

**NATIONAL RECORDS OF SCOTLAND
FRAMEWORK DOCUMENT**

Final Version – June 2022

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, and at least every 2-3 years. Any proposals to amend the framework document either by the SG or NRS will be taken forward in consultation and in the light of SG priorities and policy aims. Any question regarding the interpretation of the document shall be determined by the SG after consultation with the NRS. Legislative provisions shall take precedence over any part of the document.

2. References to the NRS include any subsidiaries and joint ventures owned or controlled by the NRS. The NRS shall not establish subsidiaries or enter into joint ventures without the express approval of the SG.

3. Copies of the document shall be placed in the Scottish Parliament Reference Centre. It shall also be published on the NRS website.

4. NRS is a constituent part of the Scottish Administration, headed by a non-ministerial office holder. NRS is not an integral part of the Scottish Government and for administrative purposes it is classified as a Non-Ministerial Department (NMD). NRS is an administrative construct, created to discharge the legislative responsibilities and functions of two non-ministerial offices – the Registrar General for Scotland and the Keeper of the Records of Scotland, both held by the NRS Chief Executive. The staff of NRS are employees of the Scottish Government assigned to NRS and NRS complies with Scottish Government HR policy and practice.

PURPOSE

5. 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 and for the benefit of the nation.

6. As part of Scottish Government we contribute to the achievement of the SG's primary purpose of increasing sustainable economic growth by aligning aims and objectives with the Programme for Government, Scotland's Economic Strategy and National Performance Framework. As a non-ministerial department we also have our own identity and have developed our own Strategy.

7. Our governance structure supports the Chief Executive and the Executive Management Team, appointed by the Chief Executive to focus on successful business delivery. The NRS Strategic Board acts in an advisory capacity to support the Chief Executive and Executive Management Team by advising on the strategic direction of the business, identifying opportunities and emerging issues. NRS Strategic Objectives and Goals are:

Vision: To preserve the past, record the present and inform the future.

Mission: Increase our reach and impact and be recognised as a trusted, expert and professional organisation.

Ethos: We put people at the heart of what we do and deliver in accordance with our values.

Values:

- Professional: Collaborating to share our professional skills and knowledge whilst increasing our skills and expertise.
- Respectful: Listening to and respecting different views, learning from others to expand our knowledge and grow together.
- Accountable: Being responsible for what we do, delivering with transparency and clarity of purpose.
- Customer-Focused: Knowing our customers to understand their needs, delivering a positive experience and encouraging feedback to improve what we do.

8. 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 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,
- 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;
- as one of the five national collections, with responsibility for the National Archives, to 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 and ensuring the security and integrity of the information we hold;
- temporarily retransmit records of stakeholder bodies under statutory requests;
- support stakeholders and partners with legal search services and transmission of court records;
- 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;
- agree Records Management Plans for named public authorities which set out proper arrangements for the management of the authority's public records;
- manage the organisation and deploy the resources available to NRS in the most effective and efficient manner in line with the Scottish Public Finance Manual and audit requirements; and
- apply proportionate information governance controls, balancing obligations to safeguard the privacy of individuals with duty to make best possible use of information assets for the public benefit.

ROLES RESPONSIBILITIES AND RELATIONSHIPS

Ministerial responsibilities

9. The Scottish Ministers are accountable to the Scottish Parliament for the strategic, fiscal and resourcing matters concerning NRS for which they have responsibility. The Scottish Ministers do not, however, for most purposes have power to direct the organisation in relation to the discharge of its day-to-day statutory functions.

10. 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 which is in practice 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;
- Either to approve the making of statutory instruments under the Registrar General's powers to set fees, prescribe forms and regulate other matters concerning the exercise of his functions and those of district registrars or, as applicable, to set by statutory instrument certain fees chargeable by the Registrar General or Keeper;
- To lay 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 lay 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; and
- To determine the timing and nature of a population Census under the Census Act 1920.

