

The Public Records (Scotland) Act 2011

North Lanarkshire Integration Joint Board

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

11th January 2024

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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 into force on 1 January 2013. Its primary aim is to promote efficient and accountable record keeping by named Scottish public authorities.

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

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

2. Progress Update Review (PUR) Mechanism

Under section 5(1) & (2) of the Act the Keeper may only require a review of an authority's agreed RMP to be undertaken not earlier than five years after the date on which the authority's RMP was last agreed. Regardless of whether an authority has successfully achieved its goals identified in its RMP or continues to work towards them, the minimum period of five years before the Keeper can require a review of a RMP does not allow for continuous progress to be captured and recognised.

The success of the Act to date is attributable to a large degree to meaningful communication between the Keeper, the Assessment Team, and named public authorities. Consultation with Key Contacts has highlighted the desirability of a mechanism to facilitate regular, constructive dialogue between stakeholders and the Assessment Team. Many authorities have themselves recognised that such regular communication is necessary to keep their agreed plans up to date following inevitable organisational change. Following meetings between authorities and the Assessment Team, a reporting mechanism through which progress and local initiatives can be acknowledged and reviewed by the Assessment Team was proposed. Key Contacts have expressed the hope that through submission of regular updates, the momentum generated by the Act can continue to be sustained at all levels within authorities.

The PUR self-assessment review mechanism was developed in collaboration with stakeholders and was formally announced in the Keeper's Annual Report published on 12 August 2016. The completion of the PUR process enables authorities to be credited for the progress they are effecting and to receive constructive advice concerning on-going developments. Engaging with this mechanism will not only maintain the spirit of the Act by encouraging senior management to recognise the need for good records management practices, but will also help authorities comply with their statutory obligation under section 5(1)(a) of the Act to keep their RMP under review.

3. Executive Summary

This Report sets out the findings of the Public Records (Scotland) Act 2011 (the Act) Assessment Team's consideration of the Progress Update template submitted for North Lanarkshire Integration Joint Board. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

North Lanarkshire Integration Joint Board ("IJB") was established under the Public Bodies (Joint Working) (Scotland) Act 2014. The IJB was formally established on 1st April 2016.

The IJB is responsible for the planning and oversight of delivery of health and social care functions, delegated to it by NHS Lanarkshire & North Lanarkshire Council. Functions include Adult Social Work & Social Care Services, Community Health and Social Care Services for Children and Adults and some hospital services. The area covered by the IJB is coterminous with North Lanarkshire Council and is divided into six localities.

The IJB operates as a separate legal entity from NHS Lanarkshire and North Lanarkshire Council. The IJB is made up of eight voting members appointed in equal number by NHS Lanarkshire and North Lanarkshire Council, with a number of representative members drawn from other sectors, including the independent and third sectors, and to represent other stakeholders including staff, carers, service users and professional advisors as set out in the Public Bodies (Joint Working) (Scotland) Act 2014.

The key IJB functions are to:

- Prepare a Strategic Commissioning Plan for integrated functions in accordance with national and local outcomes and integration principles;
- Allocate the integrated budget in accordance with the this Plan; and
- Oversee the delivery of services that are within the scope of the Partnership.

5. Assessment Process

A PUR submission is evaluated by the Act's Assessment Team. The self-assessment process invites authorities to complete a template and send it to the Assessment Team one year after the date of agreement of its RMP and every year thereafter. The self-assessment template highlights where an authority's plan achieved agreement on an improvement basis and invites updates under those 'Amber' elements. However, it also provides an opportunity for authorities not simply to report on progress against improvements, but to comment on any new initiatives, highlight innovations, or record changes to existing arrangements under those elements that had attracted an initial 'Green' score in their original RMP submission.

The assessment report considers statements made by an authority under the elements of its agreed Plan that included improvement models. It reflects any changes and/or progress made towards achieving full compliance in those areas where agreement under improvement was made in the Keeper's Assessment Report of their RMP. The PUR assessment report also considers statements of further progress made in elements already compliant under the Act.

