National Records of Scotland

The Public Records (Scotland) Act 2011

**Scottish Prison Service
(Part of Scottish Ministers)**

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

26 October 2017

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 **Scottish Prison Service (Part of Scottish Ministers)**. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

The Scottish Prison Service (SPS) is an Agency of the Scottish Government and was established in 1993. The purpose of the Service is to maintain secure custody and good order within prisons, whilst caring for prisoners with humanity and delivering opportunities which give the best chance to reduce reoffending once a prisoner returns to the community. SPS has 13 publicly managed prisons and 2 privately managed prisons. These prisons are managed by the Chief Executive who chairs an internal board which comprises Non-Executive Directors appointed by Scottish Ministers and Executive Directors. The Executive Board supports the Chief Executive in providing leadership, direction and control.

http://www.sps.gov.uk/home/home.aspx

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.

6. Records Management Plan Elements: Checklist

Scottish Prison Service
(Part of Scottish Ministers)

Element	Status of elements under agreed Plan, September 2014	Status of evidence under agreed Plan, September 2014	Progress assessment status, 2017	Keeper's Report Comments on Authority's Plan, September 2014	Self-assessment Update as submitted by the Authority since September 2014	Progress Review Comment, 2017
1. Senior Officer	G	G	G	Update required on any change	Jim Kerr, Director of Operations, has senior responsibility for all aspects of Records Management in SPS and is the corporate owner of the SPS Records Management Plan. Jim Kerr is also the Senior Information Risk Owner (SIRO) for the Scottish Prison Service. • UE01 Appointment and	The Scottish Prison Service has identified Jim Kerr, Director of Operations, as the individual with senior responsibility for records management within the authority and as the corporate owner of the Records Management Plan. This is evidenced by the letter dated 27 April 2017 and signed off by Colin

					Responsibilities of the SIRO	McConnell, Chief Executive SPS, which assigns the role and duties of Senior Information Risk Owner (SIRO) to Jim Kerr (Evidence UE01 'Appointment and Responsibilities of the SIRO').
						The duties of Jim Kerr as SIRO, which include overall responsibility for information security, and his position as lead officer at Board level, indicates that he is a suitable senior-level employee for oversight of records management within the authority.
						The Assessment Team recognises the on-going initiative being undertaken by the authority under this element.

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	**A**	**A**	**A**	SPS have a draft Business Classification Scheme arranged by functionality. The Keeper requests updates on the project to roll out the BCS across all SPS sites. The Keeper agrees this element of SPS's RMP on 'improvement model' terms. This means that he is convinced of the authority's commitment to implement the business classification scheme fully over time, but would request that he is updated as this project progresses.	The SPS Business Classification Scheme has been developed in detail for most but not all SPS functions. An overall **SPS Business Classification** was used to develop the structure of the SharePoint 2013 intranet. • UE02 SharePoint Site Structure **Estates Classification**, in particular, was used to completely re-develop the Estates SharePoint site.	The Assessment Team commends the progress being made by SPS under this element. Work is on-going to ensure that the Business Classification Scheme (BCS) will comprehensively articulate all the functions and activities undertaken by the authority. SPS are also fulfilling the expectation that a BCS be applied to the structures underpinning the records management system operated by an

				Prisoner Classification has been used to develop retention schedules for paper and electronic prisoner records. • UE03: Paper Prisoner Records Retention • UE04: Electronic Prisoner Records Retention **HR Classification** has been used to develop a new retention schedule for paper staff records. • UE05: SPS Retention Schedule: Human Resources **Policy Classification** has been used to classify policy files. • UE06 Policy File Structure	authority. Evidence UE02 'SharePoint Site Structure' demonstrates that the SharePoint 2013 system is being developed and amended to correspond with the key functions outlined in the Classification Scheme. UE06 'Policy File Structure' provides further evidence of how this link between the classification of activities within one area (Policy) informs the structure and referencing of records within the document management system. There is therefore a clear commitment to ensure that a comprehensive and logical file structure is established through development of the BCS. SPS have also shown that the relevant areas of the Classification Scheme inform retention schedule

| | | | | | decisions. The Assessment Team recognise this approach as an example of good practice. Details of these retention schedules are discussed more fully under Element 5.

