

**Public Records (Scotland) Act 2011**

**The General Teaching Council for Scotland**

**The Keeper of the Records of Scotland**

**6<sup>th</sup> June 2018**

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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 the General Teaching Council for Scotland by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 1<sup>st</sup> August 2017.

The assessment considered whether the RMP of the General Teaching Council for Scotland 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 the General Teaching Council for Scotland complies with the Act can be found under section 7 of this report with relevant recommendations.

## 3. Authority Background

On 2 April 2012 GTCS was granted independent status by the Scottish Government: The Teaching Council (Scotland) Act 1965 was repealed and replaced by the Public Services Reform (GTC Scotland) Order 2011. The Public Services Reform (General Teaching Council for Scotland) Order 2011 was made by Scottish Ministers in accordance with the Public Services Reform (Scotland) Act 2010 and passed into law on 17 March 2011.

GTCS carries out a wide range of statutory functions to promote, support and develop the professional learning of teachers.

Functions include:

- Maintaining a register of teachers in Scotland
- Setting the Professional Standards expected of all teachers

- Accrediting programmes leading to the award of GTCS Standards, including Initial Teacher Education programmes at Scottish universities
- Advising the Scottish Government on matters relating to Scotland's teachers and teacher professionalism
- Providing public protection and assuring the high quality of the teaching profession by investigating and adjudicating on the 'Fitness to Teach' of registrants through robust and fair regulation processes

The 37 members of the GTCS Council have a role to play in shaping the teaching profession of Scotland, maintaining and improving professional standards, and contributing to the development of teacher professionalism and Scottish education.

<http://www.gtcs.org.uk/about-gtcs/statutory-functions.aspx>

## 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 the General Teaching Council for Scotland'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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## General Teaching Council for Scotland

(Referred to as 'GTCS' in the assessment below)

### 5. Model Plan Elements: Checklist

Element	Present	Evidence	Notes
1. Senior Officer <i>Compulsory element</i>	<b>G</b>	<b>G</b>	<p>The General Teaching Council for Scotland (GTCS) have identified Kenneth Muir, Chief Executive and Registrar, as the individual with overall responsibility for records management in the authority.</p> <p>This identification is confirmed by a covering letter from Mr Muir and by the <i>Records Management Policy (see element 3)</i> section 'Roles and Responsibilities'. The Chief Executive, through the Corporate Management Team, takes responsibility for the security of public records in GTCS (<i>Information Security Policy – see element 8 – section 2.1</i>)</p> <p>The Chief Executive leads the Business Continuity Team (<b>see element 10</b>).</p> <p>The Keeper agrees that GTCS have identified an appropriate 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>	GTCS have identified Jennifer Macdonald, Director of Regulation and Legal Services, as the individual with operational responsibility for implementing the

<p><i>Compulsory element</i></p>			<p><i>Records Management Plan (the Plan)</i> in the authority.</p> <p>This identification is confirmed in a <i>Covering Letter</i> from Kenneth Muir, Chief Executive and Registrar (<b>see element 1</b>), and by the <i>Records Management Policy (see element 3)</i> section 'Roles and Responsibilities'. The <i>Policy</i> states that: "The Records Manager role is currently performed by the Director of Regulation and Legal Services." The Keeper has, therefore taken any reference to the GTCS 'records manager' to refer to Ms. Macdonald. The Chief Executive confirms that Ms. Macdonald is the key contact for PRSA.</p> <p>The <i>Covering Letter</i> includes an extract from the <i>Director of Regulation and Legal Services Job Description</i> demonstrating the director's responsibility for information governance issues in the authority.</p> <p>Ms. MacDonald is the primary contact for the <i>Records Management Policy</i> and the <i>Information Security Policy (see element 8)</i>.</p> <p>The Records Manager chairs the Records Management Working Group (<b>see under General Comments below</b>).</p> <p>The Records Manager is responsible for developing the <i>Records Management and Retention Schedule (see element 4)</i>.</p> <p>The Records Manager is key in embedding 'vital records' in the <i>Business Continuity Plan</i> refresh (<b>see element 10</b>).</p> <p>The Director of Regulation and Legal Services is responsible for the <i>Information Security Policy (see element 8)</i>.</p> <p>The Records Manager is responsible for "Providing training on records management</p>
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			<p>and maintenance” (see element 12).</p> <p><b>The Keeper acknowledges that GTCS have, since the Plan was submitted, appointed a Compliance Officer who will take on the implementation of the Plan as indicated Plan section 3. He accepts that future versions of the Plan may transfer the ‘element 2’ responsibility to this new officer.</b></p> <p>The Keeper agrees that GTCS have identified a suitable individual to this role as required by the Act.</p>
<p>3. Policy Compulsory element</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>GTCS have a <i>Records Management Policy</i> which has been provided to the Keeper. This is the version approved by the Corporate Management Team in July 2017.</p> <p>The Keeper has been provided with an extract minute to confirm this approval.</p> <p>The <i>Plan</i> states that this <i>Policy</i> appears on the GTCS website (section 4). The Keeper commends this.</p> <p>The <i>Records Management Policy</i> is formally endorsed by Kenneth Muir, Chief Executive (see element 1) – <i>Plan</i> section 2.</p> <p>The Keeper agrees that the <i>Plan</i> supports the <i>Policy</i>.</p> <p>The <i>Records Management Policy</i> specifically mentions the Data Protection Act 1998 and the Public Records Act 2011.</p> <p>The Records Management Policy is available online at:  <a href="http://www.gtcs.org.uk/publications/publications.aspx">http://www.gtcs.org.uk/publications/publications.aspx</a></p>

