

**Public Records (Scotland) Act 2011**

**Falkirk Integration Joint Board**

**The Keeper of the Records of Scotland**

**3<sup>rd</sup> April 2020**

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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 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 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 Falkirk Integration Joint Board by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 20<sup>th</sup> March 2019.

The assessment considered whether the RMP of Falkirk Integration Joint Board 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 Falkirk Integration Joint Board complies with the Act can be found under section 7 of this report with relevant recommendations.

## **3. Authority Background**

The Public Bodies (Joint Working) (Scotland) Act 2014 (the Act) requires Health Boards and Local Authorities to integrate planning for, and delivery of, certain adult health and social care services. The main purpose of integration is to improve the wellbeing of people who use health and social care services, particularly those whose needs are complex and involve support from health and social care at the same time.

The Integration Joint Board for Falkirk Health and Social Care Partnership (the IJB) is made up of representatives from Falkirk Council, NHS Forth Valley, Third Sector representatives, service users and carers. The Integration Joint Board, through its Chief Officer, has responsibility for the planning, resourcing and the operational oversight of a wide range of health and social care services as set out in an integration scheme. The Integration Scheme is a legally binding agreement between Falkirk Council and NHS Forth Valley who are known as 'the parties' in the Integration Scheme. The scheme describes what the parties will do to enable the IJB to meet its responsibilities (or 'delegated functions'). As a separate legal entity the Integration Joint Board has full

autonomy and capacity to act on its own behalf and can, accordingly, make decisions about the exercise of its functions and responsibilities as it sees fit.

**Under the Public Records (Scotland) Act 2011, the scheduled authority is the Integration Joint Board rather than the Health and Social Care Partnership (HSCP).**

<https://falkirkhscp.org/governance/>

#### 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 Falkirk Integration Joint Board’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.

**Key:**

<b>G</b>	The Keeper agrees this element of an authority’s plan.		<b>A</b>	The Keeper agrees this element of an authority’s plan as an ‘improvement model’. This means that he is convinced of the authority’s commitment to closing a gap in provision. He will request that he is updated as work on this element progresses.		<b>R</b>	There is a serious gap in provision for this element with no clear explanation of how this will be addressed. The Keeper may choose to return the RMP on this basis.
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## 5. Model Plan Elements: Checklist

Element	Present	Evidence	Notes
1. Senior Officer	<b>G</b>	<b>G</b>	<p>Falkirk Integration Joint Board (the IJB) have identified Patricia Cassidy, Chief Officer, as the individual with overall responsibility for records management in the authority.</p> <p>This is supported by a <i>Covering Letter</i> from Ms Cassidy (<b>see under General Comments below</b>).</p> <p>Ms Cassidy is the Senior Information Risk Owner (SIRO) for the IJB.</p> <p>The Keeper agrees that it is appropriate that the Chief Officer has overall responsibility.</p> <p>Ms Cassidy acknowledges that the public records of the IJB are held on Falkirk Council and NHS Forth Valley systems (<b>see element 3 for explanation</b>).</p> <p>The Keeper agrees that Falkirk Integration Joint Board have identified a suitable individual to this role as required by the Public Records (Scotland) Act 2011 (the Act).</p>
2. Records Manager	<b>G</b>	<b>G</b>	<p>The IJB have identified Suzanne O'Reilly, Records Manager at Falkirk Council and Deirdre Coyle, Head of Information Governance at NHS Forth Valley to have joint operational responsibility for the IJB Records Management Plan.</p>

