

NATIONAL RECORDS OF SCOTLAND

FRAMEWORK DOCUMENT

August 2017

(As approved by NRS Management)

**TO BE REVIEWED ON REGULAR CYCLE – NEXT REVIEW
PLANNED IN AUTUMN 2020**

INTRODUCTION

1. This framework document has been drawn up and agreed by the Scottish Government (SG) and the Chief Executive of National Records of Scotland (NRS). It sets out the broad framework within which NRS will operate and defines key roles and responsibilities which underpin the relationship between the organisation and SG. While this document does not confer any legal powers or responsibilities, it forms a key part of the accountability and governance framework and should be reviewed and updated as necessary.

This version will be reviewed and revised in light of organisational changes currently taking place within NRS.

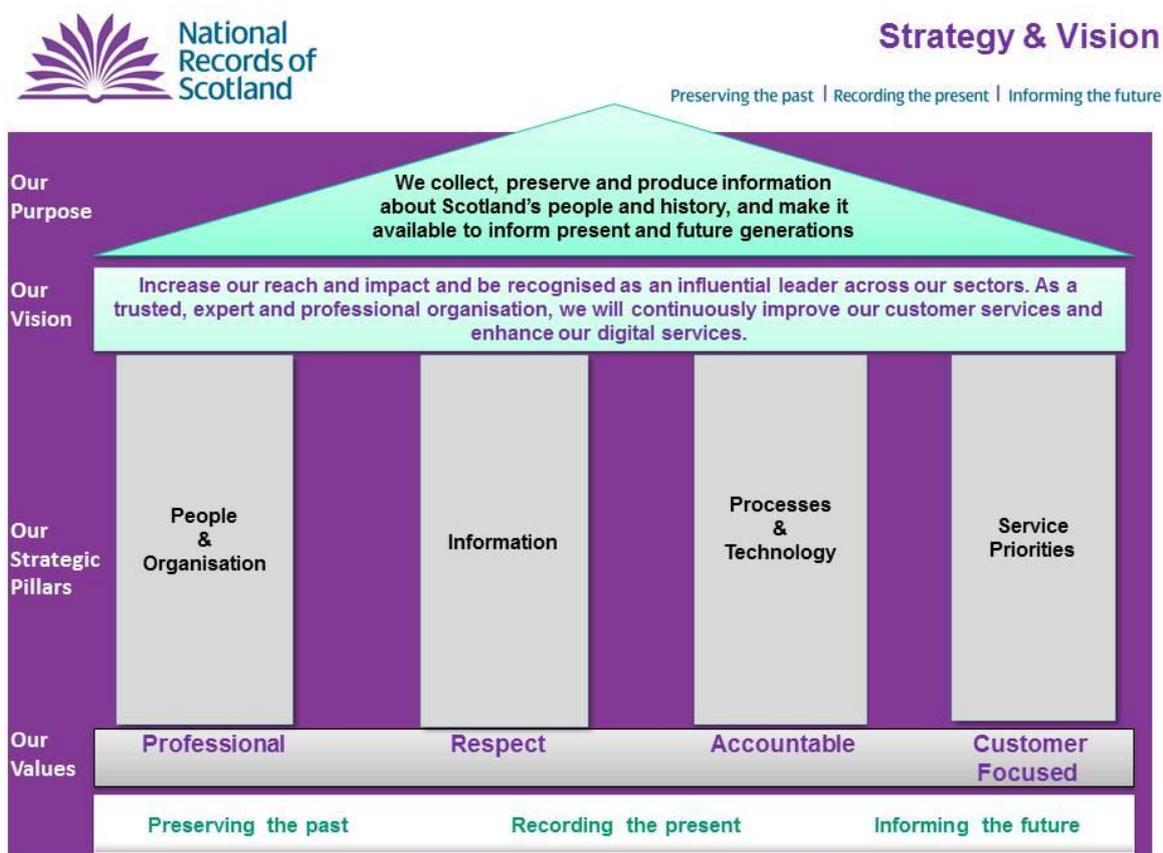
2. NRS is a constituent part of the Scottish Administration, headed by a non-ministerial office holder. The Chief Executive holds the statutory offices of Registrar General for Scotland and Keeper of the Records of Scotland. NRS was established on 1 April 2011, following the amalgamation of the General Register Office for Scotland (GROS) and the National Archives of Scotland (NAS). It is not an integral part of the Scottish Government and for administrative purposes it is classified as a Non-Ministerial Department (NMD).