			<p>GTCS have provided screen-shots showing that staff can access information governance policy and guidance documents and training.</p> <p>The Keeper acknowledges that GTCS have supplied the previous <i>Records Management Policy</i> as reference.</p> <p>The Keeper agrees that GTCS has a records management policy statement as required by the Act.</p>
4. Business Classification	<b>A</b>	<b>G</b>	<p>GTCS currently operate a hybrid paper/electronic public record system, but state in the <i>Plan</i>: “we are planning to move to electronic (paperless) records within the next 3 years. The significant majority of our records are already held in this way.” This is confirmed at several points in the <i>Plan</i> (for example section 11 paragraph 4, section 12 paragraph 2).</p> <p>Most servers holding electronic records are located off-site (see <i>Business Continuity Plan</i> – element 10 – section 2.9).</p> <p>To manage these, GTCS have a combined retention schedule/business classification scheme ‘<i>The Records Management and Retention Schedule</i>’. The Keeper commends the notion of a combined document as liable to create a stronger business tool for staff. The <i>Schedule</i> is based on function/activity/record type structure. This must remain a business decision for the authority, but the Keeper notes that a functional system of this type is currently considered ‘best practice’.</p> <p>The Keeper has been provided with a copy of the <i>Records Management and Retention Schedule</i> as it currently stands and he agrees it properly sets out function, activity, type and retention period for the public records created by GTCS. For example: Council Committees and Panels/Election, Appointment and Nomination/Unsuccessful Nomination Forms/7 years.</p>

			<p>Local business areas are able to make recommendations about the retention periods to be applied to public records in their area (<i>Policy</i> – see element 3 - section 3).</p> <p><b>However, GTCS state in the <i>Plan</i> (section 5): “The Records Management and Retention Schedule was developed following a comprehensive data audit process. This process took a significant amount of time and the Schedule is still in the process of being finalised for use. We intend to roll the Records Management and Retention Schedule out across the organisation at the same time as we upgrade our SharePoint system (the principle document storage and management system that we use).” The Keeper agrees this action.</b></p> <p>The <i>Records Management and Retention Schedule/SharePoint</i> roll-out is clearly a major piece of work for the authority and the Keeper would expect this to be incremental and will take some time to embed in the organisation. The <i>Extract Corporate Management Team Meeting Note</i> (19 July 2017) suggests the SharePoint section of the project will be implemented in 2018. <b>The Keeper will ask for annual progress updates as the whole project goes forward.</b></p> <p>Clearly the improvement project committed to under element 4 of the <i>GTCS Plan</i> will have direct bearing on elements 5 and 11 below. The Keeper acknowledges he has received a <i>Covering Letter</i> from Kenneth Muir, Chief Executive and Registrar in which he confirms that he will ensure that "the improvements required to GTCS records management procedures are implemented corporately and monitored by the Records Manager through the assessment and review process." The Keeper welcomes this commitment and has taken it to apply to all 'improvement model' elements of the <i>Plan</i> (<b>see below</b>).</p> <p>Public records are created and stored on the authority's SharePoint based intranet</p>
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			<p>'The Hub'. The Hub also acts as the authority's intranet. Public records are held on other line-of-business systems, such as Miller and MYGTCS. A more extended list of where records can be found appears as part of the authority's records management workshop presentation which has been provided to the Keeper (<b>see element 12</b>).</p> <p>The Keeper has been provided with a <i>Corporate Management Team Meeting Note</i> dated July 2017 which confirms: "It was noted that significant work remains to be done in implementing retention periods consistently and having a consistent approach generally on how records are stored (including to avoid duplication). An information architect will be contracted to assist with the design of our Hub stored records as we move to an upgraded SharePoint within the next year. It was agreed that we will dedicate more resource to support this important work" The Keeper welcomes this formal commitment (<b>see also elements 5, 6 and 11</b>).</p> <p><b>The Keeper can agree this Element on an 'improvement model' basis. This means that the authority has identified gaps in provision (business classification/retention schedule and SharePoint upgrade has not been fully implemented). However he recognises that GTCS have identified how they intend to close this gap and committed to do so: The Keeper has been provided with a commitment to pursue records management improvements in the text of a <i>Covering Letter</i> from the authority's Chief Executive and in the <i>Corporate Management Team Meeting Note (above)</i>. The Keeper's agreement is dependent upon him being kept informed of progress with this work when required.</b></p>
5. Retention schedule	<b>A</b>	<b>G</b>	<b>Combined <i>Retention Schedule</i> and <i>Business Classification Scheme</i> see element 4.</b>