			<p>As the public records of the IJB are managed in the systems of these partners (<b>see element 3</b>), the Keeper agrees this is appropriate.</p> <p>This arrangement is confirmed by letters received by the Keeper from the Head of Information Governance at NHS Forth Valley and from the Information Governance Manager of Falkirk Council.</p> <p>The Keeper has already agreed that the Records Manager of Falkirk Council and the Head of Information Governance at NHS Forth Valley are appropriate individuals to implement the records management plans for their respective authorities.</p> <p>The Keeper agrees that Falkirk Integration Joint Board have identified a suitable individual to this role as required by the Act.</p>
3. Policy	<b>G</b>	<b>G</b>	<p>Explanation: Administrative Records created internally by the IJB are managed on either Falkirk Council or NHS Forth Valley record keeping systems:</p> <ol style="list-style-type: none"> <li>1. NHS Forth Valley manages the IJB’s responsibilities in relation to Data Protection, FOI, EIR, Complaints and Enquiry and so holds records on behalf of the IJB on these matters. It also manages the statutory performance data returned to the government and so hold records on behalf of the IJB on these matters.</li> <li>2. Decision making (08.001) records are the joint responsibility of NHS Forth Valley and Falkirk Council. Each partner manages these records on a two year cycle.</li> <li>3. All other records are the responsibility of Falkirk Council. By way of example, the IJB’s Chief Officer, Senior Service Manager and Chief Finance Officer are all employed by the Council and any records created by them (e.g. plans, strategies, accounts) are held on Council systems on behalf of the IJB.</li> </ol> <p>The Business Classification Scheme/Retention Schedule has been amended to</p>

			<p>provide the breakdown of who manages each activity.</p> <p>This arrangement regarding IJB records being managed by partners is confirmed by letters received by the Keeper from the Head of Information Governance at NHS Forth Valley and from the Information Governance Manager of Falkirk Council which both state: “The Partners: deliver integrated services on behalf of the Falkirk IJB and manage any associated records in accordance with our respective records management plans ... and provide corporate support services to the Falkirk IJB, including management of records in accordance with our respective records management plans. This includes providing systems to create, hold and manage disposal of the Falkirk IJB's records, subject to our respective policies, procedures and training requirements, which are available to, and must be adhered to by, officers of the Falkirk IJB.”</p> <p>The Records Management Plans of Falkirk Council and of NHS Forth Valley have been agreed by the Keeper. However, for some elements these agreements were subject to improvement model ‘Amber’ conditions.</p> <p>For details of these agreements and of subsequent updates see:</p> <p>Falkirk Council agreement report (13 August 2013) <a href="https://www.nrscotland.gov.uk/files/record-keeping/public-records-act/20130814FalkirkCouncil.pdf">https://www.nrscotland.gov.uk/files/record-keeping/public-records-act/20130814FalkirkCouncil.pdf</a></p> <p>Falkirk Council latest progress review (November 2017) <a href="https://www.nrscotland.gov.uk/files//record-keeping/public-records-act/pur-final-report-by-prsa-team-falkirk-council-and-falkirk-licensing-board.pdf">https://www.nrscotland.gov.uk/files//record-keeping/public-records-act/pur-final-report-by-prsa-team-falkirk-council-and-falkirk-licensing-board.pdf</a></p> <p>NHS Forth Valley agreement report (September 2016): <a href="https://www.nrscotland.gov.uk/files//record-keeping/public-records-">https://www.nrscotland.gov.uk/files//record-keeping/public-records-</a></p>
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			<p><a href="#">act/keepers-assessment-report-nhs-forth-valley.pdf</a></p> <p>NHS Forth Valley latest progress review (March 2019):  <a href="https://www.nrscotland.gov.uk/files//record-keeping/public-records-act/nrs-progress-update-review-final-report-nhs-forth-valley-july-2019.pdf">https://www.nrscotland.gov.uk/files//record-keeping/public-records-act/nrs-progress-update-review-final-report-nhs-forth-valley-july-2019.pdf</a></p> <p>Falkirk Council have chosen to publish their Records Management Plan at:  <a href="http://www.falkirk.gov.uk/services/council-democracy/access-to-information/records-management.aspx">http://www.falkirk.gov.uk/services/council-democracy/access-to-information/records-management.aspx</a></p> <p>The IJB has adopted the Records Management Policies of NHS Forth Valley and of Falkirk Council.</p> <p>The Keeper agrees that Falkirk Integration Joint Board have adopted a records management policy statement (in the form of records management policies of the partner organisations) as required by the Act.</p>
<p>4. Business Classification</p>	<p><b>A</b></p>	<p><b>G</b></p>	<p><b>(see also element 5)</b></p> <p>The IJB has provided the Keeper with their <i>Classification Scheme and Retention Schedule</i>. This document lists record types created by the IJB directly as part of its administration.</p> <p>The <i>Business Classification/Retention Schedule</i> is arranged by IJB function. This must remain a business decision for the Board, but the Keeper acknowledges that a functional classification, as shown here, is currently considered best practice.</p> <p>The layout is that of the Falkirk Council business classification scheme. The Keeper notes that the Council intends to utilise the Scottish Council on Archives ‘SCARRS’ system. The Keeper has previously endorsed the SCARRS system for use by local</p>

