

The Public Records (Scotland) Act 2011

West Lothian Integration Joint Board

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

16th December 2021

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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 into force on 1 January 2013. Its primary aim is to promote efficient and accountable record keeping by named Scottish public authorities.

The Act has its origins in *The Historical Abuse Systemic Review: Residential Schools and Children's Homes in Scotland 1950-1995* (The Shaw Report) published in 2007. The Shaw Report recorded how its investigations were hampered by poor recordkeeping and found that thousands of records had been created, but were then lost due to an inadequate legislative framework and poor records management. Crucially, it demonstrated how former residents of children's homes were denied access to information about their formative years. The Shaw Report demonstrated that management of records in all formats (paper and electronic) is not just a bureaucratic process, but central to good governance and should not be ignored. A follow-up review of public records legislation by the Keeper of the Records of Scotland (the Keeper) found further evidence of poor records management across the public sector. This resulted in the passage of the Act by the Scottish Parliament in March 2011.

The Act requires a named authority to prepare and implement a records management plan (RMP) which must set out proper arrangements for the management of its records. A plan must clearly describe the way the authority cares for the records that it creates, in any format, whilst carrying out its business activities. The RMP must be agreed with the Keeper and regularly reviewed.

2. Progress Update Review (PUR) Mechanism

Under section 5(1) & (2) of the Act the Keeper may only require a review of an authority's agreed RMP to be undertaken not earlier than five years after the date on which the authority's RMP was last agreed. Regardless of whether an authority has successfully achieved its goals identified in its RMP or continues to work towards them, the minimum period of five years before the Keeper can require a review of a RMP does not allow for continuous progress to be captured and recognised.

The success of the Act to date is attributable to a large degree to meaningful communication between the Keeper, the Assessment Team, and named public authorities. Consultation with Key Contacts has highlighted the desirability of a mechanism to facilitate regular, constructive dialogue between stakeholders and the Assessment Team. Many authorities have themselves recognised that such regular communication is necessary to keep their agreed plans up to date following inevitable organisational change. Following meetings between authorities and the Assessment Team, a reporting mechanism through which progress and local initiatives can be acknowledged and reviewed by the Assessment Team was proposed. Key Contacts have expressed the hope that through submission of regular updates, the momentum generated by the Act can continue to be sustained at all levels within authorities.

The PUR self-assessment review mechanism was developed in collaboration with stakeholders and was formally announced in the Keeper's Annual Report published on 12 August 2016. The completion of the PUR process enables authorities to be credited for the progress they are effecting and to receive constructive advice concerning on-going developments. Engaging with this mechanism will not only maintain the spirit of the Act by encouraging senior management to recognise the need for good records management practices, but will also help authorities comply with their statutory obligation under section 5(1)(a) of the Act to keep their RMP under review.

3. Executive Summary

This Report sets out the findings of the Public Records (Scotland) Act 2011 (the Act) Assessment Team's consideration of the Progress Update template submitted for West Lothian Integration Joint Board. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

Legislation to implement health and social care integration came into force on April 1, 2016, following the Public Bodies (Joint Working) (Scotland) Act 2014. Under these new arrangements the West Lothian Council and NHS Lothian delegated some functions to a new body; the West Lothian Integration Joint Board (IJB). The West Lothian IJB is a separate and distinct legal entity from West Lothian Council and NHS Lothian. The IJB is responsible for local joint strategic commissioning of delegated health and social care services and for overseeing the delivery of services on its behalf. The arrangements for the operation, remit and governance of the IJB are set out in the Integration Scheme for West Lothian.

5. Assessment Process

A PUR submission is evaluated by the Act's Assessment Team. The self-assessment process invites authorities to complete a template and send it to the Assessment Team one year after the date of agreement of its RMP and every year thereafter. The self-assessment template highlights where an authority's plan achieved agreement on an improvement basis and invites updates under those 'Amber' elements. However, it also provides an opportunity for authorities not simply to report on progress against improvements, but to comment on any new initiatives, highlight innovations, or record changes to existing arrangements under those elements that had attracted an initial 'Green' score in their original RMP submission.

The assessment report considers statements made by an authority under the elements of its agreed Plan that included improvement models. It reflects any changes and/or progress made towards achieving full compliance in those areas where agreement under improvement was made in the Keeper's Assessment Report of their RMP. The PUR assessment report also considers statements of further progress made in elements already compliant under the Act.