PURPOSE

3. The purpose of NRS is to collect, preserve and produce information about Scotland's people and history, and make it available to inform present and future generations.

4. As part of Scottish Government we contribute to its Purpose and key National Outcomes but as a non-ministerial department we also have our own identity and have developed our own Strategy. Our governance structure supports the Chief Executive and our senior team to focus on successful business delivery. The NRS Management Board acts in an advisory capacity to support the Chief Executive and senior team by advising on the strategic direction of the business, identifying opportunities and emerging issues.

5. NRS Strategy



6. The functions of NRS are to:

- administer the registration of key life events such as births, deaths, marriages, civil partnerships, divorces and adoptions;
- deliver statutory functions in regard to marriage formalities and the solemnisation of civil marriage;
- take the Census of Scotland's population every ten years and prepare and publish demographic and other statistics for central and local government, for medical research, and for the private sector;
- make available to customers certain public records about individuals, and maintain for the Scottish Government the National Health Service Central Register (NHSCR);
- facilitate the delivery of a national infrastructure for data linkage research and analysis as part of the national Data Linkage Framework;
- select public records worthy of permanent preservation; acquire other historical records of national importance, and make suitable arrangements for the disposal of other material including transfer to another appropriate repository;
- preserve to archival standards all records selected for permanent preservation in NRS;

- retransmit records of stakeholder bodies under statutory requests;
- increase sustainable public access to the records;
- provide advice to custodians of records outwith NRS and facilitate access to such records;
- take the lead in the development of archival and records management practice in Scotland;
- maintain and administer the statutory Scottish Register of Tartans, to protect, promote and preserve tartan nationally and internationally;
- approve arrangements for the management of public records created or held by named public authorities or by contractors who carry out any functions of those authorities; and
- deploy the resources available to NRS in the most effective and efficient manner.

ROLES RESPONSIBILITIES AND RELATIONSHIPS

Ministerial responsibilities

7. The Scottish Ministers are ultimately accountable to the Scottish Parliament for the activities of NRS and its use of resources. They are not however responsible for day to day operational matters, and are prevented by legislation from directing the organisation in relation to specific statutory functions.

8. The Scottish Ministers have a number of legal responsibilities in relation to the discharge by the Chief Executive of his functions including those undertaken as Registrar General and the Keeper of the Records of Scotland. In particular:

- The appointment of the Chief Executive, although in practice this is undertaken by Scottish Government HR department using standard Senior Civil Servant recruitment procedures. The Public Registers and Records (Scotland) Act 1948 allows for Scottish Ministers, with the consent of the Lord President of the Court of Session, to appoint a Keeper of the Records of Scotland. The Registration of Births, Deaths and Marriages (Scotland) Act 1965 provides for Scottish Ministers to make an appointment to the position of Registrar General of Births, Deaths and Marriages for Scotland.
- To set, by statutory instrument, the fees payable in respect of registration, issue of official extracts or recording in any register under the Registrar General/Keeper's management and control; and the fees payable in respect of the provision of copy documents, reports, searches and other information from these registers;
- To agree to the laying before the Scottish Parliament the Keeper's report to Scottish Ministers on the carrying out of the Keeper's functions under the Public Records (Scotland) Act 2011;
- To agree to the laying before the Scottish Parliament the Registrar General's Annual Review of Demographic Trends, pursuant to Section 1(4) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965.
- To determine the timing and nature of a population Census under the Census Act 1920.

Chief Executive responsibilities

9. The Chief Executive is responsible for leading NRS, and for the statutory functions placed upon the Registrar General and the Keeper as set out in Annex A. For line management purposes, the Chief Executive reports to the Scottish Government's designated Director (at present the Director of Culture, Tourism and Major Events) – see the Director's responsibilities at section 15 - and the Scottish Ministers. He also reports to the Parliament and the general public in the annual report and accounts, and through other statutory reports. The Chief Executive is a member of the Scottish Administration and, as a civil servant, is also a member of staff of the Scottish Administration.

