![National Records of Scotland]

**Public Records (Scotland) Act 2011**

**Skills Development Scotland**
**Assessment Report**

**The Keeper of the Records of Scotland**

**10 July 2014**

**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 fully 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. Executive Summary

This report sets out the findings of the Keeper's assessment of the RMP of Skills Development Scotland by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 31 March 2014**.**

The assessment considered whether the RMP of Skills Development Scotland was developed with proper regard to the 14 elements of the Keeper's statutory Model Records Management Plan (the Model Plan) under section 8(3) of the Act, and whether in this respect it complies with it and the specific requirements of the Act.

The outcome of the assessment and the Keeper's decision on whether the RMP of Skills Development Scotland complies with the Act can be found under section 7 of this report with relevant recommendations.

## 3. Authority Background

Skills Development Scotland (SDS) is the national skills body supporting the people and businesses of Scotland to develop and apply their skills. SDS was formed in 2008 as a non-departmental public body, bringing together careers, skills, training and funding services.

SDS plays a key role in driving the success of Scotland's economic future, working with partners to:

Support individuals to reach their potential

Help make skills work for employers

Improve the skills and learning system.

SDS is preparing Scotland's workforce to maximise opportunities in today's dynamic world.

## 4. Keeper's Assessment Process

The RMP was assessed by the Public Records (Scotland) Act Assessment Team on behalf of the Keeper. Assessors used the checklist elements listed in section 5, to establish whether Skills Development Scotland RMP was developed with proper regard to the elements of the Model Plan and is compliant with the Act. The assessment also considered whether there was sufficient supporting evidence of such compliance.

**Key:**

| G | The Keeper agrees this element of an authority's plan. | | A | The Keeper agrees this element of an authority's plan as an 'improvement model'. This means that he is convinced of the authority's commitment to closing a gap in provision. He will request that he is 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 Keeper may choose to return the RMP on this basis. |
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## 5. Model Plan Elements: Checklist

| Element | Present | Evidence | Notes |
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| 1. Senior Officer *Compulsory element* | **G** | **G** | The Head of Corporate Office of Skills Development Scotland (SDS), Laura Barjonas, has been identified as the senior officer with responsibility for records management.<br><br>The Head of Corporate Office is also responsible for policies within SDS, for compliance with statutory and regulatory requirements, and for Freedom of Information.<br><br>She is also Deputy Chair of SDS's Information Governance Leadership Group.<br><br>A job description has also been supplied as evidence that shows strategic responsibility for records management.<br><br>The Keeper agrees that this is an appropriate person to take senior management responsibility for records management within SDS. |
| 2. Records Manager *Compulsory element* | **G** | **G** | Eirini Savalan, Public Records (Scotland) Act Executive, has been identified as having operational responsibility for records management within SDS.<br><br>A job description has also been supplied as evidence that shows operational responsibility for records management.<br><br>The Corporate Office structure is set out in Evidence document 003.<br><br>The Keeper agrees that an appropriate person has been identified as having day-to-day responsibility for records management within SDS. |

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| 3. Policy *Compulsory element* | **G** | **G** | SDS has submitted their Records Management Policy E007 as evidence of compliance with this element. The Policy clearly sets out SDS's corporate approach to records management as well as setting out roles and responsibilities for SDS staff and corporate management groups. The Policy has been approved by the Business Management Team, the Executive Leadership Group and the Information Governance Leadership Group (IGLG) (see minutes in evidence documents E008 and E009). This shows that the policy has the support of senior management groups within SDS. Records Management Champions have been identified to help provide training to SDS staff within their business areas.<br><br>The Policy contains links to associated policies on the SDS Intranet.<br><br>A commitment to review the Policy on an annual basis has been written in to the document.<br><br>The Policy is closely aligned to the Records Management Strategy and Improvement Plan (Evidence E010) which sets out future actions needed to fill gaps in SDS's records management provisions. The Improvement Plan is intended to be implemented alongside the project to move to SharePoint 2010. The implementation of SharePoint 2010 is intended to address some of the issues raised in the Improvement Plan, such as Audit Trail provision. **(See *SharePoint* under General Comments below)** The Keeper requests that he is kept informed as progress is made in both the Improvement Plan and the project to move to SharePoint 2010.<br><br>The Keeper agrees that SDS has a corporate-wide records management policy that has the support of senior management and is committed to training staff. |
| 4. Business Classification | **A** | **A** | SDS has submitted it's 'baseline' Business Classification Scheme (BCS) as evidence (Evidence E011) for this element. This appears to be a fairly comprehensive document that has identified the main record-creating activities and types of records being created across the organisation. The RMP identifies that |

