

The Public Records (Scotland) Act 2011

Fife Integration Joint Board

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

6th April 2021

Contents

1. The Public Records (Scotland) Act 2011.....	3
2. Progress Update Review (PUR) Mechanism.....	4
3. Executive Summary.....	5
4. Authority Background.....	5
5. Assessment Process.....	6
6. Records Management Plan Elements Checklist and PUR Assessment.....	7- 11
7. The Public Records (Scotland) Act Assessment Team's Summary.....	12
8. The Public Records (Scotland) Act Assessment Team's Evaluation.....	12

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 Fife Integration Joint Board. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

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

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

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

The key functions of the Board are:

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

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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Progress Update Review (PUR): Fife Integration Joint Board

Element	Status of elements under agreed Plan 19SEP19	Status of evidence under agreed Plan 19SEP19	Progress assessment status 06APR21	Keeper's Report Comments on Authority's Plan 19SEP19	Self-assessment Update as submitted by the Authority since 19SEP19	Progress Review Comment 06APR21
1. Senior Officer	G	G	G	Update required on any change.	Ms Nicky Connor, Chief Officer of Fife Integration Joint Board is now the Senior Officer and has senior management responsibility for all aspects of records management within the Board. Ms Connor is also the corporate owner of Fife IJB Records Management Plan.	The Keeper's Assessment Team thanks Fife Integration Joint Board for this update which has been noted.
2. Records Manager	G	G	G	Update required on any change.	Ms Lesley Gauld, Information Compliance Manager for Fife Health and Social Care Partnership continues to have day-to-day operational responsibility for records management within the Board. Ms Gauld reports to Ms Fiona McKay whose role has changed to Divisional General Manager (Interim).	The Assessment Team notes confirmation that Lesley Gauld continues to perform this role and the changed role of her reporting manager.
3. Policy	G	G	G	Update required on any change.	The IJB Records Management Policy has been reviewed and updated. This is a link to the updated document which has been published on the HSCP website: http://www.fifehealthandsocialcare.org/wp-content/uploads/sites/12/2020/11/IJB.001-Fife-IJB-Records-Management-Policy-2.0.pdf	The IJB committed to keeping information governance policies and procedures under review and regularly updated. Notification of updates to the Records Management Policy indicates this work is being carried out.
4. Business Classification	A	G	A	The Further Development section of this Element states that the structure of the BCS will be imposed onto an area of Fife Council's SharePoint system. All Board records will over time be migrated to this system, which will include a document storage site and a bespoke tool for creating and managing records of committee meetings. A screenshot of the SharePoint test site has been submitted (evidence 4.2) showing how the proposed new system will look. This work is dependent upon the allocation of Fife Council resources and has a provisional timescale for completion of December 2019. The Keeper understands that timescales can slip due to other	The activities required to set up a SharePoint site for IJB records has been delayed. This is primarily due to the re-allocation of business-critical resources during the Covid-19 pandemic (from February 2020 onwards). Fife Council have moved to an online SharePoint platform and it is expected that the IJB site will be designed and built in this location during 2021. In accordance with national guidance provided by the Scottish Government during the pandemic, the IJB has moved to virtual meetings using MS Teams rather than face-to-face events. A Data Protection Impact Assessment (DPIA) has been completed and IJB Members have received training on handling IJB information and records during online meetings. A secure MS Teams site has also been set up for the IJB which can be used for collaboration purposes. Any records created in the MS Teams site will be migrated to the final SharePoint site once this is available. MS Teams is provided for the IJB by Fife Council. This aligns with the direction of travel identified in the RM Plan. A Data Processing Agreement between the IJB and Fife Council is in place.	The Assessment Team understands the impact that the Covid-19 pandemic has had on the progress of projects across the public sector and the requirement to redeploy resources. We look forward to updates on progress of the migration of the IJB's records to Fife Council's SharePoint system in subsequent PURs. The rapid move to the use of applications like MS Teams in response to the shift to remote working has been widespread. The Assessment Team commend the IJB's work in advance planning for the transfer of records from MS Teams to SharePoint when it becomes available. For comment on Data Protection see element 9. As the migration of IJB records to Fife Council's SharePoint platform has been delayed and work is ongoing this element will remain at amber.