Chief Executive Responsibilities

11. The Chief Executive is responsible for providing the strategic leadership to NRS and undertaking the responsibilities of two Non-Ministerial offices, delegating as appropriate the statutory functions placed upon the Registrar General and the Keeper as set out in Annex A.

12. As Registrar General (RG), the Chief Executive is responsible for maintaining the national system of civil registration and the production of demographic statistics in Scotland. They are also personally tasked to deliver the national census in

Scotland which usually takes place every 10 years. 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. This role has been delegated to the NRS Director of Statistical Services with the agreement of the Scottish Government Chief Statistician and UK National Statistician.

13. As Keeper of the Records of Scotland, the Chief Executive is responsible for the national archives, one of the five national collections and for holding the records of government, public bodies and the courts. The Chief Executive is also tasked to ensure standards in the record keeping regime across the public sector (over 250 bodies) and is responsible to the Lord President of the Court of Session for the safe-keeping of archived court records.

14. For line management purposes, the Chief Executive reports to the Scottish Government's designated Director (at present the Director for Culture, Major Events and Covid Co-ordination) – see the Director's responsibilities at paragraph 21 - and the Scottish Ministers.

15. The Chief Executive 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.

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

- Delivering the statutory functions placed upon them as Registrar General and Keeper and ensuring the organisation is structured and has capacity to deliver these functions. The Chief Executive is not subject to the direction of Scottish Ministers in relation to the exercise of their statutory functions except where specifically provided for in statute (for example Ministers determine the timing and nature of the taking of the Census);
- Ensuring the efficient and effective operation of NRS, with appropriate management structure, delivery arrangements and governance arrangements commensurate with an organisation of its size to ensure the smooth and transparent running of the organisation and effective decision making, aligned to delivery priorities. Governance includes the appointment and management of Non-Executive Directors, serving on the NRS Strategic Board (Management Advisory Board), the NRS Audit and Risk Committee and major Programme Boards;
- Leading the organisation, its staff, ensuring the implementation of appropriate organisational, information governance and HR policies and procedures and that they are fully understood, applied consistently and fairly.
- 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;

- Putting in place and delivering a longer term Strategy and annual planning and performance framework that is aligned with the Scottish Government's National Performance Framework and other applicable corporate strategy requirements set for Scottish public bodies. Ensuring that a framework of Key Performance Indicators are in place and published;
- Ensuring appropriate customer service arrangements, technology requirements and compliant procurement arrangements are in place with responsibility for organisational contracts NRS enters into and the appropriate spending of NRS finances;
- Ensuring arrangements are in place for the timely and appropriate handling of Freedom of Information requests, Environmental Information Regulation requests, and data protection subject access requests; and
- Ensuring appropriate risk based controls are in place and that health and safety risks are managed effectively and the organisation complies with corporate health and safety legislation and requirements.

Separation of roles between Chief Executive and Accountable Officer

17. The Chief Executive of NRS is not the Accountable Officer for the organisation as, in carrying out their statutory duties, they are an office-holder in the Scottish Administration. Under the Scotland Act 1998, the functions of the office-holders in the Scottish Administration are determined by 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 not members of staff of the Scottish Administration and so cannot be named as accountable officers.

18. 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. In this situation therefore, the statutory office 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 in accordance with the Scottish Public Finance Manual.

NRS Accountable Officer responsibilities

19. The Permanent Secretary of the SG (as Principal Accountable Officer for the Scottish Administration) has designated the NRS Director of Corporate Services 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 and deliver Value for Money for the public sector as a whole;
- ensuring compliance with relevant guidance issued by the Scottish Ministers, in particular the Scottish Public Finance Manual (SPFM) and SG Pay Policy;
- signing the annual accounts and associated governance statements;
- providing the Permanent Secretary with the necessary assurances required in respect of National Records of Scotland to enable them to sign the Governance Statement provided alongside the consolidated accounts for the Scottish Government; and
- a statutory duty to obtain written authority from the Chief Executive before taking any action which they considered would be inconsistent with the proper performance of the Accountable Officer functions.

