

The Public Records (Scotland) Act 2011

NHS Borders

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

15 May 2023

Contents

1. The Public Records (Scotland) Act 2011.....	3
2. Progress Update Review (PUR) Mechanism.....	4
3. Executive Summary.....	4
4. Authority Background.....	5
5. Assessment Process.....	6
6. Records Management Plan Elements Checklist and PUR Assessment.....	7-16
7. The Public Records (Scotland) Act Assessment Team's Summary.....	17
8. The Public Records (Scotland) Act Assessment Team's Evaluation.....	18

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 NHS Borders. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

NHS Borders is responsible for providing health care services to protect and improve the health of the people of the Borders and plan services for the local population. Other roles include to

- focus on health outcomes and people's experience of their local NHS system;
- promote integrated health and community planning by working closely with other local organisations; and
- provide a single focus of accountability for the performance of the local NHS system.

Throughout its work, NHS Borders links with partners in care, such as patients, staff, local communities and disadvantaged groups, so that their needs and views are included in the design and delivery of local health services.

Borders NHS Board functions include

- Strategy development: to develop a single local health plan which addresses health priorities;
- Resource allocation to address local priorities and determining how Borders resources are deployed to meet strategic objectives;
- Implementation of the local health plan; and
- Performance management of the NHS Borders health system.

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.
----------	---	----------	---	----------	--

6. Progress Update Review (PUR) Template: NHS Borders



Element	Status under agreed Plan 09SEP16	Progress status 29APR22	Progress status 15MAY23	Keeper's Report Comments on Authority's Plan 09SEP16	Self-assessment Update 11JAN22	Progress Review Comment 29APR22	Self-assessment Update as submitted by the Authority since 29APR22	Progress Review Comment 15MAY23
1. Senior Officer	G	G	G	Update required on any change.	There has been no change to the identified Senior Officer, which remains June Smyth, Director of Planning and Performance.	Thank you for letting the Assessment Team know that there have been no changes to this Element.	There has been no change to the identified Senior Officer, which remains June Smyth, Director of Planning and Performance.	Update required on any change.
2. Records Manager	G	G	G	The <i>Plan</i> states (page 7) that NHS Borders is considering appointing a Corporate Records Manager. The Keeper welcomes this and notes that NHS Borders have committed to inform him if this post is created. Similarly if a Corporate Records Team (page 17) is created, the Keeper should be informed.	As noted in the 2020 Review, Ian Merritt, Information Governance implementation Lead is responsible for the day-to-day of the Records Management Plan following the retirement of George Ironside. Mr Ironside's post has been filled by Susie Thomson who is the Information Governance and Cyber Assurance Manager. Progress is now being made in establishing a Corporate Records	The Assessment Team appreciates this update, and confirmation that Mr Merritt remains the named Key Contact. It is understandable that the pandemic has hampered progress in some areas. The Team look forward to hearing about progress made in the establishment of a Corporate Records Manager	Louise Robson has been appointed to the post of Records Manager for NHS Borders. Louise was appointed in July 2022 but assumed the full role from 01.12.22 as backfill for previous role of Health Records Team Lead had to be in place before full handover could take place. Louise will assume day to day	The Assessment Team thanks you for this update which has been noted. Update required on any future change.

					Manager post within the organisation with the creation of a Job Description. This still requires to be submitted for banding but the ongoing impact of the Covid-19 pandemic continues to dominate the organisation's focus.	post in consecutive PURs.	responsibility for the implementation of the Records Management Plan.	
3. Policy	G	G	G	Update required on any change.	There has been no further update to the Records Management Policy, which is due to be reviewed in September 2022.	Thank you for confirming that the NHS Borders' RMP is being kept under regular review. Update required on any change.	The Records Management Policy has been reviewed with no changes required at this time.	Thank you for letting us know that the Records Management Policy has undergone a review Update required on any change.
4. Business Classification	A	A	A	NHS Borders have agreed to provide the Keeper with a copy of the master Business Classification Spreadsheet as part of the periodic update/progress report. Clearly the <i>Business Classification Scheme</i> is a work in progress. The Keeper accepts that this major piece of work will take some time to complete and asks that he is routinely updated	Version 2 of the national Business Classification Scheme has been issued for comment and the finalised version of this is scheduled for approval at the NHS Scotland Records Management Forum meeting on 16 th December. NHS Borders will fully support and adopt this BCS when it has been approved	Thank you for updating the Assessment Team on progress in the implementation of the new version of the national Business Classification Scheme. Its blanket adoption is unlikely to be entirely straightforward, especially in concert with the implementation of M365. However, it	Approval was passed by the Records Management Forum and this will be progressed in 2023 in NHS Borders now that we have a Records Manager in post.	Element 4 stipulates a Business Classification Scheme (or similar) should record, at a given point in time, the information assets the business creates and maintains, and in which function or service area they are held. Thank you for this positive update that