			<p>GTCS' <i>Records Management Policy</i> (see element 3) identifies good records management as being reliant on records being "retained in accordance with our Records Management and Retention Schedule". The Keeper has been provided with a copy of the <i>Records Management and Retention Schedule</i> as it currently stands.</p> <p><b>As noted under element 4 above GCTS states that this scheme "is still in the process of being finalised for use. We intend to roll the Records Management and Retention Schedule out across the organisation at the same time as we upgrade our SharePoint system (the principle document storage and management system that we use)." This is confirmed in Plan section 6 which adds "the Schedule is new and is still to be rolled out so we expect it to be subject to refinement and amendment on an ongoing basis" and "We plan to do significant work over the next 12 months to ensure that the retention rules specified are consistently applied across GTCS record systems." The Keeper agrees these actions.</b></p> <p>The <i>Extract Corporate Management Team Meeting Note</i> (19 July 2017) suggests the SharePoint section of the project will be implemented in 2018. <b>The Keeper is likely to ask for annual progress updates as the whole project goes forward.</b></p> <p>The Keeper acknowledges that GCTS have provided him with the previous iteration of their Retention Schedule (2011) as background information. He notes that the <i>Plan</i> (section 6) explains that the <i>Records Management and Retention Schedule</i>, although not fully implemented, is already available to view on the staff 'Hub' intranet. <b>Can a screen-shot please be provided as evidence?</b></p> <p>The <i>Information Security Policy</i> (see element 8) supports the operation of a strict retention regime (section 1.5).</p>
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			<p>The <i>Records Management and Retention Schedule</i> will identify public records for permanent preservation (<b>see element 7</b>).</p> <p>The Keeper can agree this Element on an ‘improvement model’ basis. This means that the authority has identified gaps in provision (retention schedule and SharePoint provision has not been fully implemented), but have identified how it intends to close this gap. The Keeper has been provided with a commitment to pursue records management improvements in the text of a <i>Covering Letter</i> from the authority’s Chief Executive and in the <i>Corporate Management Team Meeting Note</i> (<b>see element 4</b>). The Keeper’s agreement is dependent upon him being kept informed of progress with this work when required.</p>
<p>6. Destruction Arrangements <i>Compulsory element</i></p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>The <i>Records Management Policy</i> (<b>see element 3</b>) requires GTCS to implement systems that will “Protect our records by storing them securely and disposing of them at the right time.”</p> <p>With this in mind GTCS have the following procedures in place to securely and irretrievably destroy records when appropriate:</p> <p>Paper (internal): The <i>Plan</i> states that GTCS engages an external contractor to securely dispose of paper waste. Sample <i>Destruction Certificates</i> have been provided as evidence of these arrangements. This procedure is supported by the <i>Records Management Policy</i> (<b>see element 3</b>).</p> <p>Paper (external): GTCS does not hold public records with a third-party storage contractor. This is confirmed in the <i>Records Management Policy</i>.</p> <p>The Keeper acknowledges and commends the specific guidance on the destruction of working copies, provided in the <i>Plan</i> (section 7) and the introduction to the</p>