Engagement with the PUR mechanism for assessment cannot alter the Keeper's Assessment Report of an authority's agreed RMP or any RAG assessment within it. Instead the PUR Final Report records the Assessment Team's evaluation of the submission and its opinion on the progress being made by the authority since agreeing its RMP. The team's assessment provides an informal indication of what marking an authority could expect should it submit a revised RMP to the Keeper under the Act, although such assessment is made without prejudice to the Keeper's right to adopt a different marking at that stage.

Key:

G	The Assessment Team agrees this element of an authority's plan.	A	The Assessment Team agrees this element of an authority's progress update submission as an 'improvement model'. This means that they are convinced of the authority's commitment to closing a gap in provision. They will request that they are updated as work on this element progresses.	R	There is a serious gap in provision for this element with no clear explanation of how this will be addressed. The Assessment Team may choose to notify the Keeper on this basis.
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6. Progress Update Review (PUR) Template: North Lanarkshire Integration Joint Board

Element	Status of elements under agreed Plan 11FEB21	Status of evidence under agreed Plan 11FEB21	Progress review status 11JAN24	Keeper's Report Comments on Authority's Plan 11FEB21	Self-assessment Update as submitted by the Authority since 11FEB21	Progress Review Comment 11JAN24
1. Senior Officer	G	G	G	Update required on any change.	No change.	The Assessment Team understands that the Chief Officer, Mr McGuffie, continues to be the named individual senior staff member is identified as holding corporate responsibility for records management. Update required on any change.
2. Records Manager	A	G	G	The Keeper is aware that the NHS Lanarkshire records manager has recently retired and that [the Head of IM] has assumed some of his duties while a replacement is sought. With this in mind, the Keeper can agree that [...] the Head of Information Management, is a suitable individual to be temporarily identified under this element. However, the Keeper's agreement remains at amber (under improvement) until a records manager is in post or until the IJB can provide the Keeper with evidence that [the Head of IM] has the necessary skills, support and formal responsibility (such as annual objectives) to permanently undertake the role.	Following a restructure, the Head of Information Management has now been appointed in the role of Head of Information and Records Management. She fulfils the role of Record Manager in respect of the Records Management	Section 1(2)(a)(ii) of the Act specifically requires a RMP to identify the individual responsible for ensuring the authority complies with its plan. This person should be the Keeper's initial point of contact ('Key Contact') for records management issues. It is noted that the former Head of IM is now formally Head of Information and

					Plan for NHS Lanarkshire.	Records Management. As a records manager is now in post, this Element has been turned Green to celebrate this progress. The Assessment Team thanks you for this update. North Lanarkshire IJB now has two records managers listed under Element 2, but it is noted the Ms Hughes should remain the IJB's primary Key Contact.
3. Policy	G	G	G	Update required on any change.	Both bodies continue to revise their policies on a regular basis.	Thank you for confirming that North Lanarkshire IJB continues to revise its Records Management Policy on a regular basis. Update required on any future change.
4. Business Classification	A	G	A	In June 2017 the Keeper agreed this element of the North Lanarkshire Council <i>Records Management Plan</i>. However he did so under 'Improvement Model' terms. This means that he acknowledges that the Council had identified a gap in provision (the authority being in a state of transition between electronic records management solutions) and has put processes in place to close that gap. The Keeper's agreement was conditional on his being updated on progress as the project develops. The Keeper confirms that the Council has been keeping the Keeper appropriately updated on	No change to the process other than progress in BCS development as noted in the NLC PUR.	Thank you for letting the Assessment Team know that there have been no major updates to Business Classification Arrangements, and that these remain under North Lanarkshire Council's systems. This Element will remain at Amber while the Council continues to work on its

