

**Public Records (Scotland) Act 2011**

**Fife Integration Joint Board**

**The Keeper of the Records of Scotland**

**19 September 2019**

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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 Fife Integration Joint Board by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 2 November 2018.

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

### **3. Authority Background**

Fife Integration Joint Board (the Board) is responsible for the planning, oversight and delivery of health and social care integrated functions for Fife.

The Board's Integration Scheme sets out the functions which are delegated by Fife Health Board (NHS Fife) and Fife Council to the IJB.

The Board operates as a body corporate (a separate legal entity), acting independently of NHS Fife and Fife Council. The Board consists of sixteen voting members appointed in equal number by NHS Fife and Fife Council, with a number of representative members who are drawn from the third sector, independent sector, staff, carers and service users. The Board is advised by a number of professionals including the Chief Officer, Chief Finance Officer, Associate Nurse Director, Medical Practitioner Representatives, and Chief Social Work Officer.

The key functions of the Board are:

- Overseeing the development and preparation of the Strategic Plan for services delegated to the Board.
- Allocating resources in accordance with the Strategic Plan
- Ensuring that the national and local Health and Wellbeing Outcomes are met.

## 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 Fife 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 <i>Compulsory element</i>	<b>G</b>	<b>G</b>	<p>The introduction (page 2) to the Records Management Plan (RMP) of Fife Integration Joint Board (the Board) states that the Board operates as a body corporate, in effect a legal entity separate from NHS Fife and Fife Council.</p> <p>The RMP has identified Mr Michael Kellet, Chief Officer of the Board, as the individual with senior management responsibility for all aspects of records management within the Board. He is also the corporate owner of the RMP.</p> <p>A covering letter from the Chief Officer accompanied the submission of the RMP (Evidence 1.1)</p> <p>Also submitted as evidence is the job description of the role of Chief Officer (Evidence 1.2). This contains the requirement of translating corporate and operational strategies into practice. This ties in with the requirement of the individual identified under this Element of implementing the RMP within the authority.</p> <p>The Board's Records Management Policy (Evidence 1.3) also confirms Mr Kellet's responsibility for records management at a senior level. It also provides further detail on the nature of this responsibility, including the governance of information and records, authorising key documents such as the Records Management Policy and Retention Schedules, implementing and maintaining the RMP and ensuring that appropriate training is provided to those who require it.</p>

			<p>A compliance statement (Evidence 1.4) has also been provided by Mr Kellet, which in conjunction with the RMP itself, provides details on how the Board integrates with Fife Council and NHS Fife with regards to records management and information governance. This statement also indicates that the Board's records are managed on the systems of both Fife Council and NHS Fife.</p> <p>The Keeper agrees that an appropriate individual has been identified to take senior management responsibility for records management as required by the Public Records (Scotland) Act 2011.</p>
<p>2. Records Manager <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The RMP identifies Ms Lesley Gauld, Information Compliance Manager for Fife Health and Social Care Partnership, as having day-to-day operational responsibility for records management within the Board.</p> <p>The job description for this role has been supplied (Evidence 2.1). The document contains references throughout to the requirement of the role to develop, implement and maintain records management and information governance policies, procedures and systems.</p> <p>Ms Gauld reports to Fiona McKay, Head of Strategic Planning, Performance and Commissioning. Ms Gauld will also provide regular updates to the Chief Officer (see Element 1).</p> <p>Ms Gauld's responsibilities are confirmed in Section 5 of the Board's Records Management Policy (Evidence 1.3). The Policy also outlines the need to liaise with the records managers of the partner bodies, NHS Fife and Fife Council. The Keeper commends this recognition as Boards across the country are in a unique position and effective cooperation between the records managers of all bodies involved will be essential to ensure that all records are appropriately managed.</p> <p>The Keeper agrees that an appropriate individual has been identified to take day-to-</p>