				<p>on progress. The Keeper agrees this element of NHS Borders' Records Management Plan on 'improvement model' terms. This means that the Keeper acknowledges that the authority has identified a gap in their records management provision (the Business Classification Scheme is not fully rolled out) and has put processes in place to close that gap. The Keeper's agreement is conditional on his being kept up-to-date with progress.</p>		<p>is positive to hear that NHS Borders is committed to its implementation.</p> <p>This update will remain at Amber while the implementation of the newly-updated BCS is ongoing. We look forward to updates on this process in consecutive PURs.</p>		<p>NHSS BCS will be implemented at NHS Borders in 2023. The Assessment Team hopes that the shared NHSS BCS can be used as a solid basis for the tailored BCS implemented at NHS Borders which will continue to be regularly reviewed and updated.</p> <p>This update will remain at Amber while the implementation of rules from the newly-updated NHSS BCS is ongoing. We look forward to updates on this process in consecutive PURs.</p>
5. Retention Schedule	G	G	G	Update required on any change.	This situation has not changed. NHS Borders still follows the Retention Periods prescribed in the Records Management: Health and Social Care Code of Practice (2020).	Thank you for this update on retention arrangements. Update required on any change.	This situation has been reviewed and has not changed. NHS Borders still follows the Retention Periods prescribed in the Records	Thank you for this update, and confirmation that NHS Borders continues to follow the records retention periods prescribed in the

					The transition to M365 has been slower than hoped but is still progressing. Likewise, the subsequent reduction in email retention is being rolled out across the organisation at a slower pace than intended.		Management: Health and Social Care Code of Practice (2020). Local Policies for retention to be updated in line with guidance issued to Health Boards by CLO in relation to the Covid-19 Inquiry.	Records Management: Health and Social Care Code of Practice (2020). It is also good to know that the needs of official Inquiries are taken into consideration. Update required on any future change.
6. Destruction Arrangements	G	G	G	Update required on any change. The Keeper agrees that staff are given guidance on the management/deletion of electronic records and that this may become an automatic function next year. The Keeper request that he is informed when the new functionality becomes available.	The destruction arrangements remain as per the December 2020 position. The Disposal of Confidential Waste procedure has received a minor update only, reflecting the change of ownership to Susie Thomson.  Disposal of Confidential Waste	Thank you for this update, and the Disposal of Confidential Waste Procedure document provided. Update required on any change.	The destruction arrangements remain as per the December 2020 position. The Disposal of Confidential Waste procedure has received a minor update only, reflecting the change of ownership to Susie Thomson.	This update has been noted with thanks. Update required on any future change.
7. Archiving and Transfer	A	A	A	The Keeper agrees this element of NHS Borders Records Management Plan under 'improvement	George Ironside and Ian Merritt met with Live Borders in September 2021 with the objective of progressing the	It is positive to hear that some progress has been made in identifying a	This will be one of the priority tasks for the new Records Manager now that	Thank you for this update. It is good to hear that archiving and transfer