				<p>the transition project as required.</p> <p>The IJB <i>Plan</i> recognises that certain elements of the Council records management plan was agreed under improvement model terms (IJB <i>Plan</i> introduction page 3).</p> <p>The Keeper agrees this element of the North Lanarkshire Integration Joint Board's <i>Records Management Plan</i> under the same 'improvement model' terms as its 'host' authority.</p>		<p>business classification arrangements while it implements a change in its electronic records management system. The Team welcomes updates on any future change.</p>
5. Retention Schedule	G	A	G	<p>The <i>Plan</i> (page 8) refers to the approval of the council Information Management Working Group for the IJB records to be included. The Keeper requests sight of the minutes confirming this in the same way that he was provided with Council confirmation of the DPO under element 9.</p> <p>The Keeper agrees that North Lanarkshire Integration Joint Board has ensured that all their public records are managed against an operational retention schedule. However, the evidence column remains at amber until the Keeper can be supplied with minutes confirming the IMWG approval for the inclusion of IJB records.</p>	Minutes attached with this document.	<p>The Assessment Team thanks you for providing the IMGG minutes referred to in the original Agreement; these have been received with thanks.</p> <p>While the RMP Evidence status does not change, the Team is happy to indicate that North Lanarkshire IJB has now met the Keeper's requirements under Element 5.</p>
6. Destruction Arrangements	A	G	A	<p>The Keeper agreed this element of North Lanarkshire Council's <i>Records Management Plan</i> in June 2017. However, he did so under 'improvement model' terms. This means that he acknowledges that the authority has recognised a gap in provision (the systematic destruction of electronic records held on shared drives could be improved). He agrees that the authority has instigated processes to</p>	No change to the process other than progress in BCS development as noted in the NLC PUR.	<p>Thank you for letting the Assessment Team know that there are no major updates to this Element. While the Keeper noted that the systematic destruction of electronic records held on shared drives could be improved, it is clear that this</p>

				<p>close that gap (migration to the new O365 solution). The Keeper's agreement is conditional on him being updated as this project progresses (see element 4). The Council has satisfactorily updated the Keeper and the project remains ongoing.</p> <p>The IJB <i>Plan</i> recognises that some elements of their partner's records management plans were agreed under improvement model terms (IJB <i>Plan</i> introduction page 3).</p> <p>Therefore, the Keeper can agree this element of the North Lanarkshire Integration Joint Board's <i>Records Management Plan</i> under the same 'improvement model' terms as its 'host' authority.</p>		<p>relies on changes in the systems in use at IJB's partner organisations.</p> <p>This Element will remain at Amber while the Council continues to work on its systems' record destruction capabilities. The Team welcomes updates on any future change.</p>
7. Archiving and Transfer	G	G	G	Update required on any change.	No change.	Update required on any change.
8. Information Security	G	G	G	Update required on any change.	No change.	Update required on any change.
9. Data Protection	A	G	G	<p>The Keeper would expect North Lanarkshire IJB, as Data Controller, to publish a privacy notice on its website. The <i>Plan</i> suggests this may be on its way - it states (page 12) "The NLC data protection page provides a link to the mailbox of the Data Protection Officer in respect of Subject Access Requests ...The NLC Privacy statement is also available on the this page. Work is currently underway in refining documents that are more specific to the IJB."</p> <p>The Keeper agrees that, once developed and approved, an IJB specific Privacy Policy, explaining public rights under DPA2018,</p>	<p>The IJB has developed and approved a privacy notice and published this on their website Privacy and cookies Health and Social Care North Lanarkshire (hscnl.org.uk). As part of their commitment to</p>	<p>Thank you for providing the Assessment Team with the linked Privacy Notice, available on the IJB's website. It is positive to know that this will have been reviewed and updated by the time this PUR has been finalised.</p> <p>This Element can now be</p>

				<p>should be appropriate to comply with data protection expectations if it is made available from the IJB website pages.</p> <p>The Keeper agrees this element of the North Lanarkshire Integration Joint Board <i>Records Management Plan</i> under ‘improvement model’ terms. This means that the authority is working towards full compliance and has provided evidence of this (a statement around a bespoke IJB privacy statement). The Keeper’s agreement is conditional on his being updated as this work progresses. The Keeper will provide the IJB with the opportunity to submit a Progress Update Review a year after agreement. He would expect the <i>Privacy Policy</i> to be in place by that time.</p>	<p>ongoing improvement this notice is currently under review and the revised notice will be approved by the IJB in September.</p>	<p>turned Green for the PURs to celebrate the progress made. If this was a formal resubmission, it is likely that this Element would receive a Green status.</p>
10. Business Continuity and Vital Records	A	G	A	<p>In June 2017 the Keeper agreed this element of the North Lanarkshire Council <i>Records Management Plan</i>. However he did so under ‘Improvement Model’ terms. This means that he acknowledges that the Council had identified a gap in provision. This was around the identification and prioritisation of vital records. The Keeper notes that the IJB have determined that all their public records are vital, but the recovery processes remain those of the Council. The Keeper’s agreement with the Council was conditional on his being updated on progress as the project develops. The Keeper confirms that the Council has been keeping the Keeper appropriately updated as required.</p> <p>The IJB <i>Plan</i> recognises that certain elements of the Council records management plan was agreed under improvement model terms (IJB <i>Plan</i> introduction page 3).</p>	<p>No change to the process other than progress in BCS development as noted in the NLC PUR.</p>	<p>Element 10 stipulates that Record recovery – prioritising vital records – is an integral part of the authority’s business continuity planning, and that those arrangements should include the recovery of records made temporarily unavailable due to an unexpected event.</p> <p>Thank you for letting us know that there have been no major changes to this Element.</p> <p>This Element will remain at Amber while the partner authority, North Lanarkshire Council, continues to work on</p>

