

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

**Orkney Integration Joint Board**

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

**23<sup>rd</sup> May 2022**

## Contents

1. The Public Records (Scotland) Act 2011.....	3
2. Progress Update Review (PUR) Mechanism.....	4
3. Executive Summary.....	4
4. Authority Background.....	4
5. Assessment Process.....	5
6. Records Management Plan Elements Checklist and PUR Assessment.....	6-10
7. The Public Records (Scotland) Act Assessment Team's Summary.....	11
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 Orkney Islands Integration Joint Board. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

## **4. Authority Background**

Orkney Integration Joint Board became legally responsible for the effective delivery of a large range of services within health and social care in April 2016. The membership of the IJB is largely prescribed by the Scottish Government in terms of numbers and the organisations that they represent.

<https://www.orkney.gov.uk/Service-Directory/S/integration-joint-board.htm>

## 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:

<b>G</b>	The Assessment Team agrees this element of an authority's plan.	<b>A</b>	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.	<b>R</b>	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: Orkney Integration Joint Board

Element	Status of elements under agreed Plan 05FEB21	Status of evidence under agreed Plan 05FEB21	Progress assessment status 23MAY22	Keeper's Report Comments on Authority's Plan 05FEB21	Self-assessment Update as submitted by the Authority <u>since</u> 05FEB21	Progress Review Comment 23MAY22
1. Senior Officer	G	G	G	Update required on any change.	Stephen Brown has replaced Gillian Morrison as Chief Officer.	The Assessment Team thanks you for this update which has been noted.
2. Records Manager	G	G	G	Update required on any change.	No change.	Update required on any change.
3. Policy Statement	G	G	G	Update required on any change.	No change.	Update required on any change.
4. Business Classification	A	G	A	<b>Bearing in mind the requirements in the <i>Policy</i> around the use of record systems rather than 'personal filing', the <i>Plan</i> (page 9) states: "Some records and documents are held in personal drives and personal email accounts which makes them effectively inaccessible to other officers and means that they are not effectively managed by the Board. To help manage the amount of</b>	IJB records are held on Orkney Islands Council's systems. Business Classification is currently being addressed by the Council's Electronic Document and Records Management Project, which is in progress. The target date for completion of development is 31 March 2023.	The Assessment Team thanks you for the update on the EDRM Project target date. It is unlikely that the new system will be fully bedded in by the Project completion date, but it is hoped its implementation will result in more robust business classification, destruction and audit trail arrangements for both the Council and IJB.

			<p>information held in shared drives and email accounts, the Council's EDRMS (Electronic Document and Records Management System) Project will make SharePoint available as a repository for records and introduce new procedures, including the automatic deletion of emails for most accounts after a period." This is a welcome recognition on behalf of the authority and the Keeper commends that this, common, issue is being addressed by Orkney IJB. He looks forward to subsequent updates on progress.</p> <p>The Keeper has determined that the RAG status of the <i>Records Management Plan</i> of an authority whose records are managed on the systems of a separate authority cannot be higher than that awarded to the host authority. Orkney Council is in a transition period and carries an amber status against this element.</p> <p>Therefore he can agree element 4 on the same 'improvement model' terms as the Council.</p>		<p>This element remains at Amber due to Orkney Islands Council's RAG status in this element. We look forward to further updates on progress in consecutive PURs.</p>
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5. Retention Schedule	G	G	G	Update required on any change.	No change.	Update required on any change.
6. Destruction Arrangements	A	G	A	<p>However, the Records Management Plan of Orkney Council has been agreed by the Keeper under 'improvement model' terms for element 6. This means that the Council has identified a gap in provision in this element and is working towards closing that gap.</p> <p>The Keeper said, regarding the Council RMP: "The Keeper agrees this element the Council's <i>Records Management Plan</i> on improvement model terms. This means that the authority has identified a gap in provision (the processes for the destruction of digital records are not universally controlled and a back-log of back-up tapes require destruction), but have put process in place to close that gap. The Keeper's agreement would be conditional on his being updated regarding progress."</p>	<p>All IJB Records are held on Orkney Islands Council's systems. Therefore, the destruction of hard-copy and digital records is carried out in accordance with Council policies. However, the Records Management Plan of Orkney Islands Council has been agreed by the Keeper under the 'improvement model' terms for Element 6."</p> <p>The Council has made significant progress with Destruction Arrangements with an industrial shredder in place, Procedures in place for the transfer of paper records due for destruction in place, and the Council has now destroyed the backlog of back-up tapes. The matter that remains outstanding is the destruction of digital records which is being addressed by the Council's Electronic Document and Records Management Project, which is ongoing,</p>	<p>The Team thanks you for this update on continued shared Records Destruction Arrangements with Orkney Islands Council. It is reassuring to hear that non-digital record destruction processes continue to operate reliably, and that a backlog of back-up tapes have now been destroyed as intended. It is anticipated that the implementation of the new EDRMs will help clarify and improve processes with regard to digital records destruction.</p> <p>Like Element 4 above, this element remains at Amber due to Orkney Islands Council's RAG status in this element.</p>



				<b>Therefore, the Keeper agrees this element of the Orkney Joint Board's <i>Records Management Plan</i> under the same 'improvement model' terms.</b>	with a target date for completion of development of 31 March 2023.	
7. Archiving and Transfer	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	No change.	Update required on any change.
8. Information Security	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	No change.	Update required on any change.
9. Data Protection	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	No change.	Update required on any change.
10. Business Continuity and Vital Records	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	No change.	Update required on any change.
11. Audit Trail	<b>A</b>	<b>G</b>	<b>A</b>	<b>Due to the ongoing migration of their systems (see element 4) the Keeper's current agreement with the Council is under improvement model terms for this element.</b>  <b>The Keeper can agree this element of the Orkney Integration Joint Board's <i>Records Management Plan</i> under the same 'improvement model' terms</b>	IJB Records are held on systems that are controlled and operated by Orkney Islands Council. The Audit Trail for records is being addressed by the Council's Electronic Document and Records Management Project, which is ongoing. The target date for development of the EDRM System to be completed is 31	Thank you for this update on the Council's ongoing EDRM Project. In the long run, the new system should provide a good framework for reliable audit trail data retention. We look forward to hearing how the project progresses.  Like Elements 4 and 6 above, this element remains

				as the 'host' authority.	March 2023.	at Amber due to Orkney Islands Council's RAG status in this element.
12. Competency Framework	G	G	G	Update required on any change.	No change.	Update required on any change.
13. Assessment and Review	G	G	G	Update required on any change.	No change.	The Keeper's Assessment Team would here like to acknowledge the receipt of the updated Records Management Plan for Orkney Islands IJB (Orkney Health and Care). As well as the participation in the PUR process, this a very good indication that records management procedures are kept under continuous review.
14. Shared Information	G	G	G	Update required on any change.	No change.	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 8<sup>th</sup> March 2022. The progress update was submitted by Gavin Mitchell, Head of Legal Services at Orkney Islands Council.

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

The Assessment Team has reviewed Orkney Islands 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

Orkney Islands 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 Orkney Islands 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

A handwritten signature in blue ink that reads "Iida Saarinen". The signature is written in a cursive, flowing style.

Iida Saarinen  
Public Records Support Officer