			<p><i>Records Management and Retention Schedule .</i></p> <p>Electronic: <b>The <i>Plan</i> (page 4/5) states that: “The electronic deletion of electronic records is more complex given that we currently have a number of record repositories. The destruction arrangements for these records are described in detail in our Information Security Policy. We are in the process of initiating a project to replace our current teacher register database with a new system that will also introduce an automated form of case management (covering our fitness to teach investigation and adjudication function). The intention is that this change will mean that our records repository infrastructure is made more coherent and we will achieve better system integration that will lead to more consistent, efficient records management. The aim is also that this new coherent system will better facilitate comprehensive auto-destruction of records, in line with the retention periods identified in the Records Management and Retention Schedule.” The controlled and systematic deletion of records held on shared drives is a particular area of difficulty for many public authorities and the Keeper welcomes the acknowledgement of this. He agrees that the suggested improvements the Authority is considering are a reasonable response to these difficulties.</b></p> <p>The situation regarding the destruction of electronic records is confirmed and restated under Information Security at <i>Plan</i> section 9.</p> <p>The Keeper acknowledges and commends the specific guidance on the destruction of e-mail provided in the <i>Information Security Policy</i> (section 4) <b>(see element 8)</b>.</p> <p><b>Hardware:</b> It is important that the Records Management Group can be confident that procedures are in place for the secure destruction of public records when they are held on mobile devices. The <i>Information Security Policy</i> (see element 8) states</p>
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	<b>A</b>	<b>G</b>	<p>in section 3.4 : “All unused ‘Data Bearing Devices’ (i.e. computer hardware) will be removed and securely destroyed by a certified contractor guaranteeing 100% secure physical destruction.” This procedure is also supported by the <i>Records Management Policy</i>. GTCS have provided the Keeper with a sample destruction certificate as evidence that this process is operational.</p> <p><b>Back-Ups:</b> GTCS, quite properly, keep back-up copies of records for business continuity purposes (see element 10 and <i>Business Continuity Plan</i> section 6.1).</p> <p>Their systems are backed up nightly (<i>Information Security Policy</i> section 4.1). The existence of back-up copies is confirmed in the <i>Business Continuity Plan</i> sections 2.9 and 2.11 (<b>see element 10</b>). GTCS have provided the Keeper with a full explanation of the back-up cycle operating in the authority.</p> <p><b>The Keeper agrees this element of the GTCS Plan on ‘improvement model’ terms. This means that he recognises that, having identified a gap in provision (in this case, around the systematic destruction of electronic records) , the authority has put in place a reasonable response to this gap. The Keeper’s agreement is conditional on him being updated as the improvement project progresses. The Keeper will prompt such updates annually.</b></p>
7. Archiving and Transfer <i>Compulsory element</i>	<b>A</b>	<b>G</b>	<p>GTCS have identified the National Records of Scotland (NRS) as the appropriate repository for records identified as suitable for permanent preservation.</p> <p>The <i>Records Management and Retention Schedule</i> seen by the Keeper indicates records ‘needed forever – retained permanently’ such as “Financial statements (Annual Accounts)/ Transferred to NAS after 20 years (as part of Council and Committee records)”</p>

			<p>GTCS is developing a formal MOU with NRS to embed transfer procedures. This is confirmed by the NRS Client Management Team and by a string of e-mails provided by GTCS in evidence.</p> <p><b>The <i>Plan</i> confirms: “We are in the process of agreeing a Memorandum of Understanding with NAS [sic] to formally document the timing of our transfers, transfer mechanisms and other terms and conditions.”</b></p> <p>The provision of archive arrangements for the “permanent historic preservation” of records is a requirement of the <i>Records Management Policy</i> (see element 3).</p> <p>The Council’s arrangement with the archive service is principally for paper copies. It is usual in Scottish public authorities that arrangements for the permanent retention of ‘born digital’ items are in their infancy. The Keeper acknowledges that as part of the <i>Plan</i> GTCS commits to “exploring electronic transfer mechanisms”.</p> <p>GTCS and NRS are also discussing web harvesting procedures at time of this assessment.</p> <p><b>The Keeper agrees this element of GTCS’ <i>Records Management Plan</i> under ‘improvement model’ terms. This means that he acknowledges that the authority has identified a gap in provision [there is no formal transfer agreement with the archive] and have put processes in place to close that gap. The Keeper’s agreement is conditional on his PRSA Assessment Team being provided with a copy of the signed MOU when available.</b></p>
<p>8. Information Security <i>Compulsory element</i></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>GTCS have an <i>Information Security Policy</i> which has been provided to the Keeper. This is the version approved by the Corporate Management Team, and dated, July 2017. The Keeper has been provided with evidence of the CMT approval.</p>