			<p>authorities. The Keeper commends the creation of a joint classification scheme and retention schedule document as liable to provide a stronger business tool for the authority.</p> <p>The <i>Plan</i> (page 8) states that the records of the delivery of integrated services, as opposed to the operational administration of the IJB, are held under the business classification schemes of the relevant partner. The Keeper agrees this arrangement is supported by the <i>Covering Letters</i> from the Chief Officer (<b>see under General Comments below</b>) and by the relevant officers of the Council and Health Board (<b>see element 3</b>).</p> <p><b>However, the Records Management Plans of NHS Forth Valley and of Falkirk Council have been agreed by the Keeper under ‘improvement model’ terms for element 4. This means that the Council and the Health Board have both identified a gap in provision in this element and is working towards closing that gap.</b></p> <p><b>Therefore, the Keeper agrees this element of the Falkirk Integration Joint Board’s Records Management Plan under the same ‘improvement model’ terms.</b></p>
5. Retention schedule	<b>A</b>	<b>G</b>	<p><b>(see also element 4)</b></p> <p>The Plan is accompanied by a Chief Officer's Policy Statement which confirms that "Effective records management ensures that all information...is destroyed or preserved in accordance with the IJB’s retention and disposal schedule."</p> <p>The IJB have provided the Keeper with a joint <i>Business Classification/Retention Schedule</i> document. The Keeper commends the combination of these two components as liable to lead to a stronger business tool.</p>

			<p>An example entry in this scheme would be 'internal auditing records-investigations/5 years/review for historical value/Prescription and Limitation (Scotland) Act 1973.' <b>See also element 7.</b></p> <p>The IJB have provided the following statement: "When developing the Records Management Plan, the IJB extracted relevant records from SCARRS templates and the IJB and its partners reviewed the schedule and made necessary changes. The IJB schedule was approved by the Chief Officer. The IJB will review the BCS annually to ensure that the retention periods are correct for their own records and the partners will communicate any changes to their own schedules where appropriate."</p> <p>The <i>Plan</i> (page 8) states that the records of the delivery of integrated services, as opposed to the operational administration of the IJB, are held under the business classification schemes of the relevant partner. The Keeper agrees this arrangement is supported by the <i>Covering Letters</i> from the Chief Officer (<b>see under General Comments below</b>) and by the relevant officers of the Council and Health Board (<b>see element 3</b>).</p> <p><b>However, the Records Management Plan of NHS Forth Valley has been agreed by the Keeper under 'improvement model' terms for element 5. This means that the Health Board has identified a gap in provision in this element and is working towards closing that gap.</b></p> <p><b>Therefore, the Keeper can agree this element of the Falkirk Integration Joint Board's Records Management Plan under the same 'improvement model' terms</b></p>
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6. Destruction Arrangements	<b>A</b>	<b>G</b>	<p>In the introduction to the <i>Plan</i> (page 2) the IJB commits to disposing of information effectively and legally.</p> <p>The <i>Plan</i> is accompanied by a Chief Officer's Policy Statement which confirms that "Effective records management ensures that all information...is <b>destroyed</b> or preserved in accordance with the IJB's retention and disposal schedule."</p> <p>The Public records of the IJB are managed on the records keeping systems of the partner authorities and are therefore subject to the destruction procedures of those systems. The Keeper agrees that this is appropriate.</p> <p><b>However, both NHS Forth Valley and Falkirk Council have this element of their <i>Records Management Plans</i> agreed by the Keeper under 'improvement model' terms. In common with many Scottish public authorities, neither the Council nor the Health Board are satisfied that the controlled deletion of those records held electronically is being universally carried out efficiently. Both authorities have submitted progress update reviews to the Keeper that show work is continuing to improve this situation.</b></p> <p><b>Therefore, the Keeper can agree this element of the Falkirk Integration Joint Board's Records Management Plan under the same 'improvement model' terms.</b></p>
7. Archiving and Transfer	<b>G</b>	<b>G</b>	<p>In the introduction to the <i>Plan</i> (page 2), the IJB notes that "Well managed records will help the Board [in the]...preservation of vital and historical records."</p> <p>The Plan is accompanied by a Chief Officer's Policy Statement which confirms that "Effective records management ensures that all information...is destroyed or <b>preserved</b> in accordance with the IJB's retention and disposal schedule."</p>

