

## **Public Records (Scotland) Act 2011**

### **Scottish Borders Integration Joint Board**

### **The Keeper of the Records of Scotland**

**18<sup>th</sup> November 2022**

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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 Scottish Borders Integration Joint Board by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 11 May 2022.

The assessment considered whether the RMP of Scottish Borders Integration Joint Board was developed with proper regard to the 15 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 Scottish Borders Integration Joint Board complies with the Act can be found under section 7 of this report with relevant recommendations.

## 3. Authority Background

**Description of Authority:** The IJB is a requirement in the Public Bodies (Joint Working) (Scotland) Act 2014 that states that health boards and local authorities must integrate their adult health and social care services. The IJB replaced the Community Health Partnerships. Scottish Borders Integration Joint Board (IJB) commissions health and social care services in the Scottish Borders. The Health and Social Care Partnership is tasked with delivering the services the IJB commissions in line with the Strategic Plan for Health and Social Care. There is equal representation on the Board from councillors and NHS non-executive directors (five each) as well as non-voting professionals from the NHS, and third sector and from service users who provide support and advice.

[Health and Social Care Integration | Scottish Borders Council \(scotborders.gov.uk\)](https://www.scotborders.gov.uk/health-and-social-care-integration)

## 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 Scottish Borders 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

### Scottish Borders Integration Joint Board (‘The IJB’ in the assessment below)

**Explanation: All public records of Scottish Borders Integration Joint Board are held on NHS Borders systems and, as this is the case, the IJB must adopt the records management provision of the health board. This is made clear in the *Records Management Plan* (for example under element 3) and by a *Covering Letter* to the Keeper, dated April 2022, from the IJB Chief Officer (see element 1). In this letter the Chief Officer confirms: “I can confirm that arrangements are in place by which NHS Borders will manage the IJB’s public records on the Board’s behalf.”**

**Similarly the Keeper has been provided with an e-mail sent on behalf of NHS Borders which confirms: “I confirm that Borders Health Board manages the Integrated Joint Board’s corporate records as described in the IJB Plan.”**

**The *RMP* has been reviewed by the Information Governance Lead at NHS Borders as confirmation of this arrangement.**

**The Keeper agreed the *Records Management Plan* of NHS Borders in September 2016:**

**<https://www.nrscotland.gov.uk/files//record-keeping/public-records-act/keepers-assessment-report-nhs-borders.pdf>**

Element	Present	Evidence	Notes
1. Senior Officer	<b>G</b>	<b>G</b>	<p>The Public Records (Scotland) Act 2011 (the Act) requires that an authority identifies an individual senior staff member as holding corporate responsibility for records management.</p> <p>Scottish Borders Integration Joint Board (the IJB) have identified Chris Myers, Chief Officer Health &amp; Social Care as the individual with overall responsibility for records management in the authority.</p> <p>This is supported by a <i>Covering Letter</i> from Mr Myers which has been provided to the Keeper. In this letter Mr Myers endorses the plan and identifies himself as having overall responsibility for records management in the authority.</p> <p>In fact, the Chief Officer has been recorded as having responsibility for each individual element of the <i>RMP</i> in the separate compliance statements.</p> <p>The Keeper agrees that Scottish Borders Integration Joint Board 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>	<p>The Act requires that each authority identifies an individual staff member as holding operational responsibility for records management and has appropriate corporate responsibility, access to resources and skills. The Keeper has agreed that, due to the partnership nature of an integration joint board, two individuals may be identified</p>