			<p>The <i>Information Security Policy</i> includes the security of physical records and servers (for example section 3) and provides staff with instructions for reporting breaches – potential or actual (for example sections 1.2, 1.6 and annex 1). Security of physical records is also a feature of the <i>Records Management Policy</i> (see element 3).</p> <p>The <i>Policy</i> covers the risks of remote working (section 3).</p> <p>The <i>Policy</i> covers the risks represented by e-mail (section 4).</p> <p>The provision of an <i>Information Security Policy</i> is a requirement of the <i>Records Management Policy</i>. It requires GTCS to implement systems that will “help us protect our records by storing them securely....”</p> <p>The <i>Information Security Policy</i> specifically mentions the Act (section 1.4).</p> <p>GTCS have provided the Keeper with a screen-shot showing that staff can access information governance policies and procedures.</p> <p>The Keeper notes that the <i>Information Security Policy</i> will be revised in line with changes to the electronic records storage explained in element 4. This is confirm in a extract from a Corporate Management Team meeting (supplied).The Keeper requests that he is provided with an updated version of the <i>Policy</i> when appropriate.</p> <p>The Keeper notes that the risks represented by paper files (legacy or otherwise) have been recognised (for example, <i>Plan</i> section 12).</p> <p>The Keeper agrees that GTCS has procedures in place to ensure the security of public records as required by the Act.</p>
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<p>9. Data Protection</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>GTCS have a <i>Privacy Policy</i> which has been provided to the Keeper. This is available online at <a href="http://www.gtcs.org.uk/home/privacy-policy.aspx">http://www.gtcs.org.uk/home/privacy-policy.aspx</a>.</p> <p>The public <i>Privacy Policy</i> is fully supported by the authority’s internal <i>Information Security Policy</i> (<b>see element 8</b>). The (current) 8 principles of data protection are explained in the <i>Information Security Policy</i>.</p> <p>GTCS is registered as a data controller with the Information Commissioner: Z5397577.</p> <p>Subject access request procedure is part of the <i>Privacy Policy</i>.</p> <p>The GTCS <i>Information Security Policy</i> (<b>see element 8</b>) specifically refers to the Data Protection Act 1998 (section 1.4).</p> <p>The Director of Regulation and Legal Services (<b>see element 2</b>) is also the authority’s Data Protection Officer.</p> <p>GTCS keep a log of Subject Access Requests they receive.</p> <p>Procedures in the case of the identification of a data breach (actual or potential) make up part of the <i>Information Security Policy</i> (<b>see element 8</b>).</p> <p>The <i>Covering Letter</i> from the Chief Executive (<b>see element 1</b>) specifically acknowledges the ‘heightened data protection requirements of GDPR.’</p> <p>The Keeper agrees that GTCS has processes in place to ensure compliance with the Data Protection Act 1998.</p>
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<p>10. Business Continuity and Vital Records</p>	<p><b>A</b></p>	<p><b>G</b></p>	<p>The <i>Records Management Policy</i> (<b>see element 3</b>) requires GTCS to implement systems that will “help us ensure business continuity.”</p> <p>GTCS has a <i>Business Continuity Plan</i> which has been provided to the Keeper. This is the version issued in February 2016. The Keeper agrees that this plan includes the recovery of public records (for example sections 2.6, 2.7 and particularly 2.9).</p> <p>The <i>Business Continuity Plan</i> includes a flowchart showing emergency recovery procedures. It explains reporting procedures.</p> <p>The <i>Business Continuity Plan</i> confirms that a record back-up process is in place (sections 2.9 and 2.11).</p> <p>The Keeper notes that staff can access critical incident procedures in paper form in the case of electronic system failure.</p> <p>The <i>Business Continuity Plan</i> contains a section of follow-up procedures after an ‘event’ (section 7.3).</p> <p><b>However, the Plan (section 11) states: “We are currently in the process of reviewing and revising our BCP to make it more comprehensive, including to cover access to vital records in the event of an emergency affecting our premises or systems.”</b></p> <p><b>The Plan also states (section 9): “We ... need to do work to enhance our business continuity arrangements so that the availability of all of our vital records is maintained in the event of a critical incident.”</b></p> <p>The <i>Records Management and Retention Schedule</i> (<b>see element 4</b>) identifies vital or ‘business critical’ records, for example ‘Bank balances and reconciliations’. The</p>
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			<p>Keeper commends this inclusion. <b>On the subject of vital records the <i>Plan</i> states (section 11): “Linked to work on the review, development and stress-testing of our BCP, we will be checking that we have identified our vital records accurately.” The Keeper agrees this action.</b></p> <p>GTCS have provided the Keeper with a screen-shot showing that staff can access information governance policies and procedures.</p> <p><b>The Keeper is able to agree this element of GTCS’ plan under ‘improvement model’ terms. This means that he is convinced that, having identified a gap in provision (in this case the Business Continuity Policy is undergoing review and vital records have not yet been identified throughout) the authority has put measures in place to close that gap. His agreement is conditional on GTCS providing him with evidence that vital records have been identified and noted and that the review of the Business Continuity Arrangements has been pursued.</b></p>
11. Audit trail	<b>A</b>	<b>G</b>	<p><b>See also element 4</b></p> <p>The <i>Records Management Policy</i> (see element 3) requires GTCS to implement systems that will “help us quickly and easily locate the information that we need” and to “provide an audit trail to meet business, regulatory and legal requirements.”</p> <p>To this end the authority has the following arrangements in place:</p> <p>Paper (internal): Paper files are tracked using a document register system with sign-out sheets. This is confirmed in the <i>Information Security Policy</i> (see element 8) section 3.1. The Keeper has been provided with a sample <i>Physical Record Sign-Out Sheet</i>. Paper records cannot be removed from the GTCS office without management authorisation, as confirmed by the <i>Information Security Policy</i> (see</p>