			<p>The Keeper has been provided with a combined Business Classification/Retention Schedule document (<b>See elements 4 and 5 above</b>). He agrees that the potential for archiving certain record types is considered in this document.</p> <p>The <i>Plan</i> indicates that IJB records held on Council servers, including the public records created by the administration of the IJB, are expected to be transferred to archive under the terms that are already operational in the Council.</p> <p>The Keeper has already agreed that the archive provision of Falkirk Council is appropriate (August 2013).</p> <p>The IJB have provided the formal archiving agreement between the IJB, NHS Forth Valley, Falkirk Council and Falkirk Community Trust which manages the Council's Archives. As most of the records identified as having archival or historical value are on Council Servers, it has been agreed that all records will be deposited with Falkirk Community Trust to ensure consistency of long term preservation.</p> <p>The IJB reviewed the BCS and agreed with SCARRS recommended suggestions on records that are of historic/archival value. They also met with the Archivist at Falkirk Community Trust to discuss arrangements. The IJB has set up the agreement with the Archives and has met with partners to ensure they are following the BCS.</p> <p>The <i>Plan</i> also notes that Falkirk Council Archive Service (Community Trust) are not yet fully functional as a digital repository. As IJB records are likely to be 'born digital' it is unlikely that an operational archiving system is in place for these records. However, the Keeper recognises that digital archiving functionality is in very early stages in Scotland. As the IJB is a relatively new body, with no legacy material, it is also unlikely that there is an immediate requirement to transfer public records to archive.</p>
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			<p>The Keeper therefore agrees that there is appropriate provision for the permanent preservation of the IJB records held on Council systems and selected for permanent preservation.</p> <p>The Keeper agrees that Falkirk Integration Joint Board have identified a suitable repository for the permanent retention of public records selected to be of continuing historical significance and have formal arrangements in place to transfer such records to that repository as required by the Act.</p>
8. Information Security	<b>G</b>	<b>G</b>	<p>In the introduction to the <i>Plan</i> (page 2) the IJB commits to protecting information effectively and legally.</p> <p>On page 11 of the IJB <i>Plan</i> Falkirk Integration Joint Board have adopted the <i>Information Security Policies</i> of NHS Forth Valley and Falkirk Council. The latter is available at <a href="https://www.falkirk.gov.uk/services/council-democracy/access-to-information/docs/data-protection/guidance/Information%20Security%20Policy.pdf?v=201406020913">https://www.falkirk.gov.uk/services/council-democracy/access-to-information/docs/data-protection/guidance/Information%20Security%20Policy.pdf?v=201406020913</a></p> <p>The Keeper has already agreed that the information security procedures in Falkirk Council and NHS Forth Valley are appropriate.</p> <p>The Keeper agrees that Falkirk Integration Joint Board have arrangements in place to properly ensure that their public records are protected against unauthorised access, destruction, alteration or removal.</p>
9. Data Protection	<b>G</b>	<b>G</b>	<p>As explained in the IJB <i>Plan</i> (page 12), Falkirk Integration Joint Board have adopted the <i>Data Protection Policies</i> of Falkirk Council and NHS Forth Valley.</p> <p>These are available at: <a href="http://www.falkirk.gov.uk/services/council-">http://www.falkirk.gov.uk/services/council-</a></p>