			<p>under this element.</p> <p>Scottish Borders Integration Joint Board have identified Susie Thomson, Information Governance and Cyber Assurance Manager, of NHS Borders, as one of two individuals that have day-to-day responsibility for implementing the <i>RMP</i> in the authority.</p> <p>All the public records of the IJB are stored and managed digitally on NHS Borders systems (see explanation above and element 4 below). Ms Thomson is the board's information governance manager and as such has full access to the IJB's public records. In 2016 the Keeper agreed that NHS Borders had identified a suitable individual to take on this role. Even though that individual has since retired, the Keeper is confident that the current Information Governance Manager is equally able to undertake this role on behalf of the health board.</p> <p>The Keeper has been provided with an e-mail sent on behalf of Ms Thomson, confirming these arrangements, in which she also commits to liaise with the IJB Board Secretary regarding any relevant review of records management provision in the health board (see element 13): "As the Health Board has day to day responsibility for IJB records we will provide you and the IJB Records Manager, with any support and assistance you require to ensure compliance with the Board's Records Management Policy. This will include ensuring you are involved in any changes to the NHS Borders Records Management Policy particularly where these may impact on the records of the IJB. Whenever we do review our Records Management provision we will advise you of the results."</p> <p>Scottish Borders Integration Joint Board have also identified Iris Bishop, Board Secretary of the IJB as having responsibility for implementing the <i>RMP</i>.</p> <p>The Board Secretary is the author of the <i>RMP</i>.</p>
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			<p>The identification of the Board Secretary to this role is supported in a Covering Letter from the IJB Chief Officer (see element 1). The IJB note that the Chief Officer is responsible for the Board Secretary’s performance under this element (<i>RMP</i> page 5)</p> <p>The <i>RMP</i> notes the responsibility of the two identified individuals regarding the RMP as including:</p> <ul style="list-style-type: none"> <li>• Preparing and submitting it to the IJB Audit Committee for approval (See element 13).</li> <li>• Submitting it to the Keeper of the Records of Scotland for approval.</li> <li>• Implementing any improvements contingent on approval. (<i>RMP</i> page 5)</li> </ul> <p>The IJB have supplied the Keeper with a copy of the Board Secretary’s job description. He acknowledges that it includes the following objective: “The postholder manages, maintains and develops the Directorate information system.”</p> <p>The Keeper agrees that Susie Thomson and Iris Bishop are appropriate individuals to be identified to this role as required by the Act.</p>
3. Policy	<b>G</b>	<b>G</b>	<p>The Act requires an authority to have an appropriate policy statement on records management.</p> <p>All the public records of Scottish Borders IJB are held digitally on the record-keeping systems of NHS Borders (with working copies provided to Scottish Borders Council for publication) (see element 4 below). "The Partnerships corporate records are held and maintained on the NHS Borders electronic servers in line with NHS Borders Records Management Policy" (<i>RMP</i> page 6)</p>

			<p>The staff creating and managing the public records of Scottish Borders IJB are employees of NHS Borders.</p> <p>The IJB has therefore adopted the Records Management Policy of NHS Borders for their records. The Keeper agrees this is appropriate.</p> <p>In September 2016 the Keeper agreed that the Records Management Policy of NHS Borders was appropriate for the management of public records in an authority.</p> <p>The Keeper has been provided with an e-mail from the Information Governance Manager at NHS Borders (dated April 2022) committing them as follows: "As the Health Board has day to day responsibility for IJB records we will provide you and the IJB Records Manager, with any support and assistance you require to ensure compliance with the Board's Records Management Policy. This will include ensuring you are involved in any changes to the NHS Borders Records Management Policy particularly where these may impact on the records of the IJB. Whenever we do review our Records Management provision we will advise you of the results.."</p> <p>The Keeper agrees that Scottish Borders IJB have adopted a suitable records management policy statement as required by the Act.</p>
4. Business Classification	<b>A</b>	<b>G</b>	<p>The Keeper of the Records of Scotland (the Keeper) expects that the public records of an authority are known and are identified within a structure.</p> <p>"All corporate records for the Integration Joint Board are held on NHS Borders servers" (<i>RMP</i> page 4). The Keeper has been provided with a screen-shot from the Executive Team area of the NHS Borders Information Asset Register that clearly shows IJB records are included.</p> <p>Separately, the Keeper has received a letter from the IJB Chief Officer and an e-</p>

