

**Report by the Keeper of the  
Records of Scotland, 2014**





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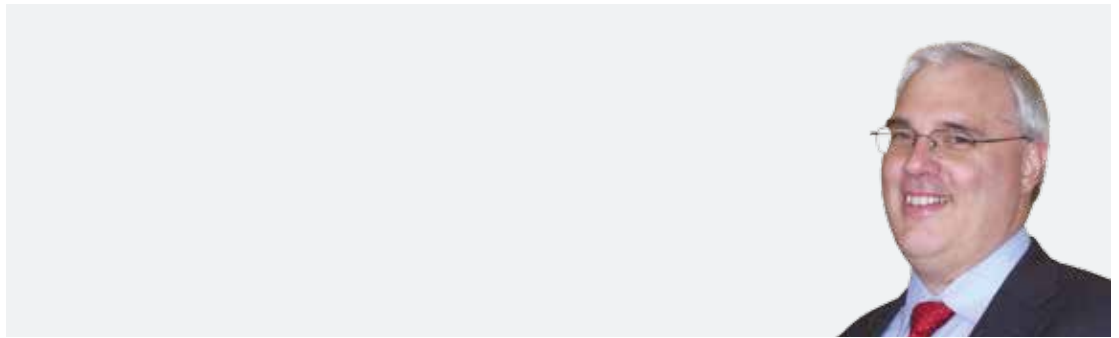
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## Section 1 Foreword by the Keeper of the Records of Scotland



### To the Cabinet Secretary for Culture and External Affairs

I am very pleased to present this, my second report under the Public Records (Scotland) Act 2011 (the Act). It reflects the first full year of activity since the Act came into operation on 1 January 2013, covering the year ending March 2014.

I recognise that public authorities are at different stages of compliance, but this year reflects a number of key successes for the legislation. The Act sets some stiff challenges both for the Keeper and the 250 named public authorities scheduled under it. The aim is to improve record keeping across the public sector. It requires the Keeper to invite public authorities to submit records management plans (RMPs), for agreement. Authorities must then prepare and submit their RMPs for the Keeper's assessment and implement the agreed plans. It will take us five years to complete the invitation process averaging around 50 invitations a year. I am pleased to report that we are on target towards achieving this with invitations submitted to 67 public authorities last year and the agreement of 23 separate RMPs.

Active engagement with authorities was key to our success. To that end we ran a series of surgeries across Scotland during the spring and autumn of 2013, ranging from as far afield as Kirkwall in the north to Ayr in the south. A total of 127 separate authorities were represented at events and feedback was very positive. By ensuring that they were not conducted exclusively in the central belt, the assessment team were seen as visible and approachable. Feedback received and taken on board ensured that procedural changes were made both to the assessment process and the format of future surgeries in 2014.

### Active engagement with authorities was key to our success.

Improvements in public record keeping will not be made by imposing solutions on authorities. There needs to be a process of continuous dialogue and engagement. I aim to foster that process and to encourage continuous improvement within authorities, a principle that was enshrined from the outset within the legislation by Scottish Ministers. We seek to minimise imposing burdens and enable improvement rather than prescribe it. Thus we aim to build trust and deliver an ethos that better appreciates the value of records. I therefore view the honest self-assessment by authorities within their RMPs to determine where they are in their own records management provision, and the open acknowledgement of gaps in that provision accompanied by firm commitments to close them, as good records management practice. It will be far more effective towards achieving compliance than simply imposing it.

I was pleased to host the first post-implementation conference 'Getting Our Act Together' held at The City Halls, Glasgow on 3 December 2013 and welcome Mr Humza Yousaf MSP, Minister for External Affairs and International Development, who delivered the opening address. In the spirit of co-operation both the Scottish Information Commissioner and the Assistant Commissioner for Scotland and Northern Ireland, Information Commissioner's Office, gave key-note addresses, while the conference was run in partnership with the Scottish Council on Archives, the Information and Records Management Society (IRMS), Archivists of Scottish Local Authorities Working Group and the Archives and Records Association. The conference attracted significant interest and was well attended by senior managers across authorities with high demand for places.

Our efforts have not gone unrecognised elsewhere. The NRS assessment team received the Records Management Team of the Year Award 2013 from the IRMS. This prestigious UK award is one of only four awards given out annually by IRMS which is the foremost professional association for those who work in or are concerned with records or information management in the United Kingdom.

True to the origins of the Act and the findings of the Shaw Report, we helped to further develop the activities of the National Confidential Forum (NCF) Reference Group for people who were in residential care in Scotland. The Forum is designed to give former residents the opportunity to describe their experiences in care. Connected with NCF activities, we supported a series of workshops to support the 'Reclaiming Lost Childhoods' project, bringing together care leavers, child care professionals, historians, archivists, records managers, sociologists and information technologists to explore and understand barriers and issues in finding and accessing records.