10. As Keeper of the Records of Scotland, the Chief Executive is responsible to the Lord President of the Court of Session for the safe-keeping of archived court records. As Registrar General, the Chief Executive is statistical Head of Profession for NRS, and accountable to the UK Statistics Authority and National Statistician for maintaining the professional standards required under the Code of Practice for Official Statistics.

11. In addition, the Chief Executive is responsible for:

- ensuring the efficient and effective operation of NRS, with a Strategy that is aligned with the Scottish Government's Purpose and national outcomes
- leading its staff, ensuring policies and procedures are in place for performance management and staff development;
- the statutory functions placed upon him as Registrar General and Keeper. The Chief Executive is not subject to the direction of Scottish Ministers in relation to the exercise of his statutory functions except where specifically provided for in statute (for example Ministers determine the timing and nature of the taking of the Census);
- dealing with freedom of information requests and data protection subject access requests; and
- promoting the efficient, economic and effective use of staff and other resources by NRS, consistent with the principles of best value, including, where appropriate, participation in shared services arrangements.

Separation of roles between Chief Executive and Accountable Officer

12. The Chief Executive of NRS is not the Accountable Officer for the organisation as, in carrying out his statutory duties, he is a member of the Scottish Administration. Under the Scotland Act 1998, the functions of the statutory officeholders within the Scottish Administration are determined in statute, and some head their own departments within the Scottish Administration. Section 70 of the Scotland Act 1998 requires *members of staff* of the Scottish Administration to be designated accountable officers, answerable to the Scottish Parliament for expenditure and receipts. Departmental statutory office holders are *members* rather than *members of staff* of the Scottish Administration and so cannot be named as

accountable officers. Instead, the Scottish Government's Principal Accountable Officer (the Permanent Secretary) has designated a senior member of staff of NRS to act as the Accountable Officer for the Registrar General and Keeper of the Records. (A similar arrangement exists for Registers of Scotland, for example). In this situation therefore, the statutory officer holders are accountable to Parliament for the performance of their statutory duties and for the performance of the department they head. But the accountable officers are accountable for ensuring the propriety and regularity of the public finances for the body for which they are answerable, and for ensuring that the resources of the body are used economically, efficiently and effectively.

NRS Accountable Officer responsibilities

13. The Permanent Secretary of the SG (as Principal Accountable Officer for the Scottish Administration) has designated a member of NRS staff as the NRS Accountable Officer. Accountable Officers are personally answerable to the Scottish Parliament for the exercise of their functions, as set out in the [Memorandum to Accountable Officers for Other Public Bodies](#). These include:

- ensuring the propriety and regularity of the body's finances and that there are sound and effective arrangements for internal control and risk management;
- ensuring that the resources of the body are used economically, efficiently and effectively and that appropriate arrangements are in place to secure Best Value;
- ensuring compliance with relevant guidance issued by the Scottish Ministers, in particular the SPFM;
- signing the annual accounts and associated governance statements; and
- a statutory duty to obtain written authority from the Chief Executive before taking any action which he/she considered would be inconsistent with the proper performance of the Accountable Officer functions.

14. It is incumbent on the designated individual to combine Accountable Officer responsibilities to the Scottish Parliament with their wider responsibilities to NRS. The Chief Executive and board should be fully aware of, and have regard to, the Accountable Officer responsibilities placed upon the designated individual, including the statutory duty described above.

Scottish Government Director responsibilities

15. The Director within Scottish Government assigned to NRS will:

- Support the relationship between Chief Executive and Ministers;
- Support Ministers in the discharge of their duties towards NRS;
- Ensure that the organisation's objectives and performance contribute to and are part of the Portfolio as a whole; and are aligned to the Scottish Government's Purpose and National Outcomes set out in the National Performance Framework;

- Ensure that NRS is considered as part of relevant Scottish Government policy decisions, acting as an advocate for the role and functions of NRS as part of the broader administration, and that the Scottish Government has due regard to advice provided by the Chief Executive;
- Ensure that NRS is made aware of and given the opportunity to influence strategic developments and corporate decisions that may affect the organisation, for example through regular communication and meetings between the Chief Executive and Director;
- Provide support and constructive challenge to ensure that NRS is high performing and continuously improving; and ensuring that operational accountability is being exercised properly, through requesting sight of Management Board and other papers and attendance at the Board and other meetings of the senior team as necessary;
- Ensure NRS is a part of the Portfolio's processes for budget planning;
- In the interests of its operating efficiency, encourage and promote NRS' participation in collaborative activities where appropriate;
- Undertake performance appraisal of the Chief Executive; and
- Ensure that an appropriate Framework Document is in place and maintained.