Engagement with the PUR mechanism for assessment cannot alter the Keeper's Assessment Report of an authority's agreed RMP or any RAG assessment within it. Instead the PUR Final Report records the Assessment Team's evaluation of the submission and its opinion on the progress being made by the authority since agreeing its RMP. The team's assessment provides an informal indication of what marking an authority could expect should it submit a revised RMP to the Keeper under the Act, although such assessment is made without prejudice to the Keeper's right to adopt a different marking at that stage.

Key:

G	The Assessment Team agrees this element of an authority's plan.	A	The Assessment Team agrees this element of an authority's progress update submission as an 'improvement model'. This means that they are convinced of the authority's commitment to closing a gap in provision. They will request that they are updated as work on this element progresses.	R	There is a serious gap in provision for this element with no clear explanation of how this will be addressed. The Assessment Team may choose to notify the Keeper on this basis.
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6. Progress Update Review (PUR) Template: West Lothian Integration Joint Board

Element	Status of elements under agreed Plan 21MAY19	Status of evidence under agreed Plan 21MAY19	Progress assessment status 16DEC21	Keeper's Report Comments on Authority's Plan 21MAY19	Self-assessment Update as submitted by the Authority since 21MAY19	Progress Review Comment 16DEC21
1. Senior Officer	G	G	G	Update required on any change.	<p>Since the Records Management Plan (RMP) was agreed, Senior Management Responsibility for the RMP was changed to Alison White, Chief Officer of the West Lothian Integration Joint Board and Director of West Lothian Health and Social Care Partnership and is a notifiable change to arrangements.</p> <p>There are no other notifiable changes.</p>	The Assessment Team thanks you for this update which has been noted.
2. Records Manager	G	G	G	Update required on any change.	<p>There are no notifiable changes since last review.</p> <p>Update provided in December 2021: The current Project Officer is leaving the post. The Keeper's Assessment Team has been provided with interim Key Contact details until the new Project Officer has been appointed.</p>	<p>Update required on any change.</p> <p>Thank you for notifying the Team of this change which has been noted.</p>
3. Policy	G	G	G	Update required on any change.	The IJB have adopted West Lothian Council's policies as the basis to records management arrangements.	The Assessment Team thanks you for this update on changes to West Lothian IJB's records

				<p>Since the Records Management Plan (RMP) was agreed, the Policy adopted by the IJB has been replaced by a new Information Governance Policy and is a notifiable change to arrangements. This Policy was approved by West Lothian Council Executive on the 25th of June 2019 and replaces the following:</p> <ul style="list-style-type: none"> • Information Security Policy, • Data Protection Policy, • CCTV Policy, • Records Management Policy, • Archives Acquisitions Policy. <p>The governance arrangements for the new policy have been updated and detailed at the end of the policy document.</p> <p>The 'Principles' section in the IJB Records Management Plan have been updated in line with the new policy.</p> <p>There are no other notifiable changes to arrangements.</p> <p>Update provided in December 2021: The Information Governance Policy has now been reviewed (October 2021).</p>	<p>management policy landscape. The link to the new Information Governance Policy is noted with thanks.</p> <p>It is entirely reasonable to streamline the policies under a single title as long as the RMP has been appropriately updated (which has been done) and the policy is kept under regular review. The Assessment Team trusts that the IG Policy is kept up to date and formally reviewed annually as stated in the policy document.</p> <p>Thank you for the update on recent policy review which has been noted.</p>	
4. Business Classification	G	G	G	Update required on any change.	There are no notifiable changes to arrangements.	Update required on any change.
	G	G	G	Update required on any change.	There are no notifiable changes to arrangements.	Update required on any change.

5. Retention Schedule						
6. Destruction Arrangements	G	G	G	Update required on any change.	<p>Where required, the Board use West Lothian Council's contract for the secure destruction of paper records. Since the last submission, the council have entered into a new contract with Restore Data Shred for the confidential destruction of paper records and is a notifiable change:</p> <p>Restore Data Shred Scotland Block A Units 1 & 2, Clifton Trading Estate, Newbridge EH28 8TP https://www.restore.co.uk/datashred</p> <p>Evidence of secure arrangements are provided as:</p> <ul style="list-style-type: none"> • Appendix 1: Example Restore Datashred Certificate of Destruction 20200710 • Appendix 2: Example Restore Datashred Collection Note • Appendix 3 – Restore Datashred ISO 9001 Certificate • Appendix 4 – Restore Datashred ISO 14001 Certificate • Appendix 5 – Restore Datashred ISO 27001 Certificate <p>There are no other notifiable changes to arrangements.</p>	Thank you for this update. The Assessment Team is content that the new paper records destruction arrangements with Restore Data Shred are secure and functional, as specified in the evidence (the receipt of which is noted with thanks).