As the BCS has not yet been fully implemented to cover all the functions of the authority, the Assessment Team request further updates as work under this element progresses. They would particularly welcome sight of the final, authorised BCS once it becomes available.

The Assessment Team consider that progress is being made and that this element should remain under improvement. |
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	A	A	A	The Retention Schedule has not been fully developed across all functions of the business but it is clear that SPS are committed to closing the identified gap in provision. The Keeper agrees this element of SPS's RMP on 'improvement model' terms. This means that he is convinced of the authority's commitment to implement the retention schedule fully over time, but would request that he is updated as this project progresses.	SPS implemented a detailed retention schedule for all paper prisoner records in December 2014. As a result of implementing this retention schedule, 32,000 prisoner files and 340,000 individual paper prisoner records were shredded. • UE03: Paper Prisoner Records Retention • UE07: Prisoner Records Destroyed Dec 2014 to Mar 2015 SPS has built a detailed retention schedule for prisoner records into the new electronic Prisoner Record Document Management System. This system has been developed and tested but has not yet been implemented.	Extensive work is being undertaken by SPS to bring their records management arrangements into full compliance under this element. Evidence UE03 'Paper Prisoner Records Retention' is a document which was agreed by the Executive Group in December 2014 explaining the necessity to implement and abide by retention schedule decisions. This document identifies the distinct paper prisoner record series created by the authority and assigns them pre-determined disposal or archiving dates. This document also outlines the requirement to destroy all legacy paper prisoner records by 31 March 2015. Information concerning
5. Retention Schedule						

				• UE04: Electronic Prisoner Records Retention SPS implemented a revised retention schedule for staff records in January 2015. • UE05: SPS Retention Schedule: Human Resources	the destruction of these legacy records is included within UE07 'Prisoner Records Destroyed Dec 2014 to Mar 2015'. The Assessment Team thanks the authority for receipt of these documents and applauds the progress achieved in this area. The commitment by SPS to ensure their retention schedules remain relevant and up-to-date is demonstrated by their review of such documents. UE05 'Retention Schedule: Human Resources' provides evidence of a revised retention schedule for one area of the authority. This document, produced in Jan 2015, provides a clear and comprehensive explanation of the retention decisions to be applied to staff record

series and indicates why such decisions have been made.

Work is underway on implementing retention schedules for electronic prisoner records which have been developed in association with the Prisoner Classification element of the authority's BCS (see Element 4). UE04 'Electronic Prisoner Records Retention' outlines how and when retention decisions will be triggered for electronic records managed within SharePoint. The Assessment Team welcomes this initiative and requests further updates concerning the full implementation and operation of this system.

The Assessment Team consider that progress is being made and that this

						element should remain under improvement.
6. Destruction Arrangements	**G**	**G**	**G**	Update required on any change	SPS now uses Mitie to carry out on-site shredding www.mitie.com/waste • UE08 Mitie Shredding Contract	The Assessment Team welcomes the update concerning destruction arrangements. SPS now use Mitie Waste & Environmental Services for the confidential on-site destruction of paper records. The use of a reputable, commercial firm is commended as an example of good practice. This update is supported by Evidence UE08 'Mitie Shredding Contract' which outlines the new destruction arrangements. This contract has been signed-off and dated May 2017. The Assessment Team would be pleased to receive updates should arrangements for the destruction of hardware

						and digital records change in the future. The Assessment Team recognises the on-going initiative being undertaken by the authority under this element.
7. Archiving and Transfer	A	A	G	There are currently informal arrangements in place to permanently deposit records with the National Records of Scotland (NRS), although this appears to exist on a prison by prison basis. The Keeper would welcome the creation of more comprehensive policy documents such as a formal Memorandum of Understanding (MoU) with the NRS which applies to all sites. Even though the current arrangement is quite informal, the Keeper is willing to agree this element	In February 2015, SPS and NRS signed a Memorandum of Understanding covering the transfer of records from SPS to NRS. • UE09 SPS NRS Memorandum of Understanding Since then, over 100 historic prison registers have been transferred to NRS for long term preservation and archiving. • UE10 SPS to NRS Record Transfer Log	The authority has taken the necessary steps to formalise the previously *ad-hoc* arrangements for transferring records of enduring value to a suitable repository. The Assessment Team are pleased to see that significant progress has therefore been made under this element. The evidence submitted (UE09 'SPS NRS Memorandum of Understanding') clearly demonstrates that SPS now have a formal mechanism for