NRS Strategic Board responsibilities

16. The Board is chaired by the Chief Executive and comprises the Executive members of the senior leadership team and external Non-Executive Directors. Non-Executive Directors are appointed by the Chief Executive to support him in the discharge of his responsibilities, and act in a supportive and advisory (non-statutory) capacity.

In undertaking its advisory role, the NRS Strategic Board will:

- advise on the overall strategic direction of NRS within the policy, planning and resources framework determined by Scottish Ministers and assist the organisation in the effective discharge of its responsibilities;
- receive and review regular financial information concerning the management of NRS;
- demonstrate high standards of corporate governance at all times and help relevant officials to address the key risks facing NRS;
- provide a strong 'challenge function', carefully scrutinising the planning and assumptions underlying decisions;
- provide advice on the development and promotion of Best Value principles throughout the organisation; and
- use the experience of its Non-Executive Directors to identify opportunities and emerging issues that ought to be taken into consideration and to advise on change initiatives or activities to support the success of the organisation.

NRS Audit and Risk Committee responsibilities

17. The Audit and Risk Committee (ARC) is chaired by a Non-Executive Director. ARC supports the Accountable Officer in their responsibilities for issues of risk, control and governance over the budget for NRS. This includes reviewing the comprehensiveness in meeting the Accountable Officer's assurance needs and reviewing the reliability and integrity of those assurances.

NRS Partnership Board arrangements

18. The Partnership Board is the formal means of communication between NRS management and the relevant trade unions. It is chaired by the Chief Executive and comprises senior NRS staff and representatives of Prospect, Public and Commercial Services (PCS) and Association of First Division Civil Servants (FDA).

ACCOUNTABILITY

Scottish Parliament

19. Members of the Scottish Parliament (MSPs), through Parliamentary Questions, may ask Scottish Ministers about their own relations with NRS and Ministers will answer such questions. Ministers will encourage MSPs to communicate directly with the Chief Executive on operational matters within his authority.

20. Scottish Ministers will forward correspondence about the organisation's operations from MSPs, stakeholders, or members of the public to the Chief Executive's office for an appropriate response.

21. The Chief Executive, the NRS Accountable Officer or, where appropriate, members of NRS staff will give written or oral evidence to Committees of the Scottish Parliament when invited to do so. The Scottish Parliament has the power to require the Chief Executive, the NRS Accountable Officer, or any member of NRS staff to attend a Parliamentary Committee.

22. The Accountable Officer is responsible for implementing any relevant recommendations from the Public Audit Committee or other Committees of the Scottish Parliament which are accepted by the Scottish Government.

Public Sector Duties

23. Where relevant, NRS will meet its requirements under the various pieces of legislation which place duties on public sector bodies, such as for freedom of information, equalities, and public records.

Complaints and the Ombudsman

24. NRS may be subject to investigation by the Scottish Public Services Ombudsman (SPSO). NRS has a complaints and appeals procedure that complies with the statement of principles published by the SPSO and is published on its website.

FINANCIAL REGIME

25. As a Non-Ministerial Department, NRS's budget will appear separately in the annual Budget Act. When setting budget proposals, the Scottish Government will liaise with NRS to identify its resource requirements. The budget for NRS, including planning and scrutiny of major capital investment, will be considered as part of the Culture, Tourism and External Affairs (CTEA) portfolio, but also recognising that most NRS functions, especially the undertaking of the Census in Scotland, are responsibilities supporting all Government portfolios. It will ultimately be for Scottish Ministers to determine the budget to be allocated to NRS and to secure the necessary Parliamentary approval.