			<p>day operational responsibility for records management as required by the Public Records (Scotland) Act 2011.</p>
<p>3. Policy <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The RMP states that records will be created and managed in IT systems of NHS Fife and Fife Council and that responsibility for these records rests with the Chief Officer (see Element 1).</p> <p>In order to govern the management of these records the Board has created a Records Management Policy, version 1.0 approved by the Chief Officer in October 2018 (Evidence 1.3). The Policy’s purpose is to ensure that records created by the Board are managed according to the principles of authenticity, reliability, integrity and usability. The Policy applies to records in all formats created and received by the Board, but also managed on Fife Council and NHS Fife systems. In the partner bodies, Fife Council’s Head of IT and NHS Fife’s General Manager eHealth and IM&amp;T are responsible for the security and storage of electronic records stored on their respective systems. The Keeper has agreed the RMPs of both Fife Council and NHS Fife and therefore agrees that they have operational policies (evidence 3.1, 3.2 and 3.2A). The Board’s Records Management Policy covers all Board records and operates independently from the policies of the partner bodies. Recordkeeping decisions can involve consultation between the partner bodies which is enabled by regular meetings between records managers.</p> <p>The RMP states that Board Members, Service and Team Managers and all individuals with access to Board records are required to comply with the Policy. The Policy is available on the Fife Health and Social Care Partnership website and is therefore available to all staff with access to the Board’s records. The link to the website has been supplied as well as screenshots showing the location of the Policy as well as other publications (evidence 3.3-3.5).</p> <p>The Keeper agrees that the Board has an operational records management policy statement and that all staff are made aware of their responsibilities.</p>



<p>4. Business Classification</p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>The RMP states that the Board was established in 2015 and the first meeting of the Board took place on 29 October of that year. The RMP goes on to state that the majority of Board records have been created and held on Fife Council shared drives but that some Board records have also been created and managed on NHS Fife systems. The Board has stated that all of its records will be migrated to Fife Council’s network drive structure as an interim measure while the SharePoint system is developed. This will ensure that the Board’s records manager and other Board staff have access to these records until the SharePoint solution is rolled out.</p> <p>The Board has submitted its Business Classification Scheme (BCS), version 1.0 approved in November 2018 (evidence 4.1). This is a 3 level BCS based on the function, activities and transactions of the Board. As the functional approach to classifying records is currently considered best practice as it is more resilient to organisational change, the Keeper commends the use of a functional scheme.</p> <p>The BCS also incorporates the retention and disposal decisions assigned to each record class and also indicates whether the records are considered to be ‘Vital’ and identifies the security classifications. The Keeper commends the development of a joint BCS and retention schedule as this should result in a stronger business tool.</p> <p><b>The Further Development section of this Element states that the structure of the BCS will be imposed onto an area of Fife Council’s SharePoint system. All Board records will over time be migrated to this system, which will include a document storage site and a bespoke tool for creating and managing records of committee meetings. A screenshot of the SharePoint test site has been submitted (evidence 4.2) showing how the proposed new system will look. This work is dependent upon the allocation of Fife Council resources and has a provisional timescale for completion of December 2019. The Keeper understands that timescales can slip due to other priorities but requests that he is kept informed of the progress of this piece of work.</b></p>
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			<p><b>The Keeper can agree this Element on an ‘Improvement Model’ basis. This means that the Board has identified an improvement to its recordkeeping arrangements (the consolidation of Board records into a single area of Fife Council’s SharePoint system) and has outlined the proposed timescales for completion. This agreement is dependent upon the Keeper being kept informed on the progress of this work.</b></p>
5. Retention schedule	<b>A</b>	<b>G</b>	<p>The Board has developed a retention schedule based on the Scottish Council on Archives Records Retention Schedules (SCARRS) (evidence 5.1). This was approved by the Chief Officer in October 2018.</p> <p>The retention schedule sets out the retention period and disposal actions of the classes of records that it creates. It is a separate document from the BCS which incorporates some of the retention information from the schedule (see Element 4). The retention schedule also states that destruction must be authorised by the Board’s Chief Finance Officer.</p> <p><b>The Board will migrate all of its records, currently managed by both Fife Council and NHS Fife, on to Fife Council’s SharePoint system. This should allow these records to be managed easier in the single location and should allow the easier appliance of retention actions at the appropriate time.</b></p> <p><b>The Keeper can agree this Element on an ‘Improvement Model’ basis. This means that the authority has identified a long term solution for effectively managing the retention of its records (migration to Fife Council’s SharePoint system) and will be working towards implementation in the near future. The Keeper requests that he is kept informed of the progress of this work.</b></p>
6. Destruction Arrangements	<b>G</b>	<b>G</b>	<p>The RMP states that all of the Board’s records are created and managed digitally. Some paper copies are used for meetings but the primary record is electronic.</p>

