National Records of Scotland

Public Records (Scotland) Act 2011

NHS National Services Scotland
The Scottish Advisory Committee on Distinction Awards
Assessment Report

The Keeper of the Records of Scotland

29 November 2013

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1. Public Records (Scotland) Act 2011

The Public Records (Scotland) Act 2011 (the Act) received Royal assent on 20 April 2011. It is the first new public records legislation in Scotland since 1937 and came fully into force on 1 January 2013. Its primary aim is to promote efficient and accountable record keeping by named Scottish public authorities.

The Act has its origins in *The Historic Abuse Systemic Review: Residential Schools and Children's Homes in Scotland 1950-1995* (The Shaw Report) published in 2007. The Shaw Report recorded how its investigations were hampered by poor record keeping and found that thousands of records had been created, but were then lost due to an inadequate legislative framework and poor records management. Crucially, it demonstrated how former residents of children's homes were denied access to information about their formative years. The Shaw Report demonstrated that management of records in all formats (paper and electronic) is not just a bureaucratic process, but central to good governance and should not be ignored. A follow-up review of public records legislation by the Keeper of the Records of Scotland (the Keeper) found further evidence of poor records management across the public sector. This resulted in the passage of the Act by the Scottish Parliament in March 2011.

The Act requires a named authority to prepare and implement a records management plan (RMP) which must set out proper arrangements for the management of its records. A plan must clearly describe the way the authority cares for the records that it creates, in any format, whilst carrying out its business activities. The RMP must be agreed with the Keeper and regularly reviewed.

2. Executive Summary

This report sets out the findings of the Keeper's assessment of the RMP of NHS National Services Scotland and the Scottish Advisory Committee on Distinction Awards by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper 26 September 2013.

The assessment considered whether the RMP of NHS National Services Scotland and the Scottish Advisory Committee on Distinction Awards was developed with proper regard to the 14 elements of the Keeper's statutory Model Records Management Plan (the Model Plan) under section 8(3) of the Act, and whether in this respect it complies with it and the specific requirements of the Act.

The outcome of the assessment and the Keeper's decision on whether the RMP of NHS National Services Scotland and the Scottish Advisory Committee on Distinction Awards complies with the Act can be found under section 7 of this report with relevant recommendations.

3. Authority Background

NHS National Services Scotland (hereafter NSS) support Scotland's health by delivering shared services and expertise that help NHS Boards and other organisations to work more efficiently and save money. With increased pressure on budgets and the integration of health and social care, this is becoming a greater challenge than ever.

Their services include procurement and logistics, IT consulting and solutions, statistical information and analysis, national payment processing, fraud deterrence and facilities and environmental advice.

The Scottish Advisory Committee on Distinction Awards (hereafter SACDA) acts on behalf of the Scottish Ministers by taking decisions on which NHS consultants will receive awards and reviewing existing awards on a regular (five-yearly) basis, using a system based on peer review with employer and lay input and the evidence submitted by consultants in their curricula vitae.

4. Keeper’s Assessment Process

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

5. Model Plan Elements: Checklist

For the purposes of this report, unless specifically differentiated in the text, comments on the plan should be taken to refer to records of both bodies as SACDA uses NSS information governance systems.

Element	Present	Evidence	Notes
1. Senior Officer *Compulsory element*	✓	✓	Mr Ian Crichton, Chief Executive of NSS, has signed the RMP document with a note that the plan is effective from 26th August 2013. Mr Crichton is an entirely appropriate individual to undertake this role and therefore the Keeper agrees that there is clear evidence that a Senior Responsible Officer has been allocated.
2. Records Manager *Compulsory element*	✓	✓	Ms Tracey Gill, Corporate Records Manager is the responsible records manager. Her responsibilities are set out in a highly detailed job description. This document shows the reporting structure for records management issues and mentions the PRSA specifically. This also provides evidence for element 12. The Keeper agrees that an appropriate person has been named to the records management role.
3. Policy *Compulsory element*	✓	✓	NSS has an approved and current Corporate Records Management Policy, approved by the board date from February 2012. This is to be reviewed in 2014 (see *review* below). A screenshot of an NSS internal records management page provides evidence of the dissemination of this policy.

			A Records Management Group provides a 'regular forum to raise and discuss records management issues' (see element 13 below). The Records Management Policy, and the RMP as a whole, is covered by the NSS Information Governance Action Plan. There is a clear records management policy that it is available to all staff. This policy has been fully 'signed-off' at the highest appropriate level. Therefore, the Keeper agrees NSS has fulfilled this compulsory requirement under PRSA.
4. Business Classification	✓	✓	The business classification covers all expected functions of the authority. Combined with the retention schedule (see element 5 below) there is an explanation of function/activity/record type. NSS has set up divisional records management leads and a BCS steering group. The Keeper commends this idea as being appropriate for larger and more complex organisations as they endeavour to impose a records management structure on to electronic systems. The business classification is being rolled out throughout the organisation and with one third of the organisation already operational (see item 3.1 of the Improvement plan) there is a clear commitment to this project. NSS have supplied a template Change Control Form as part of the evidence for the governance of records in the authority. When a service area wishes to create new folders in the structure they should use this form to inform the corporate records manager. This demonstrates a commitment to centralised control of the records management system which the Keeper agrees is good practice when operating