26. NRS is responsible for preparing and managing its budget for each financial year, and for ensuring that expenditure is in line with this budget. NRS will provide monitoring information on its expenditure to the Scottish Government Finance Business Partner as requested and liaise with them about any in-year budget revisions required. NRS's accounts will not be formally consolidated with Scottish Government accounts. Progress with major capital investments funded by the CTEA portfolio will be regularly reported to the designated Director in line with overall portfolio governance arrangements.

27. NRS accounts are prepared in accordance with the accounts direction issued by Scottish Ministers under section 19(4) of the Public Finance and Accountability (Scotland) Act 2000 and in compliance with the principles and disclosure requirements of the Government Financial Reporting Manual (FReM).

28. The Accountable Officer is responsible for ensuring that financial procedures – for example pensions, redundancy and compensation; asset and property management; lease arrangements; impairments and provisions - comply with guidance issued by the Finance Directorate and the Scottish Procurement and Commercial Directorate. NRS will comply with the requirements of the Scottish Public Finance Manual (SPFM) and other relevant guidance and engage with the relevant Finance Business Partners (or equivalent). NRS will also ensure that appropriate counter-fraud arrangements and policies are in place.

The Accountable Officer has the delegated authority to approve losses and special payments up to the following limits:

- Losses - £10,000
- Special Payments (extra-contractual payments, compensation payments, ex-gratia payments) - £10,000
- Special Payments (extra-statutory/extra-regulatory payments, special severance payments) – £Nil

Where no specific delegated limit is given, there is none. In particular, there is no authority is delegated for transactions which are novel or contentious. Any cases which fall outside the Accountable Officer's delegated authority must be submitted to the Finance Business Partner for approval. The Accountable Officer will ensure that NRS follows the processes for the management and reporting of losses and special payments described in the SPFM.

29. The Accountable Officer is responsible for promoting the efficient, economic and effective use of staff and other resources by NRS consistent with the principles of Best Value.

30. Subject to budgetary limitations and the requirements of the Scottish Public Finance Manual, NRS has full authority to incur expenditure on individual items. NRS will liaise with the Finance Business Partner about arrangements for monitoring and agreeing significant and exceptional project expenditure, notably the Census, Novel, contentious or repercussive financial transactions will be handled in accordance with the SPFM.

31. NRS will operate financial and other systems which provide the Chief Executive and Accountable Officer with sufficient information to assure them that the NRS income and expenditure is being handled in a proper and prudent manner, and that it is achieving efficiency improvements and value for money from its resources in delivering its functions. NRS will use the Scottish Government's Accounting system, SEAS, to record and process transactions and to provide financial information.

PROCEDURES FOR ACCOUNTING, AUDIT, MONITORING AND REPORTING

32. NRS is required to establish internal audit mechanisms, in accordance with the objectives and standards laid down in the Government Internal Audit Manual and in a way which demonstrates best value for money.

33. NRS has an Audit and Risk Committee, chaired by a Non-Executive Director, with membership and operating procedures determined by the Audit Committee Handbook. The remit of the Audit and Risk Committee will include supporting the Accountable Officer with regard to the efficient and effective use resources and the associated responsibilities for risk, control, governance and assurance.

34. The designated Director may request appropriate representatives (e.g. Internal Audit) undertake any work required to provide independent assurance about the NRS's management and control, if he or she considers it necessary.

35. NRS is subject to external audit by the Auditor General for Scotland (AGS) or by auditors appointed by the AGS.

ARRANGEMENTS FOR PRODUCING ACCOUNTS

36. The Accountable Officer is responsible for producing and publishing the annual report and accounts for NRS and for laying them before the Parliament. The

accounts must be produced in accordance with the accounts direction from Scottish Ministers.

37. NRS is responsible for maintaining a sound system of internal control that supports the achievement of NRS's policies, aims and objectives and for regularly reviewing the effectiveness of that system. A governance statement is provided by the Accountable Officer as part of the annual accounts

BUSINESS AND CORPORATE PLANS

38. The Chief Executive is responsible for ensuring that appropriate mechanisms are in place to ensure the business of NRS is aligned with its overall Strategy and that business areas take forward annual planning exercises to set out and prioritise their work. The NRS Strategy is aligned to the Purpose and the national outcomes set out in the National Performance Framework. The Chief Executive shall consult the designated Director about revisions to NRS Strategy, in line with the responsibilities at section 15.