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| | | | following on from the Information Audit conducted in 2013, further work requires to be done to add further categories of records to the BCS.<br><br>SDS is intending to use SharePoint 2010 as an EDRMS and over time intends to impose the BCS upon this as a structure for managing its records. At present some records are stored on a previous version of SharePoint and need to be identified and added to the BCS. **However (See *SharePoint* under General Comments below).**<br><br>Once the BCS has been updated, it will then be deployed across the organisation.<br><br>**The Keeper can agree this element on an improvement model basis, provided he is supplied with evidence of progress of this project as it continues.** |
| 5. Retention schedule | **A** | **A** | SDS has submitted its 'baseline' Retention and Disposal Schedule which has been accompanied by their Retention and Disposal Policy (evidence E014 and E013, respectively).<br><br>The Retention and Disposal Policy sets out the importance for applying retention/disposal actions to the records it creates, and the general procedures for destroying/archiving records.<br><br>The Retention and Disposal Schedule sets out the actions to be taken against the categories of records created by SDS. SDS's RMP has identified gaps in the retention schedule and throughout 2014-2015 SDS will fill these gaps by ensuring that each business area identifies gaps in its schedule and fills them. Once the schedule has been updated, it will be rolled out across the organisation as part of the project to implement SharePoint 2010.<br><br>The Keeper commends SDS's commitment to regularly review and refresh its retention schedule and Business Classification Scheme. |

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| | | | **The Keeper can agree this element on an improvement model basis, provided he is supplied with evidence of progress of this project as it continues.** |
| 6. Destruction Arrangements *Compulsory element* | **G** | **G** | SDS has provided a considerable amount of evidence regarding the secure destruction of its records.<br><br>SDS has submitted a destruction certificate (Evidence E015) as evidence of the secure destruction of paper records. The RMP highlights that paper records are stored securely on-site prior to destruction.<br><br>SDS has also submitted evidence document E065 showing how electronic records are destroyed as part of its back-up procedures. The RMP itself also sets out additional information on the back-up procedures.<br><br>SDS has also submitted considerable evidence showing the secure destruction of IT hardware.<br><br>SDS intends to consider the centralisation of its destruction contracts and procedures and digitisation of some records. The Keeper requests that he is kept informed of any changes to the destruction/retention policies and procedures.<br><br>The Keeper agrees that SDS has robust arrangements in place for the secure destruction of records at the end of their life-cycle. |
| 7. Archiving and Transfer *Compulsory element* | **G** | **A** | SDS has submitted a draft list of records that might be suitable for long-term preservation (Evidence E070). This may alter as work progresses toward finalising the retention schedule.<br><br>SDS has submitted 2 pieces of evidence (E024 and E025) which show that it has procedures in place for transferring records to 2 separate commercial records |

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| | | | storage companies. **The Keeper does not consider these to be appropriate repositories for archival records.**<br><br>However, SDS has also submitted correspondence with National Records of Scotland (NRS) client management staff which indicates that SDS are progressing towards developing a Memorandum of Understanding (MoU) for transfer of archival records to NRS. The Keeper asks that once the MoU has been finalised SDS submits it to him for consideration.<br><br>Similar to the destruction of records, SDS intends to investigate a more centralised approach to the archiving of records. The Keeper requests that he is kept informed of progress towards this.<br><br>The Keeper commends SDS's commitment to reviewing these arrangements on an annual basis.<br><br>The Keeper agrees that SDS is, with regards to developing a MoU with NRS, in the process of developing transfer arrangements for records deemed worthy of permanent preservation. **He requests that once a MoU has been formalised that this is submitted to him as evidence that these arrangements have been put in place.** |
| 8. Information Security<br>*Compulsory element* | G | G | SDS has adopted an Information Assurance Strategy (Evidence E026) that has been aligned with the Cabinet Office-UK National Information Assurance Strategy. SDS has adopted this along with Highlands and Islands Enterprise and Scottish Enterprise. These organisations have adopted ISO 27001:2005 as a benchmark information security standard.<br><br>SDS has also submitted their IT and Systems Usage Policy, Information Classification Policy and a list of Information Asset Owners (evidence documents E027, E028 and E029). |