			<p><b>element 8).</b></p> <p>Paper (external): GTCS does not hold public records with a third-party storage contractor. This is confirmed in the <i>Records Management Policy</i>.</p> <p>Electronic: The Keeper agrees that many of the line-of-business systems used by the Council, such as ‘Miller’ will impose suitable naming convention/version control at time of record-creation to adequately track records subsequently.</p> <p>Screen grabs of tracking on ‘Miller’ and on another line-of-business system have been provided in evidence.</p> <p>The <i>Records Management Policy</i> gives basic naming convention guidance for staff. <b>However, the <i>Plan</i> states: “We are aware that we need to introduce specific procedures and guidance in relation to version control within GTCS.” The Keeper accepts that this issue will be considered during the <i>Records Management and Retention Schedule/SharePoint</i> project (see element 4).</b></p> <p><b>The <i>Plan</i> states (Section 5): “We intend to roll the Records Management and Retention Schedule out across the organisation at the same time as we upgrade our SharePoint system (the principle document storage and management system that we use). We intend to contract a specialist Information Architect to help us structure our new document storage and management system in order to address the issues (particularly as regards the duplication of records) that the data audit identified. Guidance and comprehensive training will support the roll out process.” The Keeper agrees this action.</b></p> <p><b>The Keeper can agree this Element on an ‘improvement model’ basis. This means that the authority has identified gaps in provision (retention schedule,</b></p>
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			<p>version control and SharePoint provision has not been fully implemented, which adversely effects document tracking), but have identified how it intends to close this gap. The Keeper has been provided with a commitment to pursue records management improvements in the text of a <i>Covering Letter</i> from the authority’s Chief Executive and in the <i>Corporate Management Team Meeting Note</i> (see element 4). The Keeper’s agreement is dependent upon him being kept informed of progress with this work when required.</p>
<p>12. Competency Framework for records management staff</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>GTCS recruited a Records Manager (Compliance Officer) during the period of the assessment. At the time of the submission, the implementation of the <i>Plan</i> was the responsibility of the Director of Regulation and Legal Services. (see element 2). This arrangement has been confirmed in a <i>Covering Letter</i> from Kenneth Muir, Chief Executive and Registrar (see element 1). At the same time as the recruitment exercise for the new Compliance Officer , the authority developed records management competencies. The Keeper notes and agrees these actions. An update including the objectives, development plan and competencies for the new compliance officer can be provided at the next update (normally prompted annually). At that time GTCS should formally state whether the new officer will replace the Director of Regulation and Legal Services as the identified individual at element 2.</p> <p>The Keeper notes that the <i>Job Description</i> for the Compliance Officer (sent March 2018) shows that they will be responsible to “Act as the GTC Scotland Records Manager which in addition to the above will specifically involve:</p> <ul style="list-style-type: none"> <li>“ Ensuring that related GTC Scotland records are arranged into series according to their subject matter;</li> <li>Developing and maintaining the GTC Scotland Records Management and Retention Schedule;</li> <li>Monitoring the quality of record keeping and ensuring consistency of approach across GTC Scotland; and</li> </ul>