			outside an EDRM system. One of the documents supplied in evidence, Business Classification Scheme File-plan Development Guidelines, is a step by step guide to service areas how to populate the BCS with local information. It includes flow charts, advice and other excellent solutions (see *file plan development* below) Mr Crichton, CEO of NSS has supplied the Keeper with a separate letter underlining his commitment to rolling out the BCS and requiring regular updates on progress. He states December 2015 for completion of this progress. The Keeper welcomes this clear statement of intent. That said, the Keeper is able to agree the current system as it has been provided to him, as it shows appropriate governance of records and clearly covers all 12 'functions' of NSS. He would welcome the chance to review the new system once NSS are satisfied it is operational. NSS state that none of its **functions** are carried out by a third party.
5. Retention schedule	✓	✓	The NSS retention schedule does not feature as part of the BCS. Instead they have provided a separate Document Storage, Retention and Disposal Policy (See element 5 below). This policy lists record type against activity and assigns a retention decision against each records type. For the purposes of the Keeper's agreement this arrangement is acceptable. It is understood that NSS intends to make the two documents one when the BCS has been fully embedded in the organisation. The Keeper feels that this combined document will make a more robust business tool that will save staff cross-referencing and, therefore, commends this plan in principle. He would appreciate the opportunity to view it once completed. In the meantime, NSS have a long-standing document storage, retention and disposal policy, due for review in 2015.

			This document is central to NSS' compliance with FOI and DP, in fact it provides internal links to the NSS DP policy (See element 9) The retention schedule covers all the activities listed in the BCS This is robust provision and meets with the Keeper's agreement.
6. Destruction Arrangements *Compulsory element*	✓	✓	NSS have supplied destruction policies covering – a) Paper records b) Electronic records c) Hardware NSS operate back-up systems as part of their business continuity (see element 10 below). The document 'NHS NSS Electronic Backup Procedure' indicates that back up tapes are destroyed on a rolling 5 week cycle. Destruction procedures for NSS staff feature in the Document Storage, Retention and Disposal Policy (see element 5 above). A screenshot of a SACDA document disposal register has also been supplied. NSS has a document destruction register (See evidence item 17 for a screenshot). The Keeper agrees that NSS has appropriate procedures in place for secure and irretrievable destruction of its corporate records.
7. Archiving and Transfer *Compulsory element*	✓	✓	NSS has a MoU with the NRS for permanent preservation of records. This is confirmed by NRS client managers. Transfer to the NRS Digital Archive has not yet started.

			The Keeper agrees that NSS has arrangements in place to transfer records to an appropriate archive.
8. Information Security *Compulsory element*	✓	✓	NSS has supplied their information security policy. This policy is approved by the Staff Governance Committee and dated 23 February 2012. NSS have submitted a communication plan as evidence that information security policies are properly disseminated to staff. An 'Easy-Read' leaflet further proves that staff are made aware of information security issues. Evidence has been supplied that in the case of 'personal files' or 'personnel files' (those relating to NSS staff) NSS have appropriate security procedures in place. The Keeper agrees that NSS has an appropriate information security policy.
9. Data Protection	✓	✓	NSS has a data protection policy, approved by the Information Management group in 2010 and provided to the keeper as evidence. Data Protection responsibilities are part of the staff induction process. NSS provide a good explanation of DP legislation and what it means for service users on their NSS website at http://www.nhsnss.org/pages/corporate/data_protection.php A sample of their subject access request for has been supplied. NSS have supplied their registration number with the ICO and that for SACDA which is, of course, different.

			The Keeper agrees that NSS have properly considered their responsibilities under the Data Protection Act 1998.
10. Business Continuity and Vital Records	✓	✓	NSS operates in a shared server environment and the Business Crisis Management Plan is held and maintained by the author in their service specific file-plan. The plan is then uploaded to the NSS intranet (geNSS) where all staff can access the documentation in the knowledge that it is the latest version. geNSS allows staff to access policies, procedures and documentation that are maintained by different service area, therefore minimising the need for duplication of documentation across the organisation. NSS attached the IT Disaster Recovery Plan as additional evidence. The Business Crisis Management Plan relates to the operational recovery, whilst the IT Disaster Recovery Plan covers the recovery of data etc. NSS has submitted the local NSS business continuity plan for National Procurement department in evidence.
11. Audit trail	✓	✓	2.2 of the *Corporate Records Management Policy* (which applies to 'all clinical and non-clinical operational records held in any format' - 2.1) speaks of 'record maintenance' including tracking. Section 4 'Aims and Objectives' speaks of access. Both these policy clauses appear to be consistent with the aims of this element of the PRSA model plan. NSS understand that records require different tracking mechanisms, based on content and on the media on which the information is held and examples relating to paper records (the Central Legal Office) and electronic records (SACDA) has been supplied. For example: the SADCA on-line system is a database application allowing NHS Medical Caldicott Consultants to apply for Distinction Awards. To access this system there is a secure registration system which is managed by the