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| | | | SDS formed an Information Governance Leadership Group (IGLG) in 2011 to ensure that SDS complies with its information governance policies and with statutory requirements. The IGLG Terms of Reference have been submitted as evidence E054.<br><br>The RMP states that information security policies are currently being reviewed. **The Keeper requests that if any substantial change occurs in these policies that they are submitted to him for consideration.** The Keeper commends the regular review of these policies.<br><br>The Keeper agrees that appropriate safeguards are in place to protect information within SDS. |
| 9. Data Protection | **G** | **G** | SDS has submitted their Data Protection Policy (Evidence E031) which sets out their corporate approach to Data Protection. It also mentions the responsibilities of contractors and consultants employed by SDS.<br><br>SDS has also provided evidence of its registration with the Information Commissioner's Office.<br><br>SDS has also supplied evidence that it has procedures in place to deal with Subject Access Requests and has provided information on how to make a Subject Access Request and also evidence of procedures for dealing with one.<br>SDS has also submitted addition evidence of their commitment to complying with the Data Protection Act, including evidence published on their website and their intranet.<br><br>The Keeper agrees that SDS has very robust procedures in place to protect personal information and that it takes its responsibilities towards personal information seriously. |

| 10. Business Continuity and Vital Records | G | G | As evidence SDS has submitted their National Business Continuity Framework policy (Evidence E040) which covers SDS's business on a nationwide basis. Each individual site has its own Business Continuity Plan (BCP) and a sample has been submitted as evidence (Evidence E041). |
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| | | | BCPs are reviewed after each test of the plan. SDS proposes to internally audit compliance with each BCP. |
| | | | SDS's IT service provider, who is responsible for the backing-up of SDS's electronic records, also has a BCP in place should a disaster occur. |
| | | | SDS has also provided a list of business critical applications/records (Evidence E045) which details the level of priority for recovery. |
| | | | The RMP also commits SDS to a regular review of its business continuity policies and procedures. The Keeper commends this and requests that if any policies and procedures change that he is informed of this. |
| | | | The Keeper agrees that there are robust procedures in place to ensure that SDS can quickly respond to an unexpected interruption to its business and that vital records have been identified as part of the business continuity planning process. |
| 11. Audit trail | A | A | SDS recognises that audit trail provision is inconsistent within the organisation. It is intended that the audit trail functionality will be improved as part of the project to implement SharePoint 2010 **(See *SharePoint* under General Comments below).** To support this SDS have submitted several draft documents showing their commitment to bridging the gap in audit trail provision as part of their overall Strategy and Improvement Plan. These include an email policy, document naming guidelines, and a records management guidance and manual document (Evidence E047, E048, and E049). |

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| | | | **The Keeper can agree this element of the RMP on an improvement model basis, provided that he is kept informed on the development of audit trail functionality as the project to implement SharePoint 2010 progresses. Additionally, he will need to see the above draft documents once they have been approved and implemented.** |
| 12. Competency Framework for records management staff | **G** | **G** | SDS has submitted the job descriptions for the individuals named in Elements 1 and 2 above (Evidence E004 and E005). In addition to these SDS has submitted a competency framework which sets out the required competencies for staff in Corporate Office (Evidence E051), the department responsible for implementing and ensuring compliance with the RMP.<br><br>SDS intends to develop a programme of training over the coming year which will be delivered using the SDS Academy, which is the in-house method of providing training and development. This programme aims to raise the level of records management knowledge across the organisation by using workshops around records management and information governance in general. This commitment to training is commended by the Keeper.<br><br>The RMP states that funding has been secured to extend the Public Records Executive post for another year. In addition, a Working Group of Records Management Champions will be created to help promote best practice across the organisation.<br><br>The Keeper agrees that relevant records management staff have their responsibilities towards records formalised in their job description/competencies. |
| 13. Assessment and Review | **G** | **G** | Corporate Office of SDS will monitor progress against their Records Management Strategy and Improvement Plan (Evidence E010) on a monthly basis over 2014-15. Progress will then be reported on a quarterly basis to Business Management Team (BMT) and IGLG. On an annual basis, progress will be reported to the board level |