7. Archiving and Transfer	G	A	G	<p>The IJB notes that a formal agreement is required between the authority and the archive service and will pursue this.</p> <p>The Keeper agrees that West Lothian Integration Joint Board have identified a suitable repository for the permanent preservation of public records. He agrees this element of the Records Management Plan under an improvement model awaiting sight of a formal agreement between the authority and the archive.</p>	<p>Notifiable policy changes are detailed in element 3 above.</p> <p>In addition, the IJB have entered into a Memorandum of Understanding with West Lothian Council Archives for the long term and historical preservation of IJB records. A copy of the MOU is attached as Appendix 6.</p> <p>There are no other notifiable changes to arrangements.</p>	<p>Thank you for the positive news that a Memorandum of Understanding has been agreed (with regard to West Lothian IJB archival records) with the West Lothian Council Archives. The receipt of the MoU is noted with thanks.</p> <p>As the requested formal agreement is in place, this element would likely be turned Green in recognition if this was a formal resubmission. Accordingly, the element has been changed from Amber to Green in the PURs.</p>
8. Information Security	G	G	G	Update required on any change.	<p>Notifiable policy changes are detailed in element 3 above.</p> <p>There are no other notifiable changes to arrangements.</p>	The changes detailed in element 3 above are noted with thanks. Update required on any change.
9. Data Protection	G	G	G	Update required on any change.	<p>Notifiable policy changes are detailed in element 3 above.</p> <p>There are no other notifiable changes to arrangements.</p>	The changes detailed in element 3 above are noted with thanks. Update required on any change.

10. Business Continuity and Vital Records	G	G	G	Update required on any change.	There are no notifiable changes to arrangements.	Update required on any change.
11. Audit Trail	G	G	G	Update required on any change.	There are no notifiable changes to arrangements.	Update required on any change.
12. Competency Framework	G	G	G	Update required on any change.	<p>The mandatory training for council staff that support the Board have been reviewed and updated. Storyboards are provided as evidence of arrangements in the following:</p> <ul style="list-style-type: none"> • Appendix 7 – Storyboard User Security Awareness Training 2020 • Appendix 8 – Storyboard Data Protection 2020 • Appendix 9 – Storyboard Records Management Training 2020 <p>There are no notifiable changes to arrangements.</p>	The Keeper's Assessment Team thanks you for this update on mandatory staff training, and acknowledges the receipt of accompanying evidence. It appears that West Lothian IJB has made reasonable arrangements to maintain staff competencies in records management.
13. Assessment and Review	G	G	G	Update required on any change.	There are no notifiable changes to arrangements.	Update required on any change.
14. Shared Information	G	G	G	Update required on any change.	There are no notifiable changes to arrangements.	Update required on any change.

7. The Public Records (Scotland) Act Assessment Team's Summary

Version

The progress update submission which has been assessed is the one received by the Assessment Team on 27 August 2021. The progress update was submitted by Lorna Kemp, Project Officer.

The progress update submission makes it clear that it is a submission for **West Lothian Integration Joint Board**.

The Assessment Team has reviewed West Lothian Integration Joint Board's Progress Update submission and agrees that the proper record management arrangements outlined by the various elements in the authority's plan continue to be properly considered. The Assessment Team commends this authority's efforts to keep its Records Management Plan under review.

General Comments

West Lothian Integration Joint Board continues to take its records management obligations seriously and is working to bring all elements into full compliance.

Section 5(2) of the Public Records (Scotland) Act 2011 provides the Keeper of the Records of Scotland (the Keeper) with authority to revisit an agreed plan only after five years has elapsed since the date of agreement. Section 5(6) allows authorities to revise their agreed plan at any time and resubmit this for the Keeper's agreement. The Act does not require authorities to provide regular updates against progress. The Keeper, however, encourages such updates.

The Keeper cannot change the status of elements formally agreed under a voluntary submission, but he can use such submissions to indicate how he might now regard this status should the authority choose to resubmit its plan under section (5)(6) of the Act.

8. The Public Records (Scotland) Act Assessment Team's Evaluation

Based on the progress update assessment the Assessment Team considers that West Lothian Integration Joint Board continues to take their statutory obligations seriously and is working hard to maintain all the elements of their records management arrangements in full compliance with the Act and fulfil the Keeper's expectations.

The Assessment Team recommends authorities consider publishing PUR assessment reports on their websites as an example of continued good practice both within individual authorities and across the sector.

This report follows the Public Records (Scotland) Act Assessment Team's review carried out by

A handwritten signature in blue ink that reads "Iida Saarinen". The signature is written in a cursive style and is positioned above the printed name and title.

Iida Saarinen
Public Records Support Officer