			<p>Advising on historical preservation of our records”.</p> <p>For the purposes of the assessment of the Records Management Plan as submitted in August 2017:</p> <p>The job description of the Director of Regulation and Legal Services has been provided to show that she has responsibility for information governance issues in the organisation. This includes “...ensuring that GTC Scotland complies with all Data Protection, Freedom of Information and Records Management legal requirements...”</p> <p>GTCS commit to encouraging a culture of effective records management. The <i>Plan</i> states (section 13): “We have provided training to staff in relation to records management. This has been at a foundation level as part of starting to engender a culture within the organisation where records management is valued and the importance of it understood.” The Keeper strongly commends this approach.</p> <p>To this end GTCS have included the following objective in staff annual objectives (template provided in evidence): “Be able to demonstrate your understanding of how the Records Management policy and guidance impacts upon you and your team, and describe the actions you have taken to implement good records management as a result.” The Keeper welcomes this action.</p> <p>The Records Manager is responsible for “Providing training on records management and maintenance” (<b>see element 2</b>).</p> <p>GTCS commit to providing information security training for staff in the <i>Plan</i> (section 9). The provision of mandatory information security training is also a requirement of the GTCS <i>Information Security Policy</i>, for example sections 1.2, 1.3 and 2.3 (<b>see element 8</b>).</p>
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			<p>GTCS staff are trained on data protection procedures. This includes supplementary training in preparation for GDPR. Staff training on GDPR is being reviewed (<i>Plan</i> section 10). <b>The Keeper would welcome any further information once this review has been carried out.</b></p> <p>The Keeper has been provided with data protection training presentations from 2014 and 2017. He notes that responding to subject access requests form part of this training.</p> <p>The Keeper thanks GTCS for also providing him with the presentation from their records management workshop, which explains the purpose of efficient records management, information security and retention. This workshop specifically mentions PRSA. Other training materials have been shared with the Keeper.</p> <p>Training is provided to staff, Council members and Panel members.</p> <p>The Keeper agrees this element of the GTCS <i>Plan</i> as submitted while noting that the authority has in the meantime recruited the Records Manager probably earmarked for the 'element 2' role. Competencies are to follow. He also agrees that GTCS properly consider training for all staff on information governance issues as appropriate.</p>
<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)). The Covering Letter from the Chief Executive (<b>see element 1</b>) specifically refers to keeping the <i>Plan</i> under review.</p> <p>GTCS employ external contractors to undertake system penetration testing. With records increasingly held electronically (and with the sensitive nature of many of the records held by this authority) the Keeper commends this principle. This, and web application testing, is carried out annually. This arrangement is confirmed in an</p>

			<p>extract of a Corporate Management Team meeting, November 2016 (supplied) and by the <i>Covering Letter</i> from the Chief Executive.</p> <p>The Keeper accepts that the methodology of the review should be at the discretion of the external auditors.</p> <p>Audit results will be reported to the Corporate Management Team by the Records Manager (<b>see element 2</b>).</p> <p>The <i>Plan</i> notes that once the <i>Records Management and Retention Schedule</i> is operational (<b>see element 4</b>) information asset owners will be required to report, to the Chief Executive on records management provision in their business area (<i>Plan</i> section 5 and <i>Policy</i>).</p> <p>GTCS commit to reviewing their <i>Records Management Policy</i> (<b>see element 3</b>) in conjunction with the review of the <i>Plan</i>.</p> <p>The <i>Business Continuity Plan</i> was ‘stress-tested’ before implementation and is undergoing review at the time of this assessment.</p> <p>The GTCS registration with the Information Commissioner is due for renewal by 28<sup>th</sup> May 2018 (although the new European Regulations coming in to force earlier that month may negate this!).</p> <p>The Keeper agrees that GTCS has identified how it intends to ensure that its RMP, and key supporting policies and procedures, are regularly updated.</p>
14. Shared Information	<b>G</b>	<b>G</b>	<p>GTCS share information with partner agencies as required by their functions.</p> <p>GTCS has provided the Keeper with an explanation of how staff create information</p>