				<p>priorities but requests that he is kept informed of the progress of this piece of work.</p> <p>The Keeper can agree this Element on an 'Improvement Model' basis. This means that the Board has identified an improvement to its recordkeeping arrangements (the consolidation of Board records into a single area of Fife Council's SharePoint system) and has outlined the proposed timescales for completion. This agreement is dependent upon the Keeper being kept informed on the progress of this work.</p>		
5. Retention Schedule	A	G	A	<p>The Board will migrate all of its records, currently managed by both Fife Council and NHS Fife, on to Fife Council's SharePoint system. This should allow these records to be managed easier in the single location and should allow the easier appliance of retention actions at the appropriate time.</p> <p>The Keeper can agree this Element on an 'Improvement Model' basis. This means that the authority has identified a long term solution for effectively managing the retention of its records (migration to Fife Council's SharePoint system) and will be working towards implementation in the near future. The Keeper requests that he is kept informed of the progress of this work.</p>	<p>As highlighted in Element 4, migration to the Council's SharePoint system has been delayed due to the re-allocation of business-critical resources during the Covid-19 pandemic (from February 2020 onwards).</p> <p>Fife Council have moved to an online SharePoint platform and it is expected that the IJB site will be designed and built in this location during 2021. The IJB Retention Schedule will be reviewed and updated prior to migration.</p>	<p>For comments on SharePoint please see element 4 above.</p> <p>The Assessment Team note that the IJB Retention Schedule will be reviewed in preparation for the planned migration to SharePoint.</p> <p>As this work has been delayed and this element will remain at amber.</p>
6. Destruction Arrangements	G	G	G	Update required on any change.	No change to RM Plan.	Update required on any change.
7. Archiving and Transfer	A	A	A	As the Board is a separate legal body from the Council, the Keeper would encourage the Board to set up a formal archiving agreement with the	<p>Work to set up a formal archiving agreement with the Council's Archive Service has been delayed.</p> <p>A new target date for this action has been set for June 2021.</p>	The Assessment Team thank the IJB for this update and would be keen to receive confirmation when a formal agreement with Fife Council's Archive Service is in place.

				<p>Council's Archive Service as soon as is practical, even if there is no immediate intention to deposit.</p> <p>As the Board's selected archive, Fife Council's Archive Service, is currently unable to accept the transfer of digital records the Keeper can agree this Element on an 'Improvement Model' basis. The Keeper is assured by the commitment of Fife Council to develop a solution to digital archiving. In the meantime, as part of this agreement, the Keeper recommends that the Board enters into a formal agreement to transfer its records to the Council's archive service so that the framework is in place to transfer records when digital archiving becomes available.</p>		<p>As no formal archive deposit agreement is in place and the situation surrounding the transfer of digital records remains the same, this element will stay at amber.</p>
8. Information Security	G	G	G	Update required on any change.	No change to RM Plan.	Update required on any change.
9. Data Protection	G	G	G	Update required on any change.	<p>The IJB Data Protection Policy has been reviewed and updated. This is a link to the updated document which has been published on the HSCP website: http://www.fifehealthandsocialcare.org/wp-content/uploads/sites/12/2020/11/IJB.002-Fife-IJB-Data-Protection-Policy-V2.0.pdf</p> <p>The IJB Privacy Notice has been reviewed and updated. This is a link to the webpage: https://www.fifehealthandsocialcare.org/privacy-notice-fife-integration-joint-board/</p>	<p>The Assessment Team note reviews and updates have been made to the IJB Data Protection Policy and Privacy Notice.</p> <p>For assessment and review see element 12 below.</p> <p>See element 4 above. The Assessment Team commend the IJB's undertaking of a Data Protection Impact Assessment and Board Member training to support the use of MS Teams. It is also noted that a Data Processing Agreement between the IJB and Fife Council is in place.</p>
10. Business Continuity and Vital Records	G	G	G	Update required on any change.	No change to RM Plan.	Update required on any change.
11. Audit Trail	A	G	A	<p>The RMP acknowledges that Board records are currently managed using NHS Fife and Fife Council systems (shared drives) which provide limited audit trail functionality. This is confirmed by the fact that the RMPs of Fife Council and NHS Fife have been agreed by the Keeper under</p>	<p>As highlighted for Element 4 and Element 5, the activities required to set up a SharePoint site with appropriate audit functionality for IJB records has been delayed. This is primarily due to the re-allocation of business-critical resources during the Covid-19 pandemic (from February 2020 onwards).</p> <p>Fife Council have moved to an online SharePoint platform and it is expected that the IJB site will be designed and built in this location during 2021.</p>	<p>For comments on SharePoint see element 4 above.</p> <p>The migration from shared drives to SharePoint will greatly improve control and audit trail functionality.</p> <p>As this work has been delayed and this element will remain at amber.</p>