			<p><a href="http://democracy/access-to-information/data-protection.aspx">democracy/access-to-information/data-protection.aspx</a> and</p> <p><a href="https://nhsforthvalley.com/privacy-policy/">https://nhsforthvalley.com/privacy-policy/</a></p> <p>The Keeper has already agreed that the data protection procedures in Falkirk Council and NHS Forth Valley are appropriate.</p> <p>Falkirk Integration Joint Board is itself a Data Controller registered as ZA175015</p> <p>A public explanation of the IJB’s responsibilities appears at <a href="https://falkirkhscp.org/governance/">https://falkirkhscp.org/governance/</a></p> <p>The IJB’s identified Data Protection Officer is Deirdre Coyle, Head of Information Governance, NHS Forth Valley (<b>see element 2</b>).</p> <p>The Keeper agrees that Falkirk Integration Joint Board have appropriately considered their responsibilities under the Data Protection Act 2018.</p>
<p>10. Business Continuity and Vital Records</p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>The Plan is accompanied by a <i>Chief Officer's Policy Statement</i> which confirms that "Effective records management ensures that all information...received or created is stored appropriately and is easily retrievable..."</p> <p>The public records of Falkirk Integration Joint Board are held in the records keeping systems of NHS Forth Valley and of Falkirk Council. The IJB records are located and versions tracked using the procedures employed by the two partner bodies.</p> <p>The Keeper has already agreed both partner authorities have procedures in place for locating records and identifying the correct version when located.</p>

			<p>However, Falkirk Council’s <i>Records Management Plan</i> has been agreed by the Keeper under ‘improvement model’ terms for element 11. This means that the Council has identified a gap in provision in this element and is working towards closing that gap. Although clearly acknowledging that audit trail capabilities are necessary to ensure that an authority can accurately track the location and editing of its records, Falkirk Council recognised in its original submission that this was an area that required further work, chiefly in respect to its electronic records.</p> <p>Therefore, the Keeper agrees this element of the Falkirk Integration Joint Board’s <i>Records Management Plan</i> under the same ‘improvement model’ terms.</p>
11. Audit trail	<b>A</b>	<b>G</b>	<p>The Plan is accompanied by a <i>Chief Officer’s Policy Statement</i> which confirms that “Effective records management ensures that all information...received or created is stored appropriately and is easily retrievable...”</p> <p>The public records of Falkirk Integration Joint Board are held in the records keeping systems of NHS Forth Valley and of Falkirk Council. The IJB records are located and versions tracked using the procedures employed by the two partner bodies.</p> <p>The Keeper has already agreed both partner authorities have procedures in place for locating records and identifying the correct version when located.</p> <p>However, Falkirk Council’s <i>Records Management Plan</i> has been agreed by the Keeper under ‘improvement model’ terms for element 11. This means that the Council has identified a gap in provision in this element and is working towards closing that gap. Although clearly acknowledging that audit trail capabilities are necessary to ensure that an authority can accurately track the</p>



