions to support the Health, Safety, and Wellbeing of all LVJB employees.

The Board comprises of elected members from each of the four constituent authorities. The membership reflects both the political and geographic characteristics of each of the authorities. The Board has in place an Appeals Sub-Committee, an Appointments Committee and a Joint Consultative Group.

<http://www.lothian-vjb.gov.uk/>

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: Lothian Valuation Joint Board

Element	Status under agreed Plan 31MAR16	Progress review status 08JUN23	Progress review status <date>	Keeper's Report Comments on Authority's Plan 31MAR16	Self-assessment Update 09MAR23	Progress Review Comment 08JUN23	Self-assessment Update as submitted by the Authority since 08JUN23	Progress Review Comment <date>
1. Senior Officer	G	G	G	Update required on any change.	Gary Elliott retired in Oct 2022 and Michael Wilkie has been appointed as Interim Assessor and ERO. Recruitment drive for a permanent Assessor is due in summer 2023.	The Assessment Team thanks you for this update which has been noted. The Team looks forward to being updated on the permanent Assessor when s/he is in place.	Michael Wilkie was appointed as Assessor and ERO in June 2023.	Thank you. The Keeper's PRSA Assessment Team can confirm that this change has been recorded.
2. Records Manager	G	G	G	Update required on any change.	No change.	Update required on any future change.	No change.	No immediate action required. Update required on any future change.
3. Policy	G	G	G	Update required on any change.	Updated to reflect staffing changes.	Thank you for letting the Assessment Team know that Records Management policy statement has been updated to reflect staffing changes. Update required on any future change.	Updated to reflect staffing changes.	At the time of the Keeper's original agreement of the Lothian Valuation Joint Board's RMP it was noted that supporting policy and guidance documents should be routinely reviewed and updated. It is welcome to acknowledge that this is being done in the Board. There is no requirement, under PRSA, for the Board to provide the Keeper with a new version of its Records Management Policy, but should they wish to do so the Assessment Team will add it to the authority's file to keep the submission up-to-date.
4. Business Classification	G	G	G	Update required on any change.	No change.	Update required on any change.	No change.	No immediate action required. Update required on any future change. <i>The Board should be aware that, in the case of a formal resubmission, the Keeper will be investigating the use of legacy line-of-business systems in more detail than in the initial agreement. These are systems that will sit outside the main records management structure and may not be compliant with the authority's own Records Management Policy. For the purposes of this PUR it is <u>not</u> required that the Board provides a statement on this issue.</i>

5. Retention Schedule	G	G	G	Update required on any change.	No change.	Update required on any change.	No change.	No immediate action required. Update required on any future change.
6. Destruction Arrangements	G	G	G	Update required on any change.	No change.	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.	Update required on any change.	No change.	<p>No immediate action required. Update required on any future change.</p> <p><i>The Assessment Team would like to alert the Board that the situation regarding archive provision for born-digital records is one that is currently being focused on by the Keeper. It is likely that a formal proposal for providing access to a permanent digital repository will be part of the Keeper's future expectations of the Scottish public sector's RMP.</i></p> <p><i>To this end the Keeper has recently engaged with all Chief Executives around potential future digital archiving requirements. Once responses to this engagement (which took the form of a survey) have been considered further information should be forthcoming from NRS.</i></p>
8. Information Security	G	G	G	Update required on any change.	<p>LVJB have registered with the Scottish Cyber Resilience Unit and completed a Cyber Assurance Survey submission in advance of an expected review in 2023. We have also registered with the Cyber Security Information Sharing Partnership (CISP) to gain early warning of cyber threats and access to collaborate with a network of cyber security professionals.</p> <p>We have purchased additional Cyber Insurance with CFC, which provides an additional layer of incident protection, access to security tools and free 24x7 expert advice.</p>	<p>Thank you for this positive update on LVJB's Scottish Cyber Resilience Unit and the Cyber Security Information Sharing Partnership (CISP) registrations, and the recently completed Cyber Assurance Survey. We also note that a Cyber Resilience Review is due to be completed in 2023, and that LVJB has purchase additional Cyber Insurance with CFC.</p> <p>It is apparent that Lothian Valuation Joint Board continues to value and invest in its information security; this is very commendable.</p>	No change.	No immediate action required. Update required on any future change.
9. Data Protection	G	G	G	Update required on any change.	No change.	Update required on any change.	No change.	No immediate action required. Update required on any future change.