This is an exciting time in the development of Scotland's public administration, possibly a once in a lifetime opportunity to make significant improvements and manage our records better.

I consider that we have reached an exciting stage in this process, developing strong records management principles and seeing the embedding of good practice across authorities as reflected in many of the submitted and agreed RMPs. This is an exciting time in the development of Scotland's public administration, possibly a once in a lifetime opportunity to make significant improvements and manage our records better.

In the future this may be seen as a turning point, something which not only led to greater efficiencies and improved governance within authorities, but helped to build trust, safeguard and protect people's rights and better secured our collective memory.



**Tim Ellis**

Keeper of the Records of Scotland  
1 August 2014

## Section 2 Review of the year



### ► April 2013

First records management plan (RMP) received by the Keeper for assessment. Series of Public Record (Scotland) Act 2011 (PRSA) surgeries run in Edinburgh, Aberdeen and Glasgow to engage with public authorities attended by 63 representatives. Participation in the National Confidential Forum for adults in residential care in Scotland gives former residents the opportunity to describe their experiences while in care.

### ► June 2013

Presentations to NHS Fife and representatives of Commissioners' Offices to publicise obligations under Act.

### ► August 2013

RMPs agreed for Falkirk Council, Falkirk Licensing Board, Central Scotland Valuation Joint Board and NHS Education for Scotland. Presentations to Joint Assessors' Boards and the Scottish Local Authorities Chief Internal Auditors' Group to publicise obligations under Act.

### ► May 2013

PRSA assessment team receives records management 'Team of the Year' award from UK Information and Records Management Society for statutory guidance to the Keeper's Model Plan. Participation in workshops to support the 'Reclaiming Lost Childhoods' project bringing together care leavers and professional groups to explore issues in finding and accessing records.

### ► July 2013

First RMP agreed for joint authorities of the Keeper of the Records of Scotland and the Registrar General of Births, Deaths and Marriages for Scotland. First assessment report and agreed RMP published. RMPs agreed for The Court of the Lord Lyon, The Scottish Legal Aid Board, West Lothian Council and West Lothian Licensing Board.

### ► September 2013

RMPs agreed for The Office of the Scottish Charity Regulator and Fife NHS Board. Series of autumn PRSA surgeries run in Edinburgh, Ayr, Stirling and Dundee attended by 87 representatives.

### ▶ October 2013

Presentation to NHS National Services Scotland to publicise PRSA obligations. PRSA surgery in Kirkwall attended by 18 representatives from Orkney and Shetland. Participation in European Commission (EC) Panel of Experts group to peer review EC records management practice. Panel's report accepted by EC Secretary General in November. First PRSA annual report laid before Parliament and published.

### ▶ December 2013

First post-implementation PRSA conference 'Getting Our Act Together' held in Glasgow attracting significant interest and attendance. Opening address delivered by Minister for External Affairs and International Development, Mr Humza Yousaf MSP. Formal PRSA feedback session with invited authorities who had completed assessment process results in changes to assessment procedure. Annual target of inviting 50 authorities to submit plans is achieved.

### ▶ February 2014

The Keeper agrees RMPs for The Moray Council and Moray Licensing Board.

### ▶ November 2013

RMPs agreed for Audit Scotland, The Auditor General for Scotland, The Accounts Commission for Scotland, NHS National Services Scotland and The Scottish Advisory Committee on Distinction Awards. Presentation at Mackay Hannah Conference 'Information Management Across Care and Protective Services' to publicise obligations. PRSA workshop led by West Lothian Council hosted by the National Records of Scotland (NRS) attended by 15 authorities.

### ▶ January 2014

Planning of 2014 PRSA annual report starts.

### ▶ March 2014

RMPs agreed for Glasgow City Council, Glasgow City Licensing Board, Glasgow City Valuation Board and Scottish Environment Protection Agency. Following success of 2013-14 surgery events, new spring surgeries organised for 2014 in Inverness, Kirkcaldy, Helensburgh and Edinburgh.

By year end, 23 plans agreed and 67 public authorities invited to submit plans.

# 03



Image ©2014 Falkirk Council



## Section 3

# Aims and obligations

The Public Records (Scotland) Act 2011 (the Act) was passed with the unanimous support of the Scottish Parliament and received Royal Assent on 20 April 2011. It came into force on 1 January 2013.<sup>1</sup>

The primary aim of the Act is to improve the quality of record keeping by scheduled Scottish public authorities. It is helping to develop a new culture within authorities that prioritises public records and views record keeping as critical to guaranteeing the rights and privileges of all Scotland's citizens.