			<p>location and editing of its records, Falkirk Council recognised in its original submission that this was an area that required further work, chiefly in respect to its electronic records.</p> <p>Therefore, the Keeper agrees this element of the Falkirk Integration Joint Board’s Records Management Plan under the same ‘improvement model’ terms.</p>
<p>12. Competency Framework for records management staff</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Keeper has already agreed that the skills and access to training for the ‘records managers’ of the partner bodies, NHS Forth Valley and Falkirk Council is appropriate. As the public records of the IJB are managed in the systems of these partners (see element 2), the Keeper agrees this is appropriate.</p> <p>The Keeper agrees that Suzanne O’Reilly, Records Manager at Falkirk Council has the skills and experience to hold operational responsibility for IJB Records Management Plan. She holds a Post Graduate Certificate in Records Management and is currently working towards her Post Graduate Diploma. She has also undertaken internal training on Records Management and Data Protection and Information Security. Her annual achievement and personal development plan (APDP) covers her role relating to the IJB Records Management Plan. Her Post Graduate Certificate, her certificate for the Data Protection and Information Security module and latest APDP were all included as evidence.</p> <p>Furthermore, the Keeper has already agreed that The Head of Information Governance at Forth Valley NHS, Deirdre Coyle, currently has strategic responsibility for Records Management for the Health Board and is a Fellow of the Institute of Health Records Managers, with Post Graduate qualifications in Information Governance. The Head of Health Record Services offers technical advice, and a Corporate Records Manager is currently being recruited who will assist at an operational level. <b>The Keeper would be interested to know when this</b></p>

			<p><b>additional post is filled.</b></p> <p>The Plan is accompanied by a Chief Officer's Policy Statement which confirms that "Effective records management ensures that all information... is accessible to users and that the appropriate technical, organisational and human resource elements exist to make this possible." The Keeper considers that a key part of this is staff training.</p> <p>The <i>Plan</i> states that training and support for IJB staff is available from Falkirk Council. The Keeper has already agreed that Falkirk Council have appropriate training programmes for their own staff and his happy to extend this to the IJB unless told otherwise.</p> <p>The Keeper agrees that that Falkirk Integration Joint Board has ensured that the individuals identified as responsible for the management of the IJB's public records have the proper training, responsibilities and support to fulfil the role. Furthermore he acknowledges that Falkirk Integration Joint Board properly considered the availability of information governance training for all staff as appropriate.</p>
<p>13. Assessment and Review</p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>The Act requires a scheduled public authority to "keep its records management plan under review" (part 1 5.1 (a)).</p> <p>The <i>Plan</i> states (page 16) that the Board will review the Plan annually.</p> <p>The Records Manager at Falkirk Council is currently in discussion with her opposite number at West Lothian Council to create a new peer review process.</p> <p>The IJB states: "This new partnership will enable both plans to be evaluated by someone impartial and will ensure that what is being stated within each plan is successfully being implemented and improved where required. The IJB will benefit</p>

			<p>from their plan being scrutinised by someone that already has an insight into the requirements of PRSA and knowledge of other organisations approaches (including best practice). The IJB will work closely with its partners to develop this process to ensure a consistent approach and any outputs from the peer review will be discussed by the IJB and Partners. It is the intention that the Peer review will be yearly, prior to the Progress Update Review (PUR). The Keeper commends and supports this proposal.</p> <p>Furthermore, the IJB has a standing invitation to the Forth Valley Information Governance Group on which the IJB Records Management Plan is a standing item for discussion.</p> <p><b>The Keeper agrees this element of Falkirk Integration Joint Board’s records management plan under ‘improvement model’ terms. This means that the authority has identified a gap in provision (in this case that there is no formal review methodology) but has proposed appropriate action to close that gap. The Keeper’s agreement is conditional on his being updated on progress.</b></p>
<p>14. Shared Information</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>As part of its function an IJB must utilise the records of other partners and, therefore, information sharing is a key part of its business. In the case of Falkirk Integration Joint Board the record of the Board itself are managed by third parties (the Council and Health Board). For these reasons the Keeper must be satisfied that robust data sharing agreements are in place.</p> <p>The Plan commits the IJB to pursuing all data sharing exercises using formal documentation such as Memoranda of Understanding, Data Sharing Agreements or Data Processing Agreements. It notes that the mechanism for sharing personal information is changing from ‘SASPI’ to ‘Toolkit’. The Keeper is aware of this change and acknowledges it is not fully rolled out.</p>