				The Keeper agrees this element of the North Lanarkshire Integration Joint Board's <i>Records Management Plan</i> under the same 'improvement model' terms as its 'host' authority.		its business continuity arrangements. The Team welcomes updates on any future change.
11. Audit Trail	A	G	A	<p>In June 2017 the Keeper agreed this element of the North Lanarkshire Council <i>Records Management Plan</i>. However he did so under 'Improvement Model' terms. This means that he acknowledges that the Council had identified a gap in provision and had put processes in place to close that gap.</p> <p>The IJB <i>Plan</i> recognises that partner records management plans were agreed under improvement model terms (IJB <i>Plan</i> introduction page 3).</p> <p>The Keeper can agree this element of the North Lanarkshire Integration Joint Board's <i>Records Management Plan</i> under the same 'improvement model' terms as its 'host' authority.</p>	No change to the process other than progress in BCS development as noted in the NLC PUR.	<p>Thank you for letting the Assessment Team know that there are no major updates to this Element.</p> <p>This Element will remain at Amber while the Council continues to work on its systems' audit trail capabilities. The Team welcomes updates on any future change.</p>
12. Competency Framework	G	G	G	Update required on any change.	No change.	Update required on any change.
13. Assessment and Review	G	G	G	Update required on any change.	No change.	Update required on any change.
14. Shared Information	G	G	G	Update required on any change.	No change.	Update required on any change.

7. The Public Records (Scotland) Act Assessment Team's Summary

Version

The progress update submission which has been assessed is the one received by the Assessment Team on 13th July 2023. The progress update was submitted by Fiona Hughes, Records Manager.

The progress update submission makes it clear that it is a submission for **North Lanarkshire Integration Joint Board**.

The Assessment Team has reviewed North Lanarkshire Integration Joint Board's Progress Update submission and agrees that the proper record management arrangements outlined by the various elements in the authority's plan continue to be properly considered. The Assessment Team commends this authority's efforts to keep its Records Management Plan under review.

General Comments

North Lanarkshire Integration Joint Board continues to take its records management obligations seriously and is working to bring all elements into full compliance.

Section 5(2) of the Public Records (Scotland) Act 2011 provides the Keeper of the Records of Scotland (the Keeper) with authority to revisit an agreed plan only after five years has elapsed since the date of agreement. Section 5(6) allows authorities to revise their agreed plan at any time and resubmit this for the Keeper's agreement. The Act does not require authorities to provide regular updates against progress. The Keeper, however, encourages such updates.

The Keeper cannot change the status of elements formally agreed under a voluntary submission, but he can use such submissions to indicate how he might now regard this status should the authority choose to resubmit its plan under section (5)(6) of the Act.

8. The Public Records (Scotland) Act Assessment Team's Evaluation

Based on the progress update assessment the Assessment Team considers that North Lanarkshire Integration Joint Board continue to take their statutory obligations seriously and are working hard to bring all the elements of their records management arrangements into full compliance with the Act and fulfil the Keeper's expectations.

The Assessment Team recommends authorities consider publishing PUR assessment reports on their websites as an example of continued good practice both within individual authorities and across the sector.

This report follows the Public Records (Scotland) Act Assessment Team's review carried out by

A handwritten signature in blue ink that reads "Iida Saarinen". The signature is written in a cursive style and is positioned above the printed name and title.

Iida Saarinen
Public Records Officer