The Act requires the named public authorities<sup>2</sup> to prepare, implement and keep under review a records management plan (RMP) which clearly sets out the arrangements for the management of their records, either created or held by the authority. The plan must be submitted to the Keeper of the Records of Scotland (the Keeper) for assessment within an agreed time frame.

[the Act] is helping to develop a new culture within authorities that prioritises public records and views record keeping as critical to guaranteeing the rights and privileges of all Scotland's citizens.

An assessment team, based in the National Records of Scotland (NRS), has the task of overseeing proper implementation of the Act on behalf of the Keeper. The team engages widely with named authorities to help them meet their obligations under the Act. During 2013-14 it met with almost 200 representatives from those authorities, inviting 67 submissions and agreeing 23 submitted plans.

▶ Humza Yousaf,  
Minister for  
External Affairs  
and International  
Development.

"[the Act] operates very much in the spirit of collaboration and joint working whereby we can work in the best interest of not just our own authorities, but of society. Records protect our democracy and our rights as citizens and good records management plays an important role in supporting a modern Scottish state."

<sup>1</sup> <http://www.legislation.gov.uk/asp/2011/12/part/1/enacted>

<sup>2</sup> Ibid

## ▶ Aims of the Act

The impetus and moral imperative for the Act can be traced to the findings of the Historical Abuse Systemic Review: Residential Schools and Children's Homes in Scotland 1950-1995, the Shaw Report, published in November 2007.<sup>3</sup> The review was commissioned by Scottish Ministers to investigate the systemic failings following allegations of child abuse in residential care. The review, led by Tom Shaw<sup>4</sup>, investigated the regulatory framework for residential schools and children's homes throughout Scotland. It exposed a culture of poor record keeping which led to the wrongful destruction or loss of records for many looked after children. This left former residents of care unable to access their own vital records, thus denying them knowledge of their formative years.

Evidence of wider failings across the public sector in Scotland was further demonstrated by the Keeper's review of public records legislation. Concluding in October 2009, it confirmed that records management problems went beyond the strict confines of the child care sector. The review emphasised that improvements in record keeping would bring wider benefits, including direct cost savings, improved transparency and help to preserve records of enduring value.

The Act sets out to achieve lasting improvements rather than promote quick fix solutions.

The Act helps individual public authorities to address weaknesses in their current record keeping provision acting as a framework to support rather than burden public services and avoiding excessive scrutiny. The Act sets out to achieve lasting improvements rather than promote quick fix solutions.

<sup>3</sup> The Shaw Report can be consulted at: <http://www.scotland.gov.uk/Publications/2007/11/20104729/0>

<sup>4</sup> Tom Shaw was previously Chief Inspector of Education and Training in Northern Ireland. He subsequently chaired 'Time to be Heard' – a pilot acknowledgement forum, for those who had experienced residential children's institutions in Scotland. Tom currently sits on The Historical Institutional Abuse Inquiry in Northern Ireland that will include a confidential 'Acknowledgement Forum' in which victims and survivors can recount their childhood experiences of living in institutions to members of the Inquiry Panel.

## ► Obligations under the Act

The Act requires the Keeper to prepare and publish a model records management plan, issue guidance on the form and content of that plan and consult authorities about them. The Keeper's Model Plan and Guidance Document were developed in consultation with a stakeholder forum and published in 2012. They are available on the NRS website: <http://www.nrscotland.gov.uk/>

The Model Plan is not a template for authorities to follow, rather it is an annotated list of 14 elements, developed in collaboration, which the Keeper considers necessary components of a robust RMP. The Model Plan includes six mandatory elements that all named authorities must include at time of submission.

The separate Guidance Document was developed to support the Model Plan. This is crucial to interpreting it correctly and helps authorities with compliance. It explains each of the elements in detail and provides sample documents, including some which are currently in use within the public authorities who submitted them.

The Act also requires the Keeper to prepare an annual report for Scottish Ministers which is laid before the Scottish Parliament. It forms a crucial role in helping to inform ministers and report on progress. The report seeks to encourage positive change rather than emphasise poor practice, non-compliance and to 'name and shame' authorities. Where any shortcomings are identified however, these will be reported openly and honestly.

► Chris Daly, Petitioner (PE535) to the Scottish Parliament and survivor of in-care abuse.