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<td>of the SPS plan on the understanding that steps will be taken to formalise these procedures with his client managers.</td>
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<td>transferring archival records. The Assessment Team agree that National Records of Scotland (NRS) is a suitable place of deposit for the records created by SPS.

The Memorandum of Understanding (MoU), which was signed-off in February 2015, states that it relates to records created in all formats. This is to be commended as good practice.

The list of files transferred to NRS since agreement of the MoU (UE10 'SPS to NRS Record Transfer Log') provides evidence of this formal transfer process; records across a number of sites are being transferred at regular intervals. These transfers are accompanied by requisite information such as when these files can</td>
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						be made open and the justification for the existing closure periods. The Assessment Team recognises the significant progress made in this area and the on-going initiative being undertaken by the authority under this element.
8. Information Security	**G**	**G**	**G**	Update required on any change	No change	No immediate action required. Update required on any future change.
9. Data Protection	**G**	**G**	**G**	Update required on any change	SPS is in the process of introducing new policies and procedures in preparation for the General Data Protection Regulation and the Law Enforcement Directive which will replace the Data Protection Act in May 2018.	The advent of new data protection requirements through the introduction of GDPR in May 2018 is expected to have a notable impact on how public authorities handle personal data. SPS should be commended for designing and implementing new policies and procedures

						in advance of the legislation. The Assessment Team would be interested to have sight of these new policies, once operational, in future PUR submissions. The Assessment Team recognises the on-going initiative being undertaken by the authority under this element.
10. Business Continuity and Vital Records	**A**	**A**	**A**	Although SPS have comprehensive plans for the recovery of electronic information following a 'disaster', the continuity plans for paper records have not yet been fully developed. The Keeper recognises that SPS have identified this gap in their arrangements and that SPS are committed in their *Action Plan* to addressing this	SPS is recruiting a Records Manager and putting in place a structure of local records officers. Part of their role will be to develop Business Continuity Plans for paper based records.	Although the lack of continuity plans and procedures surrounding paper records identified in the Keeper's Assessment Report remain, the planned recruitment of a dedicated Records Manager and local record officers indicates the authority's commitment to closing this gap in provisions.

				issue. The Keeper agrees this element of the SPS plan on 'improvement model' terms. This means that he is convinced of the service's commitment to implement the continuity plan fully over time, but would request that he is updated as this project progresses.		As these staff will be tasked with developing Business Continuity Plans for paper records, the Assessment Team would like to be informed when these posts have been filled. The Assessment Team would also like sight of the policies they design and implement in future PUR submissions. The Assessment Team consider that progress is being made and that this element should remain under improvement.
11. Audit Trail	G	G	G	Update required on any change	SPS upgraded from SharePoint 2007 to SharePoint 2013 in February 2016. This has improved the audit trail functionality for all electronic records stored on the SPS intranet.	The upgrade to SharePoint 2013 in February 2016 reflects the authority's efforts to enhance their records management provisions. This upgrade should improve the authority's audit trail capabilities

					SPS is recruiting a Records Manager and putting in place a structure of local records officers.

Part of their role will be to review the audit trail for paper based prisoner records. | regarding the location, editing, and movement of records. The Assessment Team commends this initiative.

The Team also welcome the planned recruitment of a dedicated Records Manager and local records officers who will be expected to undertake reviews of audit trail functionality within the authority. The Team would like to be kept informed of developments in this area and would welcome updates regarding any future reviews carried out. |
| 12. Competency Framework | G | G | G | SPS are developing records management competencies which the Keeper considers to be appropriate to the role of implementing the RMP. He requires an updated version when these competencies are approved. | SPS is in the process of recruiting a Records Manager who will be responsible for records management policies and practice throughout SPS.