39. The Chief Executive shall ensure that NRS acts corporately in accordance with the priorities set out in the Scottish Government's annual public bodies statement of corporate expectations.

RISK MANAGEMENT

40. The NRS Accountable Officer is required to implement and monitor appropriate risk management arrangements - in accordance with the relevant guidance in the Scottish Public Finance Manual - for the successful delivery of NRS functions and projects. The Accountable Officer should discuss with the Chief Executive and then the designated Director any key strategic risks that are escalating or crystallising and which have an impact on Ministers' responsibilities and accountability. NRS risks, including public and employer liability, are carried in line with the Scottish Government's policy on insurance.

41. The Accountable Officer will keep the relevant Finance Business Partner in the core Scottish Government informed of the level of any contingent liabilities, including where possible an assessment of their values. Where appropriate, he or she will report contingent liabilities to the Scottish Parliament, seeking prior approval where appropriate in line with the Scottish Public Finance Manual.

OTHER MANAGEMENT ARRANGEMENTS INCLUDING PAY POLICY AND HUMAN RESOURCES

42. NRS staff are Civil Servants and their terms and conditions of employment are shared with the Scottish Government within the Scottish Government Main bargaining unit.

43. NRS will comply with the Civil Service Code (Scottish Government version), which sets out the core values of the Civil Service and the standards expected of civil servants;

44. The Chief Executive will be responsible for the recruitment of NRS staff, in consultation with the Scottish Government's Human Resources and Organisational Development Directorate. All recruitment will adhere to the Civil Service Management Code, to the Scottish Government Main Resourcing Policy and procedures where appropriate, and, for external recruitment, to the Civil Service Commissioners' Recruitment Principles;

45. NRS will promote and support effective employee relations and, where appropriate, consult with Civil Service Trades Unions through local Partnership Board arrangements (see Paragraph 18) or the overarching Partnership Agreement that exists between the Permanent Secretary and the Council of Scottish Government Unions;

46. The Chief Executive is responsible for the development of NRS staff, and will make use of Scottish Government staff development resources and activities such as training courses and seminars;

47. The Chief Executive is responsible for ensuring that appropriate promotion arrangements are in place, noting that usually NRS staff are eligible for promotion opportunities within the Scottish Government Main and vice versa.

48. The responsibility for Health and Safety management lies with the Chief Executive, in line with current Health and Safety legislation, guidance and/or best practice. Assurances on Health and Safety management may be sought by the Occupational Health & Safety Branch of the Scottish Government;

49. The Chief Executive is responsible for ensuring that NRS complies with all statutory duties and relevant Scottish Government policies to which it is subject; and

50. The Chief Executive is responsible for ensuring adherence to all Scottish Government equality and diversity policies and relevant equalities legislation, including relevant public sector duties.

Main Legislation providing a statutory backdrop for the functions of the Registrar General and Keeper

Registrar General

Census Act 1920
Population (Statistics) Acts 1938 and 1960
Registration of Births, Deaths and Marriages (Scotland) Act 1965
Presumption of Death (Scotland) Act 1977
Marriage (Scotland) Acts 1977 and 2002
Human Fertilisation and Embryology Act 1990
Adoption and Children (Scotland) Act 2007
Civil Partnership Act 2004
Gender Recognition Act 2004
Family Law (Scotland) Act 2006
Local Electoral Administration and Registration Services (Scotland) Act 2006
Statistics and Registration Services Act 2007
Marriage and Civil Partnership (Scotland) Act 2014

Keeper

Public Records (Scotland) Act 1937
Public Registers and Records (Scotland) Act 1948
Public Records Act 1958
Public Records Act 1967
National Heritage (Scotland) Act 1985
Local Government (Scotland) Act, 1994
Act of Sederunt (Rules of the Court of Session 1994) 1994
Act of Adjournal (Criminal Procedure Rules) 1996
Inquiries Act 2005 and Inquiries (Scotland) Rules 2007
Public Records (Scotland) Act 2011

General

Data Protection Act 1998
Public Finance and Accountability (Scotland) Act 2000
Freedom of Information (Scotland) Act 2002
Interpretation and Legislative Reform (Scotland) Act 2010
The Equality Act 2010