20. 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

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

- Support the relationship between Chief Executive, the Scottish Government and Ministers, in particular supporting Scottish Ministers in discharging their functions in relation to NRS, including the timing and nature of a population Census under the Census Act 1920 and in securing appropriate funding to deliver this and other functions and the management and mitigation of strategic risk management;
- 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 discussions, requesting sight of Executive 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 spending reviews, budget planning, monitoring and reporting as part of the wider SG financial process and

supporting the Chief Executive in securing resources for strategic programmes, including Census;

- In the interests of its operating efficiency, encourage and promote NRS' participation in collaborative activities where appropriate;
- Undertake performance appraisal of the Chief Executive.
- Ensure that an appropriate Framework Document is in place and maintained.

22. The role of the Scottish Government Chief Statistician in relation to NRS will:

- Support the NRS Chief Executive and its Directors in discharging their statistical functions, working in consultation with the Registrar General for Scotland who is responsible for the statistical work of NRS;
- Provide an advisory role around the delivery and nature of a population Census under the Census Act 1920, participating in governance as required;
- Providing advice, as required, to the NRS Director of Statistical Services on NRS responsibilities for maintaining the professional standards required under the Code of Practice for Official Statistics. The NRS Director of Statistical Services is delegated Head of Profession in NRS and is responsible for decisions on issues such as interpretation of the Code of Practice, Statistical Strategy, decisions on statistical products and priorities; and
- Lead on recruitment of statistical staff and supporting professional policies.

NRS Strategic Board responsibilities

23. 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 them in the discharge of their responsibilities, and act in a supportive and advisory (non-statutory) capacity in accordance with [On Board: a guide for members of management advisory boards](#).

24. 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

25. 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 allocated 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 Executive Management Board responsibilities

26 The purpose of the NRS Executive Management Board is to set the strategic framework for the organisation and oversee all activities and operations towards delivering the organisational commitments, ensuring the highest level of performance.

27. The Executive Management Board is accountable to the executive and statutory responsibilities held by the NRS Chief Executive, who will be supported by strategic, non-executive advice from the NRS Strategic Board and Audit and Risk Committee. The Executive Management Board will also have accountability to the NRS Accountable Officer, who has a personal responsibility for the propriety and regularity of NRS public finances and that they are used economically, efficiently and effectively. The National Records of Scotland Executive Management Board will have the following key responsibilities:

- Develop and agree the vision statement, long term business strategy, corporate annual plan and objectives and strategic budget to ensure investment decisions support NRS long term delivery and spending priorities (3-5 year rolling horizon), approving publication of the NRS Business Strategy, Annual Plan and associated communications and formally delegating digital and strategy delivery authority to the NRS Digital and Strategy Board and the NRS Leadership Team.
- Set and provide formal approval for the NRS annual plan, business goals and performance measures, annual budget and resource framework and formally delegate operational delivery authority and decisions to the NRS Customer and Operations Board and the NRS Leadership Team.
- Set the desired strategic design of the organisation through agreement of the NRS operating model and NRS Corporate Plan commitments, incorporating the desired Resourcing Strategy, Building Asset Strategy and Information Strategy to optimise the use of these organisational assets.
- Take ownership and provide strategic direction, guidance, workforce planning, a resourcing strategy and organisational development support to create the conditions to ensure that any organisational and digital transformation delivers the commitments of the aspired operating model and NRS Corporate Plan.
- Business case approval (including benefit realisation targets) for significant investment in change programmes or projects for delivery – over £1m limit in value and/or 3 years commitment. Approval of procurement activity for expenditure over £500k.