			SADCA committee secretary. The system notifies the committee secretary when a request for access has been made, who will then verify details and authorise access permissions. A version control policy is mentioned in the File-Plan Development Guidelines and included as evidence 049. The Keeper understands that work is on-going in NSS to standardise document tracking in the various service areas and wants to make it clear to NSS that he does not require that a fully inclusive system is in place to agree a plan, as with the business classification, he can agree an improvement plan. The Keeper agrees NSS 'audit trail' element as an improvement model and would appreciate being kept up-to-date with progress when NSS consider it appropriate.
12. Competency Framework for records management staff	✓	✓	NSS have supplied the job description for the person named in element 2 (the Corporate Records Manager). This document clearly recognises records management as a separate and specialist function. The job description lists the provision of appropriate training to NSS staff as part of the objectives of the Corporate Records Manager.
13. Assessment and Review	✓	✓	The RMP states that it will be reviewed every two years or sooner. This statement has been signed-off by the Chief Executive. NSS intends to put in place an annual internal audit programme for records management practices across all service units. This is included within the improvement plan 9.1.

			Clearly, the progress of the BCS project is a 'keystone' (RMP page 8) of the plan. It is to be regularly reviewed and a sample review report is included in the evidence package. Para 1.1 of evidence item 56 states that the Information Management Group has responsibility for this. The Records Management Group should prove useful in this process and the Keeper is pleased to understand that this group will continue beyond the needs of PRSA submission. Generally, see *review* below
14. Shared Information	✓	✓	NSS as currently constituted enables divisions/SBUs to enter into data sharing agreements in support of long established statutory and business functions. These relate to numerous and diverse customers, data sharing partners and service users and similarly numerous and diverse datasets. Further to the recent SG sponsoring of the SASPI approach (information sharing accord supported by any number of information sharing protocols (ISPs)) NSS is considering the benefit of this, nationally sanctioned, approach and have included it in their Information Action Plan for the current year. The Keeper understands that NSS will adopt an incremental transition rather than a wholesale swap to SASPI. (See *SASPI* under General Comments below) The Keeper is happy to agree this element of the RMP on 'improvement model' terms.

General Notes on RMP, Including Concerns:

The entire records management plan has been signed by Ian Crichton, the Chief Executive NHS National Services Scotland (see element 1). The submission is also accompanied by a covering letter signed by Ken Thomson the Chair of SACDA.

The internal reporting structure for records issues is demonstrated in the Corporate Records Manager job description and in the Records Management Group Remit (both submitted as evidence).

Samples of staff instructions, including ‘easy read leaflets’ and screenshots from the intranet, have been supplied to demonstrate how records management policies are disseminated.

Improvement Plans: NSS has supplied action plans for both NSS and SACDA. The Keeper commends this openness regarding areas for improvement and finds that these documents are entirely within the spirit of the act.

Review: The Keeper should be informed in the results of any policy reviews (such as the Document Storage, Retention and Disposal Policy in 2015 or the Information Governance Policy) when these are carried out, especially if they result in fundamental changes in the RMP.

File Plan Development: NSS have created a guidance document *Business Classification Scheme File-plan Development Guidelines* for use by the local service areas/divisional records management leads. This is an excellent ‘how to’ guide for larger public authorities generally. The Keeper thanks NSS for allowing him to include it in his on-line guidance document for use by other public authorities. This will be done when the document is next updated. The decision to allow this was, of course, a matter for consideration by NSS only, and the Keeper will not make any other part of the evidence package, available to any party outside the PRSA implementation team staff of NRS without the authority’s express permission.

SASPI: The Keeper agrees that SASPI properly considers the governance of records and that, if adopted, NSS will have properly considered this element for this aspect of their information sharing.

6. Keeper's Summary

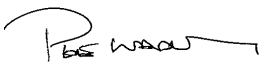
Elements 1- 14 that the Keeper considers should be in a public authority records management plan have been properly considered by NHS National Services Scotland and the Scottish Advisory Committee on Distinction Awards. Policies and governance structures are in place to implement the actions required by the plan.

7. Keeper's Determination

Based on the assessment process detailed above, the Keeper **agrees** the RMP of NHS National Services Scotland and the Scottish Advisory Committee on Distinction Awards.

- The Keeper recommends that NHS National Services Scotland and the Scottish Advisory Committee on Distinction Awards should publish its agreed RMP as an example of good practice within the authority and the sector.

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



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Pete Wadley
Public Records Officer

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Robert Fotheringham
Public Records Officer

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

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

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Tim Ellis
Keeper of the Records of Scotland