			<p>mail from the Information Governance Manager at NHS Borders (both dated April 2022) acknowledging this arrangement.</p> <p>Working copies of the IJB output are provided to Scottish Borders Council for publication. The Keeper is satisfied that the council website is used for publication and public access only and that the IJB's public records are created and managed on NHS servers.</p> <p><b>The Keeper recognises that currently NHS Borders are consolidating their records management provision around an M365 cloud solution. At the time of their last communication the Keeper's Assessment Team noted that: "Thank you for updating the Assessment Team on progress in the implementation of the new version of the national Business Classification Scheme. Its blanket adoption is unlikely to be entirely straightforward, especially in concert with the implementation of M365. However, it is positive to hear that NHS Borders is committed to its implementation. This update will remain at Amber while the implementation of the newly-updated BCS is ongoing. We look forward to updates on this process in consecutive PURs [Progress Update Review]."</b></p> <p><b>The NHS Borders review can be accessed at:</b> <a href="https://www.nrscotland.gov.uk/files//record-keeping/legislation/nrs-prsa-nhs-borders-progress-update-review-2021-april-2022.pdf">https://www.nrscotland.gov.uk/files//record-keeping/legislation/nrs-prsa-nhs-borders-progress-update-review-2021-april-2022.pdf</a></p> <p><b>This situation in NHS Borders is understandable and not a cause for concern. However, the Keeper has determined that the RAG status of a <i>Records Management Plan</i> of any authority, whose records are managed on the systems of a separate authority, cannot be higher than that awarded to the 'host' authority. As noted, NHS Borders is in a transition period and carries an amber status against this element.</b></p>
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			<p><b>With this in mind, the Keeper is able to agree element 4 of the IJB plan on the same ‘improvement model’ terms as the health board.</b></p>
<p>5. Retention schedule</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Keeper expects an authority to have allocated retention periods to its public records and for those records to be retained and disposed of in accordance with the a Retention Schedule.</p> <p>The public records created by the IJB, both those relating to the administration of the board and those representing the output from the work of the board, are managed on the record-keeping systems of NHS Borders and have retention decisions applied to them according to the nationally agreed standard <i>Scottish Government Records Management Health and Social Care Code of Practice (2020)</i>: <a href="https://www.informationgovernance.scot.nhs.uk/wp-content/uploads/2020/06/SG-HSC-Scotland-Records-Management-Code-of-Practice-2020-v20200602.pdf">https://www.informationgovernance.scot.nhs.uk/wp-content/uploads/2020/06/SG-HSC-Scotland-Records-Management-Code-of-Practice-2020-v20200602.pdf</a></p> <p>The Keeper was involved in the review of the <i>Code of Practice</i> and endorses it as appropriate as a guide to the application of retention decisions for all public records managed on NHS systems.</p> <p>The <i>RMP</i> confirms that “The Partnerships corporate records are held and maintained on the NHS Borders electronic servers and recorded on the NHS Borders Information Asset Register. The NHS Borders Information Asset Register allows for both permanent storage and disposal dates to be included.” (<i>RMP</i> page 8). A sample from the NHS Borders IAR has been provided that shows IJB records (see element 4).</p> <p>The Keeper has been provided with a <i>Covering Letter</i> from the Chief Officer of the IJB (see element 1) that states: “I can confirm that I am satisfied that the IJB’s public records have appropriate retention and disposition applied to them (elements 5 – 7)” This demonstrates to the Keeper that the IJB is aware of the retention/disposition</p>

			<p>decisions allocated to their public records.</p> <p>The Keeper agrees that Scottish Borders IJB has ensured that their public records are subject to an appropriate retention schedule.</p>
6. Destruction Arrangements	<b>G</b>	<b>G</b>	<p>The Act requires that public records are destroyed in a timely, controlled and secure manner.</p> <p>The public records of Scottish Borders IJB are managed digitally on the record-keeping systems of NHS Borders. As this is the case, the IJB relies on the record destruction procedures operated by the health board.</p> <p>In 2016 the Keeper agreed that the destruction procedures in NHS Borders were appropriate for the management of public records.</p> <p>It is important that the IJB is aware of the procedures that apply to the disposition of their public records. With this requirement in mind the Keeper acknowledges that he has been provided with a <i>Covering Letter</i> from the Chief Officer of the IJB (see element 1) that states: "I can confirm that I am satisfied that the IJB's public records have appropriate retention and disposition applied to them".</p> <p>The Keeper agrees that Scottish Borders Integration Joint Board have processes in place to irretrievably destroy their records when appropriate.</p>
7. Archiving and Transfer	<b>A</b>	<b>G</b>	<p>The Act requires that all Scottish public authorities identify a suitable repository for the permanent preservation of any records considered suitable for archiving. A formal arrangement for transfer to that repository must be in place.</p> <p>The IJB recognises this. They state in the <i>RMP</i> (page 11): "The Partnership</p>