10. Business Continuity and Vital Records	G	G	G	Update required on any change.	No change.	Update required on any change.	No change.	No immediate action required. Update required on any future change.
11. Audit Trail	A	A	A	<p>...The Plan states that electronic records can be tracked by the application in which they were created and that this can be backed up by the imposition of naming conventions and version control. The Keeper notes that the Board is currently working on relevant file naming conventions (<i>Plan</i> page 10). He agrees that this should assist in locating records when necessary. The <i>Records Management Policy</i> also indicates the value of naming conventions and version control (section 3.2)...</p> <p>The Keeper can agree this element of the Board's plan under 'improvement model' terms. This means that he acknowledges that the Board has identified a gap in provision (version control and naming convention improvements are not yet fully in place). The Keeper recognises that the Board have put processes in place to close this gap (the adoption of SharePoint). The Keeper's agreement is conditional on his being updated as this project progresses.</p>	Our initial phase of retention & disposal rules testing is almost complete. A comprehensive guide of libraries and documents in our SharePoint environment has been used as the base data for this part of the exercise. Final decisions on policy and retention descriptive narrative are still required and some labelling will require to be undertaken manually due to complex document naming protocols. The intention is to activate this functionality in our live system during the summer and activate a reporting mechanism to enable the Governance Team to maintain the addition of any new documents going forward.	<p>The Assessment Team is happy to hear that solid progress has been made since previous PUR to bridge the gap in provision identified in the Keeper's Agreement ('version control and naming convention improvements are not yet fully in place'). It is clear from this update that LVJB is aware of the challenges of the gradual O365 implementation, and is working methodically to address them.</p> <p>This element will remain at Amber while the wider project is ongoing. The Assessment Team look forward to being updated on further progress in subsequent PURs.</p>	There has been a significant delay in rolling out disposal rules into our live environment. This has arisen from a software issue which has affected our ability to delete test labels. We have raised the matter with Microsoft to seek a resolution to this and have our implementation plan ready for when this fix is in place.	<p>(comments below also apply to element 5)</p> <p>The M365 migration should greatly increase the control over document tracking although it will take some time for this to be universally embedded in the authority.</p> <p>However, in the short term the principle of <u>testing</u> retention labels before full application is considered best-practice. It must be frustrating that this test has itself delayed the project. However, it is probably better that it happened in a pilot project than in the 'live environment'. Hopefully, your M365 support will be able to rectify this situation.</p> <p>The Assessment Team looks forward to updates in subsequent PURs.</p>
12. Competency Framework	G	G	G	Update required on any change.	No change.	Update required on any change.	No change.	No immediate action required. Update required on any future change.
13. Assessment and Review	G	G	G	Update required on any change.	No change.	Update required on any change.	No change.	No immediate action required. Update required on any future change.
14. Shared Information	G	G	G	Update required on any change.	No change.	Update required on any change.	No change.	Element 14: Shared Information

								<p>No immediate action required. Update required on any future change.</p> <p>Element 15: Public records created or held by third parties</p> <p>As this Element was not assessed separately in 2016, no RMP baseline RAG-status exists. However, the Keeper's Assessment Team can agree that Lothian Valuation Joint Board is aware of their responsibilities under this element. If you would like more information around this please contact public_records@nrscotland.gov.uk</p>
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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 21st March 2024. The progress update was submitted by Bernie Callaghan, Head of Governance.

The progress update submission makes it clear that it is a submission for **Lothian Valuation Joint Board**.

The Assessment Team has reviewed Lothian Valuation Joint 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

Lothian Valuation Joint 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.

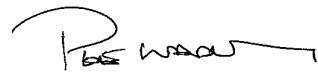
The Keeper cannot change the status of elements formally agreed under a voluntary submission, but he can use such submissions to indicate how he might now regard this status should the authority choose to resubmit its plan under section (5)(6) of the Act.

8. The Public Records (Scotland) Act Assessment Team's Evaluation

Based on the progress update assessment the Assessment Team considers that Lothian 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



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Pete Wadley
Public Records Officer