<p><i>Compulsory element</i></p>			<p>At present, the Board’s records are managed on both NHS Fife and Fife Council systems. As a result the Board follows the destruction arrangements for electronic records in both partner bodies. The Keeper has agreed the RMPs of both partner bodies and has therefore agreed that the destruction processes in place for electronic records meet his requirements. Fife Council’s destruction arrangements are governed by its Disposal of ICT Hardware procedures (evidence 6.1), template Disposal/Destruction Certificate for Electronic Records form (evidence 6.1A) and Backup Strategy (evidence 6.1B). NHS Fife’s destruction of records in line with its retention schedule is controlled by its Destruction Arrangements document (evidence 6.2) and its Disposal of Confidential Waste procedure (evidence 6.2B).</p> <p>Section 7 of the Board’s Records Management Policy (evidence 1.3) states that the disposal of its records must be authorised by the Chief Finance Officer and must be carried out in line with the Board’s retention schedule. The IJB Document Control Log has been extended to include a destruction log, which has been submitted (evidence 6.3). The log contains information about the records being destroyed, who authorised the destruction and who carries it out. The Keeper commends the creation of the destruction log. At present, none of the Board’s records have reached their destruction dates. When they do the records manager will seek authorisation from the Chief Finance Officer and then arrange for practical destruction of the records. This involves manual deletion of records held on shared drives but the SharePoint implementation is intended to automate part of this process.</p> <p>It is anticipated that the migration of Board records to Fife Council’s SharePoint system will allow greater oversight over the management, including, destruction of these records. The Keeper would welcome regular updates on the progress of the migration.</p>
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			<p>The Keeper agrees that the Board has appropriate measures in place to ensure the secure destruction of records in line with its retention schedule.</p>
<p>7. Archiving and Transfer <i>Compulsory element</i></p>	<p><b>A</b></p>	<p><b>A</b></p>	<p>The RMP states that Board records which have been identified as having historical value will be transferred to a digital archive provided by Fife Cultural Trust Archive Centre. Fife Council is still in the process of developing a digital archive for its own records and once this has been established the Board will transfer records selected for permanent preservation.</p> <p>Submitted in support of the above is a statement from the records manager of Fife Council (evidence 7.1). This describes the current state of affairs in Fife Council's development of a digital archive. It is currently at a very early age of planning but is focussing on identifying records for archiving. Records will be 'tagged' in the meantime to prevent unintentional destruction. The Archivist for Fife Council has created an area for records of particular significance. Once a digital archive has been developed, transfer to the custody of the Archivist. The Board will transfer records to the Archive in a similar fashion to the Council. The Keeper has agreed this Element of Fife Council's RMP so can be assured that appropriate measures are in place to transfer records selected for permanent preservation to a suitable archive.</p> <p><b>As the Board is a separate legal body from the Council, the Keeper would encourage the Board to set up a formal archiving agreement with the Council's Archive Service as soon as is practical, even if there is no immediate intention to deposit.</b></p> <p>Fife Council will also follow the developments in the National Records of Scotland's Digital Preservation Programme.</p> <p><b>As the Board's selected archive, Fife Council's Archive Service, is currently unable to accept the transfer of digital records the Keeper can agree this</b></p>

			<p><b>Element on an ‘Improvement Model’ basis. The Keeper is assured by the commitment of Fife Council to develop a solution to digital archiving. In the meantime, as part of this agreement, the Keeper recommends that the Board enters into a formal agreement to transfer its records to the Council’s archive service so that the framework is in place to transfer records when digital archiving becomes available.</b></p>
8. Information Security <i>Compulsory element</i>	<b>G</b>	<b>G</b>	<p>Page 6 of the Board’s Records Management Policy (evidence 1.3) states that “Fife Council Head of ICT, and NHS Fife General Manager eHealth and IM&amp;T, are responsible for the security and storage of IJB records held within the partners electronic infrastructure, or in web-based/hosted systems, and the management of all risks relating to the security and storage of that information.”</p> <p>The RMP states that employees of the partner bodies and other individuals who access Board information are responsible for ensuring they have read, understood and will comply with the information security policies of the partner bodies. These include the Information Security Policies of both NHS Fife and Fife Council (evidence 8.1 and 8.2). Further information governance policies and procedures are available on the intranets of both partner bodies and screenshots have been supplied evidencing this (evidence 8.4 and 8.5).</p> <p>The Keeper has already agreed Fife Council’s and NHS Fife’s information security arrangements are appropriate for the protection of public records created on behalf of the Board having already agreed their RMPs.</p> <p>Therefore the Keeper can agree that the Board has arrangements in place that ensure the security of their public records as required by the Act.</p>
9. Data Protection	<b>G</b>	<b>G</b>	<p>The RMP states that the majority of the information it collects and uses is statistical and anonymised but that it does on occasion collect and process small volumes of personal data. As such the Board is a Data Controller and has registered as such</p>