			<p>recognises that some of the records it creates have enduring value and as such should be accessible to the public and managed and preserved. These records not only preserve the corporate memory of the organisation but provide a valuable historical resource.”</p> <p>The public records of Scottish Borders IJB are managed digitally on the record-keeping systems of NHS Borders. As this is the case, the IJB relies on the archiving procedures operated by the health board.</p> <p>The Keeper has been provided with a <i>Covering Letter</i> from the Chief Officer of the IJB (see element 1) that states: "I can confirm that I am satisfied that the IJB's public records have appropriate retention and disposition applied to them" This demonstrates to the Keeper that the IJB is aware of the retention/disposition decisions allocated to their public records.</p> <p><b>In 2016 the Keeper agreed the archiving procedures in NHS Borders. However, he did so under 'improvement model' terms on the basis that no formal agreement existed between the health board and a suitable archive repository. NHS Borders committed to pursue this. However, at the time of this assessment, the Keeper has not been informed that any such agreement has been ratified by both parties. In fact, as recently as April 2022, the Keeper's assessment team made the following point to the health board: "This element will remain at Amber. As indicated, the Assessment Team expects NHS Borders to make this a priority when the new Corporate Records Manager is in post, as limited progress appears to have been made on this element since the Keeper's conditional agreement in 2016."</b></p> <p><b>The Keeper recommends that the IJB takes steps to ensure their records are specifically included in the archive agreement.</b></p>
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			<p><b>As with element 4, the Keeper has determined that the RAG status of this element should match that of the ‘host’ authority.</b></p> <p><b>Therefore, the Keeper agrees this element on the same ‘improvement model’ terms as the health board.</b></p>
8. Information Security	<b>G</b>	<b>G</b>	<p>The Act requires that public records are held in accordance with information security compliance requirements.</p> <p>The public records of Scottish Borders IJB are managed digitally on the record-keeping systems of NHS Borders. Therefore the IJB is reliant on the information security provision of the health board. In 2016 the Keeper agreed that this was appropriate under PRSA requirements.</p> <p>All IJB staff managing records are employees of NHS Borders and are personally subject to the security policies and mandatory training of the health board.</p> <p>The Keeper agrees that Scottish Borders Integration Joint Board have procedures in place to appropriately ensure the security of their records as required by the Act.</p>
9. Data Protection	<b>G</b>	<b>G</b>	<p>As with all other Scottish public authorities Scottish Borders Integration Joint Board have been required to comply with data protection procedures imposed by the 2018 data protection legislation (GDPR and DP2018).</p> <p>However, the IJB is not separately registered with the Information Commissioner as a data controller and has delegated this to NHS Borders. This is acknowledged in the <i>Plan</i> (page 13).</p> <p>The Keeper has already agreed that the data protection processes operated by</p>

			<p>NHS Borders are appropriate (September 2016). However, it should be noted that aspects of this provision will have changed following the implementation of the Data Protection Act 2018 (and GDPR). The Keeper accepts that the health board (and therefore the IJB) are still compliant under this element. Health board compliance can be evidenced from their website: <a href="https://www.nhsborders.scot.nhs.uk/corporate-information/privacy-notice/">https://www.nhsborders.scot.nhs.uk/corporate-information/privacy-notice/</a></p> <p>All NHS (including IJB) staff undertake data protection training annually. The Keeper has already agreed that the data protection training in NHS Borders is appropriate (September 2016).</p> <p>The Keeper agrees that Scottish Borders Integration Joint Board is aware of its obligations under the 2018 data protection legislation and has procedures in place to protect the personal information it collects and processes.</p>
<p>10. Business Continuity and Vital Records</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Keeper expects that record recovery, prioritising vital records if necessary, is an integral part of the authority's business continuity planning.</p> <p>The <i>RMP</i> states (page 14): "The Partnerships corporate records are held and maintained on the NHS Borders electronic servers and recorded on the NHS Borders Information Asset Register and therefore recovered under NHS Borders Business Continuity arrangements." The Keeper agrees this arrangement.</p> <p>The Keeper agreed the business continuity and record recovery provision in NHS Borders in September 2016.</p> <p>The Keeper agrees that Scottish Borders Integration Joint Board have access to an approved and operational business continuity process for their public records and that information management and records recovery properly feature in that process.</p>