				<p>'improvement model' terms for element 11. This means that both authorities have identified gaps in provision in this element and are working to close that gap.</p> <p>The Keeper can agree this Element on an 'Improvement Model' basis. This is due to the authority having identified a gap in provision (the lack of audit trail functionality of records currently held on shared drives provided by partner bodies, their arrangements under this Element having also been agreed on an 'Improvement Model' basis by the Keeper) but has evidenced how it intends to close this gap. This agreement is dependent upon the Keeper being regularly informed on the progress of work to close the gap.</p>		
12. Competency Framework	G	G	G	<p>The Further Development section of this element states that both partner bodies are currently developing the information governance competency framework for their staff. A statement from the Council's records manager (evidence 12.1) confirms the current development of a training framework, tied in with data protection and information security, and will be tailored to the requirements of staff. The Keeper would be interested to know if this results in any significant changes to current provision.</p>	No change to RM Plan.	<p>Update required on any change.</p> <p>The Keeper remains interested to know if the development of a training framework tailored to the requirements of staff results in any significant changes to current provision.</p>
13. Assessment and Review	G	G	G	<p>Update required on any change.</p>	<p>Following completion of an internal audit in 2019 a three-year Records Management Improvement Plan was developed and agreed (IJB Action Plan 2019 – 2021).</p> <p>The Action Plan is regularly reviewed and updated. Unfortunately, some of the actions have been delayed due to the re-allocation of business-critical resources during the Covid-19 pandemic.</p>	<p>The development of Improvement and Action Plans in response to an internal audit is noted. The Assessment Team acknowledge these are being regularly reviewed and updated and that the impact of Covid-19 has affected this.</p> <p>It has been noted throughout this PUR that information governance policies and documentation have been reviewed and updated where possible (Records Management Policy,</p>

					It is expected that the actions will now be completed over the period 2021 to 2022 and prior to submission of the next IJB RM Plan due in 2024.	Data Protection Policy, Privacy Notice, Information Sharing Agreement, The Action Plan) and where these have been delayed this has been acknowledged by the IJB and projected timescales provided. This is commended by the Assessment Team as is participation in the PUR process.
14. Shared Information	G	G	G	Update required on any change.	The Information Sharing Agreement with the partner bodies has been reviewed and updated. Additional Data Sharing Agreements between the Fife partners have been completed and approved.	The Assessment Team thank the IJB for this update. Notification of approved additional Data Sharing Agreements with Fife partner bodies is welcomed. For assessment and review see element 13. 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 4 December 2020. The progress update was submitted by Lesley Gauld, Information Compliance Manager - Health and Social Care and Data Protection Officer – Fife Integration Joint Board.

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

The Assessment Team has reviewed Fife 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

Fife 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.

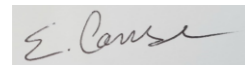
The Keeper cannot change the status of elements formally agreed under a voluntary submission, but he can use such submissions to indicate how he might now regard this status should the authority choose to resubmit its plan under section (5)(6) of the Act.

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

Based on the progress update assessment the Assessment Team considers that Fife Integration Joint Board continue to take their statutory obligations seriously and are working hard to bring all the elements of their records management arrangements into 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,



Liz Course
Public Records Officer