				<p>model' terms. This means that he acknowledges the authority has identified a gap in provision (the Education Centre, although secure, may not be suitable for the permanent preservation of historical records) and has put processes in place to close that gap. The Keeper's agreement is conditional on a formal agreement being reached between NHS Borders and Live Borders regarding the transfer of historically significant records and him being provided with a copy of that agreement.</p>	<p>archiving arrangements. This process, however, is still at a very early stage due to the departure of key staff from both organisations.</p> <p>It is anticipated that one of the priority tasks of the Corporate Records Manager when appointed will be to lead on this important element.</p>	<p>suitable repository (Live Borders) for the permanent preservation of NHS Borders' historical records. While there is a plan to allocate the task of pursuing a formal agreement to the new Corporate Records Manager, it is also noted that this post is yet to be advertised, and it may therefore take several months before the new appointee will be able to pursue this matter.</p> <p>This element will remain at Amber. As indicated, the Assessment Team expects NHS Borders to make this a priority when the new Corporate Records Manager is in post, as limited progress appears to have been made on this element since</p>	<p>they are in post, and is recognised as a key area for focus.</p>	<p>arrangements will be one of the priority tasks for the new Records Manager, especially as this matter has been outstanding since the Keeper's Agreement. In addition to pursuing a formal agreement with regard to records selected for permanent preservation. In addition to paper records, the Assessment Team would also like to encourage NHS Borders to explore its options for born-digital archiving.</p> <p>This Element remains at Amber while the work is ongoing. Update required on any future change.</p>
--	--	--	--	---	--	--	---	--

						the Keeper's conditional agreement in 2016.		
8. Information Security	G	G	G	Update required on any change.	<p>Latest version of the IT Security Policy (v2.4) is embedded. This was approved by the Information Governance Committee in September 2021.</p> <p>Latest version uploaded to NHS Borders website.</p>  <p>2021 08 18 IT Security Policy V2.4</p>	The Assessment Team thank NHS Borders for providing a copy of their updated Information Technology Security Policy v2.4. The Team remains confident that NHS Borders continues to take Information Security into consideration in its day-to-day operations.	No change to IT security policy which is still in date until August 2023.	Update required on any change.
9. Data Protection	G	G	G	Update required on any change.	<p>Latest version of the Data Protection Policy (v2.1) is embedded. This was approved by the Information Governance Committee in September 2021.</p> <p>Latest version uploaded to NHS Borders website.</p>  <p>2021 08 25 Data Protection Policy</p>	<p>Thank you for this update, and the provision of NHS Borders' Data Protection policy.</p> <p>Update required on any change.</p>	No change to Data Protection Policy which is still in date until August 2023.	Thank you for this update on NHS Borders' Data Protection compliance. Update required on any future change.

10. Business Continuity and Vital Records	G	G	G	Update required on any change.	There has been no further update to this element.	Thank you for confirming there have been no changes to this element. Update required on any change.	There has been no further update to this element.	Update Required on any change.
11. Audit Trail	A	A	A	<p>NHS Borders agrees to include the progress of the Naming Convention and Version Control procedures in the periodic reports to the Keeper.</p> <p>The Keeper agrees this element of NHS Borders' Records Management Plan under 'improvement model' terms. This means that he acknowledges that the authority has identified a gap in their records management provision (version control and naming convention arrangements are in their infancy) but has established a process to close that gap. The Keeper's agreement is conditional on his</p>	The situation remains largely unchanged from last year. The national M365 implementation is still ongoing, with the pace of local progress being dictated by each individual Board's resource availability.	<p>The authority is required to provide evidence of maintaining a complete and accurate representation of all changes that occur in relation to a particular record. As indicated in the previous comments, robust naming convention procedures will be required to be put in place in advance of M365 becoming operational.</p> <p>This element will remain at Amber while the work is ongoing. We look forward to hearing about progress in this area in consecutive</p>	This remains unchanged from last update. M365 implementation is currently ongoing in NHS Borders.	<p>Thank you for confirming that the M365 implementation is ongoing.</p> <p>This element will remain at Amber while the work is ongoing. We look forward to hearing about progress in this area in subsequent PURs.</p>