11. Audit trail	<b>A</b>	<b>G</b>	<p>The Keeper expects an authority to have process in place to track public records in such a way that their location is known and changes recorded.</p> <p>As explained above, all the public records of Scottish Borders Integration Joint Board are managed digitally on the record-keeping systems of NHS Borders. The <i>RMP</i> supports this arrangement: “All IJB corporate records are located and tracked using NHS Borders systems.” (<i>RMP</i> page 15)</p> <p>All staff managing IJB records are NHS Borders staff. Therefore they have appropriate access to these systems and are subject to the naming convention/version control policies of the health board when creating IJB records.</p> <p>In September 2016 the Keeper agreed this element of the health board’s <i>RMP</i>.</p> <p><b>However, he did so under ‘improvement model’ terms. In response to the latest NHS Borders Progress Update Review (2021/22), the Keeper’s Assessment Team said: “The authority is required to provide evidence of maintaining a complete and accurate representation of all changes that occur in relation to a particular record. As indicated in the previous comments, robust naming convention procedures will be required to be put in place in advance of M365 becoming operational. This element will remain at Amber while the work is ongoing. We look forward to hearing about progress in this area in consecutive PURs.”</b> <a href="https://www.nrscotland.gov.uk/files//record-keeping/legislation/nrs-prsa-nhs-borders-progress-update-review-2021-april-2022.pdf">https://www.nrscotland.gov.uk/files//record-keeping/legislation/nrs-prsa-nhs-borders-progress-update-review-2021-april-2022.pdf</a></p> <p><b>As with other elements, the Keeper has determined that the RAG status allocated to a <i>RMP</i> should map that of the authority on whose systems the records are actually managed. Therefore, he is able to agree this element of the Scottish Borders Integration Joint Board’s <i>RMP</i> under the same ‘amber’</b></p>
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			<p><b>improvement model terms as NHS Borders. As noted above, the Keeper’s Assessment Team acknowledges that they have been suitably updated as this work progresses.</b></p>
<p>12. Competency Framework for records management staff</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Keeper expects staff creating, or otherwise processing records, to be appropriately trained and supported.</p> <p>The public records of Scottish Borders IJB are managed on the record-keeping systems of NHS Borders. In 2016 the Keeper agreed that the training provided to staff of the health board, including specifically the information governance staff, was appropriate.</p> <p>All IJB staff managing records are employees of NHS Borders (The IJB does not employ staff directly – <i>RMP</i> page 16) and, as this is the case, they have access to the health board’s training provision. For example the <i>RMP</i> notes specifically that NHS Borders provides training via eLearning pertaining to data protection.</p> <p>The Keeper has been provided with an e-mail from the NHS Border’s Information Governance Manager in which she commits to supporting the IJB regarding their records management activities: “As the Health Board has day to day responsibility for IJB records we will provide you and the IJB Records Manager, with any support and assistance you require to ensure compliance with the Board’s Records Management Policy.”</p> <p>As the IJB’s Board Secretary (identified at element 2) is an NHS Borders employee it can be taken that the training she is offered is suitable.</p> <p>The Keeper agrees that the individual identified at element 2 has the appropriate responsibilities, resources and skills to implement the records management plan. Furthermore, he agrees that the IJB consider information governance training for</p>

			<p>staff as required (through the training provision of NHS Borders).</p>
<p>13. Assessment and Review</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>Section 1(5)(i)(a) of the Act says that an authority must keep its RMP under review. This is acknowledged by the IJB (<i>RMP</i> page 17).</p> <p>The control sheet of the <i>RMP</i> commits the IJB to an biennial review of the plan (due 2024). The responsibility for conducting this review lies with the Integration Joint Board Audit Committee.</p> <p>"Compliance of the Records Management Plan is monitored by the Integration Joint Board Audit Committee." (<i>RMP</i> page 4). The Keeper has been provided with the Audit Committee's terms of reference and acknowledges that ToR 4 is "Review the Records Management Plan on behalf of the IJB, receive reports and oversee and review progress on actions and recommendations and report to the IJB on those as appropriate."</p> <p>In order to adequately review records management provision in the IJB it is imperative that the board is kept informed of any changes implemented in the systems of the 'host' authority. The Keeper has been provided with an e-mail from the NHS Border's Information Governance Manager in which she commits to liaise with the IJB Board Secretary regarding any relevant review of records management provision in the health board (see element 13): "As the Health Board has day to day responsibility for IJB records we will provide you and the IJB Records Manager, with any support and assistance you require to ensure compliance with the Board's Records Management Policy. This will include ensuring you are involved in any changes to the NHS Borders Records Management Policy particularly where these may impact on the records of the IJB. Whenever we do review our Records Management provision we will advise you of the results."</p> <p>The Keeper has previously agreed that the RMP review procedure in NHS Borders</p>