"When my 'family file' was found it included Christmas cards and letters from my mum and dad and photos of me and my brothers. These had been withheld. We were denied them for nearly 40 years. We were told the difficulty in finding records was because 'social work categorised files oddly ...' The public records act from the 1930s failed me. Tom Shaw's recommendation that the Scottish Government review public record legislation was indeed timely."

# 04



*Image courtesy of NHSScotland*

## Section 4

# The assessment process and progress report

A six-month rolling programme of invitations to authorities is regularly updated and published, setting out the timetable for submission of RMPs to the Keeper<sup>5</sup>. Once a plan has been submitted it is then reviewed by the assessment team.



*The PRSA Team: (L-R) Bruno Longmore, Pete Wadley, Hugh Hagan, Andrea 'Andy' Wells and Robert Fotheringham.*

The team consists of three assessment officers and an administration support officer under the direction of the Head of Government Records in NRS. The team is responsible for all matters concerning the assessment procedure and can be contacted at: [publicrecords@nas.gov.uk](mailto:publicrecords@nas.gov.uk) or 0131 535 1418.

## ► The assessment process

Each named authority must identify a member of staff, known as the 'Key Contact', responsible for overseeing the implementation of their plan. The assessment team liaises closely with the Key Contact about proposed dates for invitation.

The assessment process has been developed to assist authorities in the preparation of their RMPs and is continuously reviewed as part of wider engagement with authorities. There is a reasonable period of time between sending out a formal invitation and the final submission of a plan by an authority. This will be at least four months, but that period remains flexible either to accommodate particular requirements of more complex authorities, e.g. where several plans need to be submitted, or where we can agree to accept an authority's plan sooner when the situation demands. This flexibility of process worked well last year enabling authorities to tailor their responses to invitations accordingly.

<sup>5</sup> The six-month rolling programme of invitations can be seen on the NRS website: <http://www.nrscotland.gov.uk/>



*Image courtesy of Fife NHS Board*

*Pete Wadley accepts the records management plan of the Fife NHS Board, the First NHS Board to submit a plan, from Chief Executive, John Wilson and PRSA Project Manager, Ann Allan.*

Six months before a formal letter of invitation is sent out, the assessment team will contact the Key Contact to gauge their authority's state of readiness. The invitation letter will be sent to the Chief Executive Officer (CEO), starting a period of formal engagement and closer collaboration between the authority and the assessment team. This helps ensure that a RMP is as robust as possible when finally submitted for assessment. In total therefore, at least 10 months' notice will be given to each authority before formal submission of a plan is required.

Following submission, the assessment team will consider a plan and generate an 'interim report'. This report is shared with the Key Contact alone and informs an authority about the Keeper's initial consideration of their plan. It gives them the opportunity to correct any factual errors or clarify misunderstandings. The interim report also allows the assessment team to suggest how a submitted plan may be strengthened, for example by providing further supporting evidence. Authorities are asked to consider the team's recommendations and given the opportunity to comment further. Two months are set aside for completion of the interim report process but this may be extended depending on the situation.

**This year a number of authorities received more time to strengthen their plans and went on to achieve agreement.**

If, for example, the assessment team consider the plan needs more than minor adjustment to achieve agreement, the interim report will make recommendations for improvement and provide a date by which the amended plan must be resubmitted. This provides the authority with a reasonable period of time in which to revise the plan before the Keeper prepares his final report for the CEO and publishes it on the NRS website. This year a number of authorities received more time to strengthen their plans and went on to achieve agreement.



### Return of a plan

Under Section 4.3(b) of the Act the Keeper may return a plan without agreement if he considers that it does not set out proper arrangements for the management of public records. This is most likely to happen if the plan fails to address the Keeper's concerns and therefore remains unable to achieve agreement. If returned, the Keeper will consult with the authority, explain his reasons and set out the modifications required. He will also set the authority a date by which it must make modifications.

**We believe the assessment process and the active engagement conducted ... has reduced the risk of an action notice being invoked in the future.**

If these are not implemented, or a revised plan is not submitted, the Keeper would invoke an action notice under Section 7 of the Act. Failure to comply with the action notice would then lead to the Keeper taking "such steps as the Keeper considers appropriate to publicise the failure" under Section 7[5]. Any non-compliance will be reported to Scottish Ministers.

We are pleased to report that no such action was deemed necessary this year. We believe the assessment process and the active engagement conducted over that period has reduced the risk of an action notice being invoked in the future.

► Ken Macdonald,  
Assistant  
Commissioner  
for Scotland and  
Northern Ireland,  
Information  
Commissioner's  
Office.

"Regulation enforcement is a failure. It's a failure on our part as regulators because we haven't got the message across and a failure on an organisation's part because it has put its reputation at risk - but most importantly, it has put individual people's information or privacy at risk."

