

The Public Records (Scotland) Act 2011

Independent Living Fund Scotland

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

29th March 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 Independent Living Fund Scotland. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

Following the closure of the UK Independent Living Fund (ILF) on 30th June 2015, the Scottish Government established a new organisation, Independent Living Fund (ILF) Scotland, to administer ILF for existing recipients of the fund in Scotland.

ILF Scotland is a public body, governed by a Board of Directors, appointed by and accountable to Scottish Ministers. It operates as a discretionary fund providing financial awards to over 3,000 disabled people in Scotland and Northern Ireland to help them live independently. Their funding enables individuals to pay for care so that they can be supported in their homes and within their local communities.

ILF Scotland Limited is a company limited by guarantee registered in Scotland Company Number SC500075.

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): Independent Living Fund Scotland

Element	Status of elements under agreed Plan 08OCT19	Status of evidence under agreed Plan 08OCT19	Progress assessment status 29MAR21	Keeper's Report Comments on Authority's Plan 08OCT19	Self-assessment Update as submitted by the Authority <u>since</u> 08OCT19	Progress Review Comment 29MAR21
1. Senior Officer	G	G	G	Update required on any change.	Senior Officer has changed from Harvey Tilley (Chief Operating Officer) to Paul Hayllor (Director of Digital and Information Services), who has also taken on the Senior Information Risk Officer role previously undertaken by Harvey.	The Keeper's Assessment Team thanks for this update on named senior officer which has been noted.
2. Records Manager	G	G	G	Update required on any change.		The Assessment Team note there have been no updates to this Element.
3. Policy	G	G	G	Update required on any change.		The Assessment Team note there have been no updates to this Element.
4. Business Classification	G	G	G	The <i>Plan</i> explains that ILF intend to migrate their shared drives to Objective EDRM. The Keeper is familiar with this system and agrees that, if appropriately implemented, this	There is no change to ILF Scotland's planned future development in this area. However, it is worth noting to the assessment team that	The Assessment Team welcomes this update on understandable eRDM Objective migration delays, and looks forward to more detailed updates in future PUR submissions.

				<p>solution should work well for ILF. Clearly, until full details are available, the effect of this migration on the IAR, and therefore the agreed <i>Plan</i>, is not known.</p> <p>The Keeper looks forward to future updates on this move. He notes that ILF intend to use the PUR process to provide annual updates (see element 13) and welcomes this.</p>	<p>due to COVID-19 and pressures on our frontline teams, the project to migrate to eRDM Objective has incurred significant delays. It is now intended that the eRDM will be functional at ILF Scotland by summer 2021.</p>	
5. Retention Schedule	G	G	G	<p>For comments regarding the migration to Objective EDRM, see element 4. It is possible that retention decisions will have to be revisited as part of this work.</p>	<p>The project to migrate to eRDM Objective has incurred significant delays. It is now intended that eRDM will be functional at ILF Scotland by summer 2021.</p>	<p>The Assessment Team notes retention schedules cannot be fully assessed until the implementation of eRDM Objective migration is completed. Updates on the progress in consecutive PUR submissions are welcomed.</p>
6. Destruction Arrangements	G	G	G	<p>Update required on any change.</p>		<p>The Assessment Team note there have been no updates to this Element.</p>
7. Archiving and Transfer	A	G	A	<p>The Keeper can agree this element of the ILF <i>Plan</i> under ‘improvement model’ terms. This mean that the authority has identified a suitable repository for records selected for permanent preservation and have put processes in place</p>	<p>We have met with colleagues at NRS and continue to communicate regarding the MoU between ILF Scotland and NRS. We are awaiting confirmation of the Crown to Crown</p>	<p>The Assessment Team is grateful for this progress update on arrangements between ILF Scotland and the NRS, as well as the Crown-to-Crown agreement required for the MoU formalisation process. The Assessment Team welcomes</p>