			<p>sharing protocols when embarking on such projects.</p> <p>The review of the implantation of the <i>Plan</i> is supported by the Chief Executive (<b>see element 1</b>) – see <i>Plan</i> section 2.</p> <p>GTCS are reviewing their information sharing arrangements in light of GDPR. During the period of this assessment, GTCS have contacted the Keeper and state: “We have developed a detailed data sharing agreement and we will have data sharing agreements issued.” The Keeper requests that a sample agreement is provided at the next update.</p> <p>The Keeper agrees that GTCS properly considers information governance when entering into arrangements to share information with third parties.</p>
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**General Teaching Council for Scotland**  
**(Referred to as 'GTCS' in the assessment below)**

**General Notes on RMP, Including Concerns:**

Version: This assessment is on the *Records Management Plan* (the *Plan*) of the General Teaching Council for Scotland (GTCS) submitted to the Keeper of the Records of Scotland in August 2017. This is the 2017 version.

The *Plan* is accompanied by a letter from Kenneth Muir, Chief Executive and Registrar (**see element 1**), dated 31st July 2017 in which he confirms that he can “fully endorse the Records Management Plan and the GTCS Records Management Policy.”

The introduction to the *Plan* explains the purpose of efficient records management.

GTCS acknowledges records as a business asset (for example *Records Management Policy* introduction, *Business Continuity Plan* section 6.1 and *Information Security Policy* section 1.1). The Keeper commends this recognition.

The *Plan* mentions the Public Records (Scotland) Act 2011 (the Act) and is based on the Keeper's, 14 element, Model Plan <http://www.nrscotland.gov.uk/record-keeping/public-records-scotland-act-2011/resources/model-records-management-plan>.

Third Parties: The Act makes it clear that records created by a contractor in carrying out a scheduled authority's functions are public records (Part 1 section 3.1 (b)).

The Introduction to the *Plan* states: “The Plan also provides information to cover situations where contractors carry out GTCS functions (or provide services to us).”

The *Records Management Policy* (**see element 3**) and the *Information Security Policy* (**see element 8**) specifically state that they apply to third-party contractors. The *Privacy Policy* (**see element 9**) seems to confirm that public records are held by third party contractors.

The *Plan* confirms that GCTS will update their standard terms and conditions to reflect a requirement that contractors should: “manage any of our records that they hold in accordance with the GTCS Records Management Policy and the Records Management and Retention Schedule.” This commitment is reiterated in the *Information Security Policy* (section 1.5). The Keeper agrees this action and acknowledges this commitment. **He requests that an example of the new terms and conditions (redacted as appropriate) is provided in evidence when available.**

Records Management Working Group (RMWG):

Chaired by GTCS’ Records Manager (**see element 2**), the RMWG is composed of representatives from across GTC Scotland departments. It meets regularly with the aim of assisting in the development of a strong records management culture across the organisation.

The RMWG are responsible for any change to the *Records Management and Retention Schedule* (**see element 4**).

This group is clearly of fundamental importance to records management in the authority and the Keeper thanks GTCS for including information about their work in the submission.

## 6. Keeper's Summary

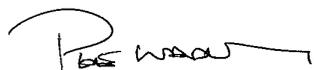
Elements 1 - 14 that the Keeper considers should be in a public authority records management plan have been properly considered by the General Teaching Council for Scotland. Policies and governance structures are in place to implement the actions required by the plan.

## 7. Keeper's Determination

Based on the assessment process detailed above, the Keeper **agrees** the RMP of the **General Teaching Council for Scotland**.

- The Keeper recommends that the General Teaching Council for Scotland should publish its agreed RMP as an example of good practice within the authority and the sector.

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

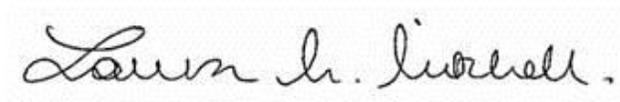


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**Pete Wadley**  
Public Records Officer

.....  
**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 the General Teaching Council for Scotland. In agreeing this RMP, the Keeper expects the General Teaching Council for Scotland to fully implement the agreed RMP and meet its obligations under the Act.

A handwritten signature in cursive script, reading "Laura Mitchell", is displayed within a light grey rectangular box. The signature is written in black ink on a white background.

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**Laura Mitchell**  
Deputy Keeper of the Records of Scotland