			<p>is appropriate (September 2016)</p> <p>The Keeper has also been provided with a commitment that he will be updated to any changes resulting from a review of the <i>RMP</i> (<i>RMP</i> page 17). Annually, after agreement, the Keeper’s assessment team will provide the IJB with a Progress Update Review (PUR) template prompting them to reports any changes to their plan. The Keeper strongly recommends that the PUR process is used to provide updates. However, the use of the PUR reporting methodology is not a requirement of the Act.</p> <p>The Keeper agrees that Scottish Borders Integration Joint Board have made a firm commitment to review their <i>RMP</i> as required by the Act and have explained who will carry out this review and by what methodology.</p>
<p>14. Shared Information</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>The Keeper expects a Scottish public authority to ensure that information sharing, both within the Authority and with other bodies or individuals, is necessary, lawful and controlled.</p> <p>As part of its function, Scottish Borders Integration Joint Board shares information with other bodies when appropriate.</p> <p>The output of the IJB is treated in the same manner as that of NHS Borders and shared under the Pan-Lothian and Borders Partnership General Protocol for Sharing Information. The Keeper has been provided with a copy of this protocol and agrees that the partners properly consider information governance issues when undertaking information sharing activities.</p> <p>The Keeper can agree that Scottish Borders Integration Joint Board properly considers records governance when undertaking information sharing programmes.</p>

<p>15. Public records created or held by third parties</p>	<p><b>N/A</b></p>	<p><b>N/A</b></p>	<p><b><u>Third Parties:</u></b></p> <p>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).</p> <p>This is recognised by the IJB. However, they has provided the Keeper with a clear statement that currently: "At the present time the Partnership does not sub contract to third parties." (<i>RMP</i> page 19).</p> <p>Therefore, the Keeper agrees that this element does not currently apply to the IJB.</p>
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**Scottish Borders Integration Joint Board**  
**(‘The IJB’ in the assessment below)**

**Explanation: All public records of Scottish Borders Integration Joint Board are held on NHS Borders systems and, as this is the case, the IJB must adopt the records management provision of the health board. This is made clear in the *Records Management Plan* (for example under element 3) and by a *Covering Letter* to the Keeper, dated April 2022, from the IJB Chief Officer (see element 1). In this letter the Chief Officer confirms: “I can confirm that arrangements are in place by which NHS Borders will manage the IJB’s public records on the Board’s behalf.”**

**Similarly the Keeper has been provided with an e-mail sent on behalf of NHS Borders which confirms: “I confirm that Borders Health Board manages the Integrated Joint Board’s corporate records as described in the IJB Plan.”**

**The *RMP* has been reviewed by the Information Governance Lead at NHS Borders as confirmation of this arrangement.**

**The Keeper agreed the *Records Management Plan* of NHS Borders in September 2016:**

**<https://www.nrscotland.gov.uk/files//record-keeping/public-records-act/keepers-assessment-report-nhs-borders.pdf>**

**General Notes on submission:** This assessment is on the *Records Management Plan* (the *RMP*) of Scottish Borders Integration Joint Board (the IJB) as submitted to the Keeper of the Records of Scotland (KRS) for his agreement on 11<sup>th</sup> May 2022. This is version 6 approved by Chris Myers, Chief Officer Health & Social Care.

The *RMP* is accompanied by a *Covering Letter* from Chris Myers (**see element 1**), endorsing the plan, dated 12<sup>th</sup> April 2022.

The *RMP* includes the following commitment: “Future developments may occur as the Partnership evolves further.” (*RMP* page 4). The Keeper welcomes the recognition that the *RMP* may need revision as the business of the IJB develops.

The *RMP* is based on the Keeper’s, 15 element, Model Plan <http://www.nrscotland.gov.uk/record-keeping/public-records-scotland-act-2011/resources/model-records-management-plan>

## 6. Keeper's Summary

Elements 1 - 15 that the Keeper considers should be in a public authority records management plan have been properly considered by Scottish Borders Integration Joint Board. Policies and governance structures are in place to implement the actions required by the plan.

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

- 4. Business Classification
- 7. Archiving and Transfer
- 11. Audit trail

**The Keeper acknowledges that these elements require improvement action on the part of the authority on whose systems the IJB's public records are managed rather than by the IJB itself.**

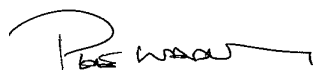


## 7. Keeper's Determination

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

- The Keeper recommends that Scottish Borders 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

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



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