Public Records (Scotland) Act 2011

NHS Education for Scotland
Assessment Report

The Keeper of the Records of Scotland

21 August 2013

Contents

1. Public Records (Scotland) Act 2011

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

The Act has its origins in *The 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 Education for Scotland (NES)** by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 21 August 2013*.*

The assessment considered whether the RMP of **NES** 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 **NES** complies with the Act can be found under section 7 of this report with relevant recommendations.

3. Authority Background

NES is a Special Health Board established in 2002 to support NHS services in Scotland by developing and delivering training and education to staff working in NHS Scotland. NHS Education for Scotland also employs Medical General Practitioners in training in Scotland but their records are not included in the submitted RMP, being the responsibility of the relevant medical practice. NHS Education for Scotland has over 700 staff based at 11 sites across Scotland.

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 **NES's** 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

Element	Present	Evidence	Notes
1. Senior Officer *Compulsory element*			The Deputy Chief Executive and Director of Finance and Corporate Resources of NES, Caroline Lamb is named as senior officer responsible for records management. This is evidenced by the records management policy and information governance policy.
2. Records Manager *Compulsory element*			The Information Governance Manager, Frank Rankin, is named as having operational responsibility for records management. The records management policy and information governance policy evidences this. Job descriptions for Frank and his colleague Aidan Robertson have been provided.
3. Policy *Compulsory element*			The policy, which has been signed off by the Information Governance Group, clearly shows the scope of the plan, staff responsibility and a commitment to training. The policy is backed-up by other documents, file-naming and version control procedures and paper file management documents submitted as evidence. The records management policy is due for review in August 2013. The Keeper would ask that any revised policy is submitted for inclusion in the evidence pack.
4. Business Classification			A draft 3-level functional classification scheme is currently in use in the authority, with screenshots showing that it is currently operational in the Enterprise Content Management System. There is a commitment to develop the classification scheme. The Keeper would be happy to agree this element on an improvement plan basis and would ask to see the updated scheme once implemented, most likely Mar/Apr 2014.
5. Retention schedule			The current retention schedule has been included but this is awaiting comprehensive revision due to changes in the organisation. It will be reviewed in line with the NHS Scotland Records Management Code of Practice (November 2013). The new version will include the identification of vital records. The new schedule may be included in the business classification scheme. Again the Keeper would be happy to agree this element

			on an improvement plan basis and would ask to see the new schedule, in whichever format it is created, once it has been implemented.
6. Destruction Arrangements *Compulsory element*			There is clear evidence in place to show that the organisation has procedures in operation to securely dispose of records. Sample destruction certificates are provided in the evidence pack. There is also good evidence of practical guidance for staff to follow in order to ensure secure destruction. The guidance will be reviewed (November 2013) and updated to ensure that all copies of a record, either paper or electronic, are identified and destroyed. The Keeper requests that this is sent to him once implemented. Once the ECMS has been fully rolled out across the organisation the retention and disposal of electronic records will be managed by the system (June 2014).
7. Archiving and Transfer *Compulsory element*			NES currently has arrangements in place for transfer of archives to NRS. The revision of the retention schedule will include the identification of records to be transferred. NES will finalise a MoU with NRS regarding the transfer of archives. This has been confirmed by NRS client managers.
8. Information Security *Compulsory element*			NES has provided a very robust Information Security Policy and has provided evidence that operational security guidelines are available to staff on NES intranet. NES plans to introduce MetaCompliance software by the end of 2014 to enable them to measure staff awareness and understanding of policies such as the Information Security Policy and also key Data Protection policies and messages (covers Element 9 also).
9. Data Protection			Section 10 of the Information Governance Policy (Evidence 01-02) provides a policy statement on roles and responsibilities relating to Data Protection. NES is registered with the Information Commissioner and has provided the registration number as evidence. Policies are backed up by robust operational procedures regarding Data Protection for NES Staff.
10. Business Continuity and Vital Records			There are business continuity plans in place for the various sites occupied by NES (sample provided for Western Region Central Quay site as evidence). Vital records are currently backed up on NES systems, but at the next

			review of the retention and disposal schedule (November 2013) vital records will be identified and incorporated into the schedule and business continuity plan (August 2014). The Keeper would request sight of these documents once implemented.
11. Audit trail			NES' RMP states that due to decreasing use of paper records they don't intend to apply detailed audit trails to these. There appears to be evidence that appropriate measures in place for managing these. The implementation of Alfresco ECMS will cover the audit trail requirements for the electronic records created by NES. They also intend to apply audit facilities to databases and unstructured information.
12. Competency Framework for records management staff			Competency frameworks are provided for both the Information Governance Manager and Officer. The NHSScotland Information Governance competency framework is used as the basis for this and for other staff with records management responsibilities. Records management training is provided to all staff as part of NES' information governance training programme.
13. Assessment and Review			NES has committed to reviewing progress toward meeting the plan and reviewing policies and procedures as a matter of business practice. The RMP will be comprehensively reviewed in August 2014.
14. Shared Information			NES has provided a MoU, sample contract and sample Information Sharing Protocol as examples of how it deals with information shared with other bodies. This is reinforced by procedural documents such as NES' Data Sharing Manual.

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 **NES**. Policies

and governance structures are in place to implement the actions required by the plan.

Overall, this is a robust Records Management Plan. NES's records management policy is due for review in August 2013 and the Keeper would ask that this is submitted to him once amended and implemented. Elements 4 and 5 can be agreed by the Keeper on an improvement plan basis due to the proposed review of the Business Classification Scheme (Mar/Apr 2014) and Retention Schedules (Nov 2013) and identification of vital records (Aug 2014). Similarly, the Keeper would request that these revised documents be submitted to him upon their implementation in NES.
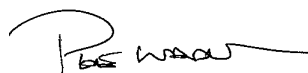
The Keeper has no concerns with the records management provision of NES as described in this plan.

7. Keeper's Determination

Based on the assessment process detailed above, the Keeper **agrees** the Records Management Plan of *NHS Education for Scotland*.

The Keeper recommends that NHS Education for Scotland should publish its agreed RMP as an example of good practice within the authority and the sector.

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

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Robert Fotheringham 　　　　　**Pete Wadley**
Public Records Officer 　　　　　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 Records Management Plan as submitted by *NHS Education for Scotland* In agreeing this RMP, the Keeper expects *NHS Education for Scotland* to fully implement the agreed Records Management Plan and meet its obligations under the Act.

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Tim Ellis
Keeper of the Records of Scotland