				receiving updates as this project progresses.		PURs.		
12. Competency Framework	G	G	G	Update required on any change.	<p>There has been no change to compliance with this element. Susie Thomson has replaced George Ironside as holding responsibility for Publication of the NHS Borders Records Management Plan.</p> <p>It is still mandatory for all staff to retake the online Information Governance training module and sign the Code of Conduct confidentiality statement every two years.</p>	<p>Thank you for keeping the Assessment Team updated on records management competency framework within NHS Borders. Update required on any change.</p>	<p>There has been no change to this element.</p>	Update required on any change.
13. Assessment and Review	G	G	G	Update required on any change.	<p>NHS Borders continues to assess and review its relevant policies and processes under this element.</p> <p>Registration with the Information Commissioner has remained in date and is next due for renewal on 20th March 2022.</p> <p>The <i>Data Protection Policy</i> (see element 9) was updated and published in September</p>	<p>Thank you for this update on how NHS Borders continues to keep their Records Management Plan (and the associated policies and registrations) up to date.</p>	<p>Registration with the Information Commissioner has remained in date and is next due for renewal on 20th March 2023.</p> <p>The Data Protection Policy remains in date until August 2023.</p> <p>The <i>Hard Disk Destruction Process</i></p>	<p>Thank you for detailing the steps NHS Borders is taking to keep their RMP up to date, including recent review, maintaining ICO registration, and reviewing and updating related policies, strategies and procedures. NHS Borders' regular participation in the Progress</p>

					<p>2021.</p> <p>The <i>Hard Disk Destruction Process</i> was updated in 2020 and is due for review by December 2022.</p> <p>The <i>IT Security Policy</i> (see element 8) was updated and published in September 2021.</p> <p>The <i>Disposal of Confidential Waste</i> procedure (see element 6) has received a minor update reflecting new ownership.</p> <p>The <i>Information Governance Code of Conduct</i> (see element 8) was updated and published in September 2021.</p> <p>The <i>Records Management Strategy</i> is due for review and the intention is to progress this during 2022.</p> <p>The <i>Records Management Policy</i> (see element 3) is due for review by September 2022.</p> <p>The <i>Human Resources</i></p>		<p>was updated in 2020 and is due for review by end December 2022.</p> <p>The IT Security Policy is in date and due for review by August 2023.</p> <p>The Disposal of Confidential Waste procedure is still in date due for review Dec 2023.</p> <p>The Information Code of Conduct is in date until August 2023.</p> <p>The Records Management Strategy has still to be reviewed in 2022 and will be picked up in early 2023.</p> <p>The Records Management Policy has been reviewed with no change.</p> <p>The Human Resources Policy remains in date until</p>	<p>Update Review (PUR) process is also noted as commendable.</p>
--	--	--	--	--	---	--	---	--

					<p><i>Policy Use of Social Media</i> was updated in 2020 and is due for review by September 2023.</p> <p>The <i>Resilience Policy</i> (see element 10) review was due by October 2020. An updated draft is still pending approval but this has been delayed due to Covid.</p>		<p>Sept 2023.</p> <p>The Resilience Policy – no change currently.</p>	
14. Shared Information	G	G	G	<p>Update required on any change.</p>	<p>NHS Borders continues to follow the best practice toolkits developed by the Scottish Government in conjunction with NHS Scotland.</p> <p>Updating of the Pan Lothian/Borders Data Sharing Protocol has been temporarily paused at the request of one of the partner agencies. It is hoped this, or a replacement protocol, will be implemented during 2022.</p>	<p>Thank you for letting us know that NHS Borders continues to follow the Scottish Government and NHS Scotland's Best Practice Toolkits.</p> <p>We look forward to an update regarding the Pan-Lothian/Borders Data Sharing Protocol review and update in the next PUR.</p>	<p>Work still ongoing with Lothian and Borders Partner agencies to develop a data sharing protocol.</p> <p>NHS Borders continues to follow the best practice toolkits developed by the Scottish Government in conjunction with NHS Scotland.</p>	<p>Thank you for letting us know that work on Lothian and Borders Partner agencies to develop a Data Sharing Agreement is still ongoing. It is also reassuring to hear that NHS Borders continues to follow the Scottish Government and NHS Scotland's Best Practice Toolkits.</p>

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 23rd December 2022. The progress update was submitted by Louise Robson, Records Manager.

The progress update submission makes it clear that it is a submission for **NHS Borders**.

The Assessment Team has reviewed NHS Borders' 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

NHS Borders 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 NHS Borders 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, flowing style.

Iida Saarinen
Public Records Officer