			<p>with the Information Commissioner’s Office (reg. no. ZA277783). A copy of the registration certificate has been supplied (evidence 9.1).</p> <p>The Board has also created its own Data Protection Policy (evidence 9.3). The Policy applies to all personal data held by the Board and also held on the systems of NHS Fife and Fife Council. The Policy applies to everyone who has access to this data. The Policy also details the arrangements for sharing this data.</p> <p>The Data Protection Policy is available on the Fife Health and Social Care Partnership website and is therefore available to all staff with access to the Board’s records. The link to the website has been supplied as well as screenshots showing the location of the Policy as well as other information governance documents (evidence 3.3, 3.5 and 9.6).</p> <p>The Board has also provided its Privacy Notice (evidence 9.2) which outlines how the Board collects personal information and how it uses it. A screenshot has also been submitted (evidence 9.2A) showing where the privacy notice appears on the Board’s website.</p> <p>The Keeper is able to agree that the Board has procedures in place to protect the personal information it collects and manages.</p>
<p>10. Business Continuity and Vital Records</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Board’s records are created and managed on systems provided by both Fife Council and NHS Fife and as such relies on their business continuity arrangements. Submitted in evidence are the Business Continuity Plan of Fife Council (evidence 10.1), NHS Fife’s eHealth Business Continuity and Disaster Recovery Framework Plan (evidence 10.2) and NHS Fife’s eHealth eHealth Business Continuity and Disaster Recovery Operational Procedures (evidence 10.3).</p> <p>The Keeper has previously agreed the RMPs of both NHS Fife and Fife Council and can therefore agree that the Board has appropriate measures in place to recover its</p>

			records and systems in the event of an interruption to its normal business.
11. Audit trail	A	G	<p><b>The RMP acknowledges that Board records are currently managed using NHS Fife and Fife Council systems (shared drives) which provide limited audit trail functionality. This is confirmed by the fact that the RMPs of Fife Council and NHS Fife have been agreed by the Keeper under ‘improvement model’ terms for element 11. This means that both authorities have identified gaps in provision in this element and are working to close that gap.</b></p> <p>The proposed migration of all Board records to Fife Council’s SharePoint system should provide greater control over these records including improved version history, audit logs which identify changes made to records and improved access controls.</p> <p>The RMP outlines some of the measures that are currently in place. The number of staff with access to the Boards primary records held on the shared drives has been reduced which will lessen the potential for accidental alteration or destruction of Board records. Additionally, Board records that are published are done so in PDF format. A screenshot showing that the final versions of documents are saved in PDF version has been submitted (evidence 11.1). The Keeper commends the use of such measures in the interim period until the migration to the SharePoint solution.</p> <p><b>The Keeper can agree this Element on an ‘Improvement Model’ basis. This is due to the authority having identified a gap in provision (the lack of audit trail functionality of records currently held on shared drives provided by partner bodies, their arrangements under this Element having also been agreed on an ‘Improvement Model’ basis by the Keeper) but has evidenced how it intends to close this gap. This agreement is dependent upon the Keeper being regularly informed on the progress of work to close the gap.</b></p>
12.	G	G	The RMP states that both NHS Fife and Fife Council employees are covered by the