In addition, SPS is putting | The authority has committed to recruit a dedicated Records Manager with responsibility for records management throughout SPS. Whilst there is no requirement under the |

| | | | | | in place a structure of local records officers who will be responsible for records management in each SPS business area.

SPS will develop a competence framework for the Records Manager and the local records officers once they are in place. | Act for authorities to appoint a specialised records manager, the Assessment Team considers this good practice.

The Assessment Team likewise commend the initiative to create a structure of local record officers across the authority's business areas. Having oversight of records management issues at a local level will enhance staff compliance with the RMP and assist the Records Manager in implementing and monitoring new policies and arrangements.

The importance of creating record management competencies for staff, which the Keeper highlighted in his Report, has not yet taken place. |

						Instead they will be developed to complement the recruitment of the Records Manager and local record officers. As such the Assessment Team request that they are updated of progress in this area in future reviews.
13. Assessment and Review	G	G	G	The SPS Records Management Plan and Records Management Policy will be reviewed in January 2015 and January 2016 and every two years thereafter. The Keeper commends this commitment to review the key policies and would welcome updates on these internal assessments, especially if they have led to significant changes in arrangements.	The Records Management Action Plan is reviewed and discussed on a regular basis by the Information Governance Forum. The SPS Records Management Maturity Model has been reviewed and shows a small increase in maturity. • UE11 SPS Records Management Maturity Model	There is an expectation that authorities conduct internal reviews of their records management arrangements to ensure that they remain relevant and appropriate, and to help them monitor organisational and staff compliance with the RMP. The submission of UE011 'SPS Records Management Maturity Model' shows that SPS continue to comply with the requirements of this element. This document,

| | | | | | | which is a revised and updated version of the Model submitted as evidence in 2014, indicates that SPS recognises the need for both an accurate and up-to-date summary of records management practice and for a means of identifying areas where further work or improvements are necessary.

The Assessment Team commend the use of this industry standard Model, particularly as many of the issues raised within it directly address key records management issues like record retention, storage, and destruction, the Records Management Policy, and information security.

The Maturity Model provides evidence of the |

						progress being made, for example the defining of business rules for the capture and managing of prisoner records, as well as identifies areas requiring work, such as the need for prioritising records management through extra resources and staffing. It is hoped that such honest reviews will influence future decisions taken by the authority to enhance their records management arrangements.
						This internal self-assessment helps inform the Records Management Action Plan, which is itself regularly reviewed by the Information Governance Forum.
						It is therefore clear that SPS is strongly committed to undertaking reviews for the purpose of

						directing work on improving their records management provision. Should future reviews lead to significant changes in policy and practice, or to the revision of the RMP itself, the Assessment Team would welcome updates through the PUR process.
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 14 September 2017. The author of the progress update submission is Allan Anderson, Head of Information Management.

The progress update submission makes it clear that it is a submission for **Scottish Prison Service (Part of Scottish Ministers)**

7. PRSA Assessment Team's Summary

The Assessment Team has reviewed **Scottish Prison Service (Part of Scottish Ministers)** 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 continues to take its records management provisions seriously and is adopting measures to bring all the elements under full compliance. This is reflected in the adoption of updated systems such as SharePoint 2013 and the revision of policies including the Human Resources records retention schedule.

Conducting internal reviews and gauging progress through the Maturity Model is particularly commendable. Through such initiatives the authority can better identify where policies are having a positive impact in improving records management provision and where extra resources and work is required.

There are scheduled plans to review documents, such as the 'Paper Prisoner Record Retention'. The Assessment Team commends the on-going review of key policies and would welcome updates on any changes in future submissions.

Sufficient progress has been under Element 7 for the Assessment Team to award a Green RAG status. Although this is an informal marking which does not alter the statutory marking awarded by the Keeper in September 2014, it provides an indication of the Team's opinion as to the current state of archival provision within the authority.

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 **Scottish Prison Service (Part of Scottish Ministers)** 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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Neil Adams
Public Records Officer