			<p>As an example of information sharing, the Keeper has been directed to samples provided by the Council and Health Board. Both authorities have already been rated as compliant in this element.</p> <p>The IJB has submitted a sample information sharing agreement (for complaints to which the parties are the IJB, the Council and the Health Board).</p> <p>The Keeper agrees that there is evidence that Falkirk Integration Joint Board properly considers information governance issues when pursuing information sharing with third parties.</p>
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**General Notes on RMP, Including Concerns:**

This assessment is on the *Records Management Plan* (the *Plan*) of Falkirk Integration Joint Board (the IJB) submitted to the Keeper of the Records of Scotland (the Keeper) for his agreement on 20<sup>th</sup> March 2019.

The *Plan* is accompanied by a *Covering Letter* to the Keeper from Patricia Cassidy, Chief Officer of the IJB (**see element 1**) dated 20<sup>th</sup> February 2019. In this letter she confirms the records management arrangements described in element 3 above and supports the identification of the officers responsible for the day-to-day implementation of the *Plan*.

The Keeper agrees that robust records management provision will assist the IJB is pursuing its strategic outcomes:

- “Demonstrate accountability
- Provide evidence of actions and decisions
- Assist with the smooth running of the business
- Help build organisational knowledge” (*Plan* page 2)

The *Plan* is based on the Keeper’s 14 element *Model Plan* and mentions the Public Records (Scotland) Act 2011.

<https://www.nrscotland.gov.uk/record-keeping/public-records-scotland-act-2011/resources>

**Note: Falkirk Integration Joint Board consider their public records to be managed on the NHS Forth Valley and Falkirk Council record keeping systems.**

**The Keeper of the Records of Scotland has already agreed the Records Management Plans of NHS Forth Valley and Falkirk Council (although with improvement plans recognised for some elements). See element 3 for more detail.**

### **Third Parties**

The Public Records (Scotland) Act 2011 (PRSA) makes it clear that records created by third parties when carrying out the functions of a scheduled authority should be considered 'public records' - PRSA Part 1 3 (1)(b).

In the introduction the *Plan* states: "Falkirk Integration Joint Board will therefore follow procedures that aim to ensure that all of its officers, employees of constituent authorities supporting its work, contractors, agents, consultants and other trusted third parties who create public records on behalf of the authority, or manage public records held by the authority, are fully aware of and abide by this plan's arrangements."

However, the IJB has confirmed that it does not currently have any third parties carrying out IJB functions on its behalf.

## 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 Falkirk Integration Joint Board. Policies and governance structures are in place to implement the actions required by the plan.

The element that directly requires development by Falkirk Integration Joint Board is:

### **Element 13: Assessment and Review.**

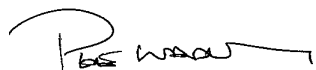
The Records Management Plan of Falkirk Integration Joint Board includes other 'improvement model' elements, but these are conditional on work being progressed by other, partner, authorities (Falkirk Council and Forth Valley Health Board). The Keeper accepts that ability of the IJB to carry out improvements in these areas is limited.

## 7. Keeper's Determination

Based on the assessment process detailed above, the Keeper agrees the RMP of Falkirk Integration Joint Board.

- The Keeper recommends that Falkirk Integration Joint Board 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,



.....  
**Pete Wadley**

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 **Falkirk Integration Joint Board**. In agreeing this RMP, the Keeper expects Falkirk Integration Joint Board to fully implement the agreed RMP and meet its obligations under the Act.



.....  
**Paul Lowe**  
Keeper of the Records of Scotland