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| | | | Audit and Risk Committee (ARC). The minutes of BMT and IGLG meetings show how progress has been reported (Evidence E008 and E009). Evidence E055 and E056 show the proposed meetings of BMT and ARC over the coming year where progress will be reported. |
| | | | SDS has also supplied evidence of the initial audit to determine records management provision within the organisation (Evidence E057) and a Records Management Project Final Report (Evidence E058), which outlines progress made so far and recommendations for future work. |
| | | | SDS intends to involve their internal auditors to measure compliance with records management requirements in the financial year 2015-2016. **This has not yet been confirmed as definitely taking place, but the Keeper commends the intention to involve internal auditors in measuring compliance and would be interested to know the outcome of this.** |
| | | | SDS is also considering whether to include compliance with records management policies and procedures into their Business Excellence Approach, which is a bespoke quality assurance framework for delivering excellent customer service. **Again, if this were to go ahead the Keeper would commend it as another example of monitoring compliance with its RMP and ensuring it was kept up to date and would like to be kept informed as to whether this goes ahead.** |
| | | | The Keeper agrees that SDS has in place robust internal measures for ensuring that its RMP is kept up to date and amended if necessary. |
| 14. Shared Information | **G** | **G** | SDS has supplied a template Data Sharing Agreement form (Evidence E059) which sets out how they share data with other bodies. They have also provided practical guidance for SDS staff in the Data Protection Policy and the Guidance Booklet for Data Sharing and Data Protection (Evidence E031 and E036). |

| | | | SDS has also published a privacy statement on their website which shows how they treat information they hold (Evidence E060). Guidance for staff has also been published on SDS's intranet (Evidence E061). |
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| | | | The Keeper agrees that there are robust measures in place to ensure that information is properly protected when it is being shared between SDS and partner organisations. |

# 6. Keeper's Summary

Elements 1-14 that the Keeper considers should be in a public authority records management plan have been properly considered by Skills Development Scotland. Policies and governance structures are in place to implement the actions required by the plan.

Elements that require development by Skills Development Scotland are as follows:

Elements 4 (Business Classification), 5 (Retention Schedule) and 11 (Audit Trail) can currently be agreed on an improvement plan basis. Work towards developing compliance in these elements is closely tied in to the implementation of SharePoint 2010 as an Electronic Document and Records Management System (EDRMS). The Keeper requests that he is kept informed of this project's progress.
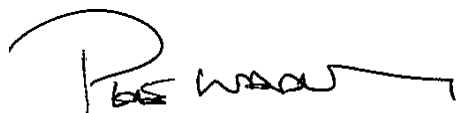
Work is in progress to finalise archival transfer arrangements with client managers at NRS. The Keeper requests that once these arrangements are finalised, SDS submits these to him for inclusion in their RMP's evidence package.

# 7. Keeper's Determination

Based on the assessment process detailed above, the Keeper agrees the RMP of Skills Development Scotland.

- The Keeper recommends that Skills Development Scotland should publish its agreed RMP as an example of good practice within the authority and the sector.

This report follows the Keeper's assessment carried out by,

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**Pete Wadley**
Public Records Officer

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**Robert Fotheringham**
Public Records Officer

## 8. Endorsement of Report by the Keeper of the Records of Scotland

The report has been examined and is endorsed under the signature of the Keeper of the Records of Scotland as proof of compliance under section 1 of the Public Records (Scotland) Act 2011, and confirms formal agreement by the Keeper of the RMP as submitted by Skills Development Scotland. In agreeing this RMP, the Keeper expects Skills Development Scotland to fully implement the agreed RMP and meet its obligations under the Act.

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**Tim Ellis**
Keeper of the Records of Scotland