- Takes a strategic view on how we balance the beneficial use with the protective safeguarding of our information assets to help deliver the NRS Vision.
- Ensure that appropriate corporate controls are in place, including financial (in line with the Scottish Public Finance Manual), delivery assurance, people, information security, asset and risk management. Set and review organisational governance regularly to ensure it is operating in an optimum manner. Put in place and review arrangements to secure Best Value in NRS.
- To receive and consider annually an overview of staff development, commission and approve a People Plan (incorporating organisational development) and monitor delivery of a forward action plan.
- Take responsibility through all actions, activities and plans to ensure the vision is clearly understood throughout the organisation and lead by example to implement the values and culture set by the NRS Temple and operating model.
- Take decisions on issues escalated from other boards within the NRS Governance framework, including (but not exclusively):
 - a) Action to address annual delivery performance or programme/project delivery outwith delegated tolerance
 - b) Decisions associated with operational and programme financial and resource utilisation, escalated outwith tolerance
 - c) Prioritisation of delivery activities, where required
 - d) Decisions on action associated with risks with a composite score of +16 and above
 - e) Change and investment decisions above the agreed tolerance of the NRS Business Management Governance Boards
 - f) Programme scope changes above tolerance of NRS Digital and Strategy Board (escalated above tolerance from Programme Board)
 - g) Benefits realisation issues above tolerances of NRS Digital and Strategy Board (escalated above tolerance from Programme Board)
- For the Census Programme, provides a decision making and triage forum (through Census EMB meetings) where high priority programme challenges, issues and decisions will be brought on a regular basis for efficient resolution. The Census EMB will provide regular direction to the programme, focusing on those areas where delivery can be improved.
- Other boards in the NRS Governance framework are Digital and Strategy Board, Customer and Operations Board, Health and Safety Committee, and the Workforce Planning Group. The Information Security Committee also reports into EMB.

NRS Digital and Strategy Board

28. Oversees delivery of the 1-5 year corporate strategic change portfolio. Responsible for approving, initiating, shaping, prioritising and monitoring

programmes and projects to deliver strategic ambitions and digital change, plus new service design.

NRS Customer and Operations Board

29. Responsible for running the business and overseeing core operations, for annual financial planning and resourcing decisions, within agreed tolerance, and for planned activity to deliver annual and corporation plan targets.

NRS Health and Safety Committee

30. Responsible for reporting on all aspects of compliance with H&S legislation and promoting safety of people, assuring the NRS policies, procedures and practice meet requirements and escalating key risks and recommendations for action as appropriate.

NRS Workforce Planning Group

31. Responsible for key decisions on resourcing NRS and ensure financial control and forward resource planning (HR in Confidence).

NRS Information Security Committee

32. Responsible for raising risks with information asset owners for remedial action and escalating to EMB through the NRS risk reporting framework and the Accountable Officer through the annual governance statement.

NRS Partnership Board arrangements

33. The Partnership Board is the formal means of communication and consultation between NRS management and the relevant trade unions. It is chaired by the Chief Executive and comprises the Director of Corporate Services & Accountable Officer, NRS HR Business Advisor, and representatives of Prospect, Public and Commercial Services (PCS) and Association of First Division Civil Servants (FDA).

ACCOUNTABILITY

Scottish Parliament

34. 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.

35. 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.

36. 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.

37. 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

38. 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, best value, fraud and whistleblowing safeguards and public records. NRS publishes Key Performance Indicators on its annual delivery performance in the Annual Report and Accounts and is subject to scrutiny on its performance and compliance from internal and external audit.

Complaints and the Ombudsman

39. 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

40. 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 Director General Strategy and External Affairs, 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.

41. NRS is responsible for ensuring that expenditure is in line with the annual budget allocation through sound financial planning and management. NRS will engage with Scottish Government as part of the in-year budget revisions process and provide monitoring information on its expenditure to the Scottish Government Finance Business Partner and other stakeholders as set out in agreed formal governance. NRS's Annual Report and Accounts will be prepared and audited independently to the Scottish Government consolidated accounts. Progress with major capital investments funded by the wider portfolio will be regularly reported to the designated Director in line with overall portfolio governance arrangements.

42. NRS Annual Report and 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 (FRoM).

43. 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 the requirements of the SPFM and other relevant financial standards and 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.

44. The Accountable Officer has the delegated authority to approve losses and special payments up to the limits set out in their delegated authority letter. Where no specific delegated limit is given, there is none. In particular, there is no authority 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.

45. 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.

46. 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.

47. 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

48. 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.