				to formalise transfer arrangements. The Keeper's agreement is conditional on the MOU, between NRS and ILF being created, signed and forwarded to the PRSA Assessment Team.	agreement between the Scottish Government and the Northern Irish Executive which is necessary for us to formalise the MoU with NRS and PRONI. We will continue to work on this and understand that Element 7. Archiving and Transfer will remain amber until the MoU is in place.	updates on this process in consecutive PUR submissions. Subsequent to the original PUR submission, the ILF Scotland has sent the following positive update: 'ILF Scotland have worked with the Scottish Government and Northern Irish Executive to finalise a new Memorandum of Understanding for the Crown to Crown Agreement and this will be used to update our archive and transfer protocols with PRONI.'
8. Information Security	G	G	G	Update required on any change.		The Assessment Team note there have been no updates to this Element.
9. Data Protection	G	G	G	Update required on any change.		The Assessment Team note there have been no updates to this Element.
10. Business Continuity and Vital Records	G	G	G	Update required on any change.		The Assessment Team note there have been no updates to this Element.
11. Audit Trail	A	G	A	The Keeper can agree this element of the Independent Living Fund Scotland Records Management Plan under 'improvement model' terms. This means that the	It had been planned that element 11, Audit Trail, would be addressed by the move to eRDM Objective. The project to migrate to eRDM	The Assessment team acknowledges the challenges incurred in the implementation of eRDM Objective migration, and welcomes updates on this important

				<p>authority has identified a gap in provision (in this case that naming convention guidance is not fully developed and rolled-out), but have put process in place to close that gap. The Keeper's agreement is conditional on the work suggested in the Plan progressing and on him being updated when appropriate.</p>	<p>Objective has incurred significant delays. It is now intended that eRDM will be functional at ILF Scotland by summer 2021.</p> <p>We will continue to work on this and understand that Element 11 will remain amber until naming conventions guidance is addressed through the course of the eRDM migration project.</p>	<p>matter in subsequent PUR submissions.</p> <p>Subsequent to the original PUR submission, the ILF Scotland has sent the following positive update: 'We are [...] completing the guidance on naming conventions which will be rolled out prior to the migration to Objective eRDM this summer.'</p>
12. Competency Framework	G	G	G	Update required on any change.		<p>The Assessment Team note there have been no updates to this Element.</p> <p>Subsequent to the PUR submission, the ILF 'report that 2 staff members have undertaken formal records management training during this particularly challenging period and are increasing the collective competence and capability of ILF Scotland to manage its records appropriately'. This news is welcomed by the Assessment Team.</p>
	G	G	G	ILF have provided the Keeper with their <i>Policy Review Schedule</i> . This shows that:	The RMP and all associated documents have been reviewed	Thank you for the confirmation that agreed review cycles are being

13. Assessment and Review				<p>The <i>Information Governance Policy (see element 3)</i>, the <i>Retention Policy (see element 5)</i> and the <i>Data Protection Policy (see element 9)</i> are all due for review by July 2020</p> <p>Also, the Data Protection – TF13 statement was due to be reviewed at the time of this assessment.</p> <p>The ILF Scotland Patch Management Policy should be reviewed at least annually (PM Policy section 5).</p> <p>The <i>Information Asset Register</i> is reviewed annually.</p> <p>The <i>Business Continuity Plan (see element 10)</i> provides for regular testing (section 8 of <i>Business Continuity Plan</i> and page 15 of <i>Handbook</i>).</p> <p><i>Data Sharing Agreements (see element 14)</i> are reviewed annually (<i>Plan</i> under Element 14).</p>	within their agreed review cycles and no significant changes have been required.	adhered to; this has been noted by the Assessment Team.
14. Shared Information	G	G	G	Update required on any change.		The Assessment Team note there have been no updates to this Element.

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 29th January 2021. The progress update was submitted by Marianne Craig, Privacy and Improvement Manager.

The progress update submission makes it clear that it is a submission for **Independent Living Fund Scotland**.

The Assessment Team has reviewed Independent Living Fund Scotland'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

Independent Living Fund Scotland 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 Independent Living Fund Scotland 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,



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