<p>Competency Framework for records management staff</p>			<p>competency frameworks of their respective organisations. The Board's records manager (see Element 2) is employed by the Council and has access to development opportunities through the Council's competency framework. In fact, the records manager has been supported to undertake a Postgraduate Diploma in Records Management and Information Rights at Dundee University, which was completed in 2017. The Keeper strongly commends the commitment to ensuring that staff have access to relevant development opportunities.</p> <p>Fife Council's Audit Team recently carried out an audit on the information governance systems of the Board. One of the recommendations made by the final audit report is that further information governance training is required by Board members. A training plan is currently being developed. The Keeper would be interested to see a sample of this training when it becomes available.</p> <p>The Further Development section of this element states that both partner bodies are currently developing the information governance competency framework for their staff. A statement from the Council's records manager (evidence 12.1) confirms the current development of a training framework, tied in with data protection and information security, and will be tailored to the requirements of staff. <b>The Keeper would be interested to know if this results in any significant changes to current provision.</b></p> <p>NHS staff are also expected to comply with the Scottish Government Records Management: NHS Code of Practice, which is also in the process of being revised.</p> <p>The Keeper has already agreed the RMPs of Fife Council and NHS Fife and can be confident that Fife Council's and NHS Fife's commitment to providing staff with appropriate records management or information governance training remains strong.</p>
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<p>13. Assessment and Review</p>	<p><b>G</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>Page 5 of the Records Management Policy (evidence 1.3) states that the records manager (see Element 2) is responsible for ensuring the Policy is reviewed at least annually.</p> <p>The RMP states that the Board’s RMP and the supporting Improvement Plan Appendix 1 to the RMP) will be reviewed and updated on an annual basis by the records manager (see Element 2). This will require discussions with the partner bodies to ensure that records management provision in both is maintained as required. The Further Development section of this element states that the Chief Officer (see Element 1) will provide an annual update on records management to the Board. This report will include an update on development activities and will identify any potential risks.</p> <p>The Board has an agreed Audit Plan for both internal and external audits and these have been submitted (evidence 13.3 and 13.5). Internal audits are conducted on a five year cycle. At the time of submission of the RMP an internal audit was taking place into the Board’s Information Governance arrangements and this was due to be completed by March 2019. The recommendations from the audit will be incorporated into the Board’s Records Management Improvement Plan. The IJB has submitted the audit report into its Information Governance provisions (evidence 13.6). The Keeper thanks the IJB for this submission.</p> <p>The IJB has also submitted a protocol detailing the audit arrangements in place between the IJB, NHS Fife and Fife Council and it has been submitted to the Keeper (evidence 13.7).</p> <p>The Keeper can agree that appropriate measures in place to review the RMP and</p>
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			supporting evidence on a regular basis thereby ensuring that records management arrangements are kept up-to-date.
14. Shared Information	<b>G</b>	<b>G</b>	<p>The RMP states that the Board has agreed and is a signatory to an overarching Information Sharing Agreement (ISA) (evidence 14.1) with the partner bodies. The ISA properly considers information governance (such as retention and information security). The ISA is supported by subject specific Data Sharing Agreements (DSAs). A sample DSA has been supplied (evidence 14.2) which considers records management arrangements.</p> <p>The Board also routinely publishes corporate information as part of its Publication Scheme under its Freedom of Information (Scotland) Act 2002 obligations. The Board has provided this to the Keeper (evidence 14.3).</p> <p>The Board has also developed a Complaints Handling Procedure (evidence 14.4) to manage any complaints it receives.</p> <p>The Keeper agrees that the Board has procedures in place to allow the secure sharing of information where required and has given due consideration to the management and governance of the information being shared.</p>

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

Elements that require development by Fife Integration Joint Board are as follows:

**Element 4 – Business Classification**

**Element 5 – Retention Schedule**

**Element 7 – Archiving and Transfer Arrangements**

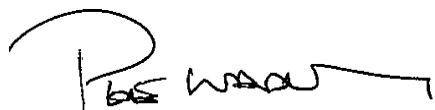
**Element 11 – Audit Trail**

## **7. Keeper’s Determination**

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

The Keeper recommends that Fife 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

.....  
**Robert Fotheringham**  
Public Records Officer

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

The report has been examined and is endorsed under the signature of the Keeper of the Records of Scotland as proof of compliance under section 1 of the Public Records (Scotland) Act 2011, and confirms formal agreement by the Keeper of the RMP as submitted by Fife Integration Joint Board. In agreeing this RMP, the Keeper expects Fife Integration Joint Board to fully implement the agreed RMP and meet its obligations under the Act.



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