49. 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 of resources and the associated responsibilities for risk, control, governance and assurance.

50. The designated Director may request appropriate representatives (e.g. Scottish Government Directorate for Internal Audit and Assurance) undertake any work required to provide independent assurance about the NRS's management and control, if they considers it necessary.

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

ARRANGEMENTS FOR PRODUCING ACCOUNTS

52. 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.

53. 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

54. 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 paragraph 21.

55. 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

56. 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 (SPFM) - for the successful delivery of NRS functions and projects. The Accountable Officer should discuss with the Chief Executive and members of the Executive Management Board to ensure that risks, whether to achievement of business objectives, regularity, propriety or value for money, are identified, that their significance is assessed and that systems appropriate to the risks are place in all relevant areas to manage them.

57. The NRS Accountable Officer is required to escalate key strategic risks which have an impact on Ministers' responsibilities and accountability that escalate above a tolerable level.

58. The NRS Accountable Officer is required to update the NRS Audit and Risk Committee (ARC) on a quarterly basis who support the Accountable Officer in their responsibilities for risk, control, governance and assurance.

59. 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, the Accountable Officer will report contingent liabilities to the Scottish Parliament, seeking prior approval where appropriate in line with the Scottish Public Finance Manual.

BUSINESS CONTINUITY

60. The NRS Accountable Officer is required to maintain an effective Business Continuity Management System which will allow NRS to continue its key activities in the event of a disruptive incident. This system will include response structures and plans to address incidents and crises, as well as an exercise and training programme to promote continuous improvement.

61. The NRS Executive Management Board will approve a Business Continuity Strategy for the organisation, detailing NRS' commitment to resilience and setting the parameters of the Business Continuity Management System. This strategy will be regularly reviewed to ensure compliance with NRS' overall strategic direction.

OTHER MANAGEMENT ARRANGEMENTS INCLUDING PAY POLICY AND HUMAN RESOURCES

62. NRS staff are Civil Servants employed by Scottish Ministers and their terms and conditions of employment are shared with the Scottish Government within the Scottish Government Main bargaining unit. As employer, the Scottish Government are data controller of employee information and NRS data processors of staff data to discharge their functions.

63. 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;

64. 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;

65. NRS will promote and support effective employee relations and, where appropriate, consult with Civil Service Trades Unions through local Partnership Board arrangements (see Paragraph 33) or the overarching Partnership Agreement that exists between the Permanent Secretary and the Council of Scottish Government Unions;

66. The Chief Executive is responsible for building the organisational capacity of the NRS workforce, providing opportunities to increase the capability, competency, and meaningful engagement, so that individuals and organisational units perform functions effectively, efficiently and sustainably.

67. 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.

68. The ultimate 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 Scottish Government Internal Audit.

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

70. 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.

Annex A

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

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) Act 1977

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

Act of Union 1707 – for the following clause Section XXIV “.....*the Records of Parliament and all other Records Rolls and Registers whatsoever both publick and private generall and particular and Warrands thereof Continue to be kepted as they are within that part of the United Kingdom now called Scotland and that they shall so remain in all time coming notwithstanding of the Union*”

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

Scottish Register of Tartans Act 2008 (which gives the Keeper the extra title of Keeper of the Register of Tartans and the responsibilities that go with this.

Inquiries Act 2005 and Inquiries (Scotland) Rules 2007

Public Records (Scotland) Act 2011

General

Scotland Act 1998 (impacting a range of NRS functions and in particular the sealing of letters patent to Acts of the Scottish Parliament, which is undertaken as an administrative rather than a legislative function)

Data Protection Act 2018

Public Finance and Accountability (Scotland) Act 2000

Freedom of Information (Scotland) Act 2002

The Environmental Information (Scotland) Regulations 2004
Interpretation and Legislative Reform (Scotland) Act 2010
UK General Data Protection Regulation (retained Regulation (EU) 2016/679) (UK
GDPR)
The Equality Act 2010
Health and Safety at Work etc. Act 1974 and supporting regulations
Re-use of Public Sector Information Regulations 2015