## ► Progress report

In April 2013, the Keeper of the Records of Scotland and the Registrar General of Births, Deaths and Marriages for Scotland submitted the first RMP for assessment. These two authorities are jointly responsible for records created under the umbrella organisation of the NRS. As reported last year the Keeper had the curious pleasure of agreeing his own plan on 4 July 2013. This date marked the start of the new assessment process. This section concentrates on developments subsequent to that first plan being agreed.

Last year we exceeded expectations with 67 authorities being asked to submit plans, of which 23 plans were agreed.

Our timetable demands that we invite some 250 authorities to submit RMPs for assessment over a period of five years. We therefore devised a detailed road map for this process, developing a programme to invite a minimum of 50 authorities per year. Last year we exceeded expectations with 67 authorities being asked to submit plans, of which 23 plans were agreed by the end of the reporting year. We aim for a similar target of invitations during 2014-15. A list of authorities whose plans were approved is at Annex A.



*Image courtesy of West Lothian Council*

*Robert Fotheringham and Hugh Hagan accept the records management plan of West Lothian Council, the first local authority to submit a plan, from Roberto Riaviz, Information Strategy and Security Manager and Carol Dunn, Records Manager.*



The invitation process is working well. The provision of allowing six months' grace in advance of sending out a formal invitation allows us to engage with an authority in some detail and accurately determine its state of readiness. This allows us to identify authorities who can be invited to submit their plans sooner, as opposed to those who require more time.

An invitation to an authority can be postponed if our initial discussions reveal that its plan would fail to achieve agreement. However, the authority must provide an assurance that they are working towards improving their submission. Such advance engagement allows more time for any remaining work to be completed and this will result in more robust submissions. Under certain conditions the Keeper may therefore postpone an invitation if he believes that an authority's submission will be improved.

Being the first year of the invitation and assessment process, there remains sufficient flexibility within the system to postpone invitations. Postponements have been agreed where two or more authorities were working collaboratively to produce a common plan for joint submission, or where an authority needs more time to complete outstanding work. Such actions are permitted under section 1(9) of the Act and authorities are encouraged to consider this option.

As the Keeper's ability to be flexible will diminish over time, all authorities are urged to be diligent in attending to their obligations. They should act quickly to identify gaps in provision and establish a programme for closing them. It is crucial that authorities do not delay taking action until a formal approach is made by the assessment team under the timetable.

By way of support, the Keeper can agree plans which include 'improvement models' for any elements of the Model Plan that are not compulsory. Of the 23 plans agreed this year, 21 plans included improvement models.

Improvement models are therefore positive evidence of the recognition of gaps in an authority's records management provision. They reflect that authorities are being open and honest about acknowledging those gaps and taking positive measures to close them. Hence, agreed plans which contain improvement models are viewed as good news.

► Dr Kenneth  
Meechan, Asset  
Governance  
Manager, Glasgow  
City Council.

"Information management is something we do. It is our information and it is for us to know how best to manage it. We are conscious of the shortcomings we have in our arrangements, but we now have a journey to embark upon and we have a direction of travel. Our plan is an improvement model. The Act's light touch approach is something that is very much welcome."



*Hugh Hagan accepts the first records management plan submitted under the Act from John Simmons, NRS Head of Records Management, on behalf of the Keeper of the Records of Scotland and Registrar General of Births, Deaths and Marriages for Scotland.*

It is important that authorities are comfortable about submitting evidence in support of plans, particularly where the evidence submitted may be sensitive. We therefore guarantee that any submission and its supporting evidence will be held securely within NRS and under strict access conditions. The assessment team alone will have access as part of their unique role to scrutinise and assess plans. We further assure authorities that evidence will not be published or shared with others.

## 52% of agreed plans have been published on the websites of their submitting authorities.

Twenty-three final assessment reports setting out the basis for the Keeper's agreement have now been published on the NRS website. Reports will remind authorities of the need to keep the assessment team informed of progress against any improvement plans submitted in support of a plan. The Act does not require authorities to publish their own agreed plan, nor any of the supporting evidence submitted. However, we strongly encourage them to do so. Publication by authorities will provide good examples across a number of different sectors for others to follow. It assists other authorities and permits us all to benefit from the good work done, promoting discussion, collaboration and extending best practice.

At time of writing, some 52% of agreed plans have been published on the websites of their submitting authorities.

► Rosemary Agnew,  
Scottish Information  
Commissioner.

"Good records management is a prerequisite to effective accountability. It is a prerequisite because if you cannot say what you've done and why you've done it, then how can we have critical scrutiny of public services [and] decision making?"



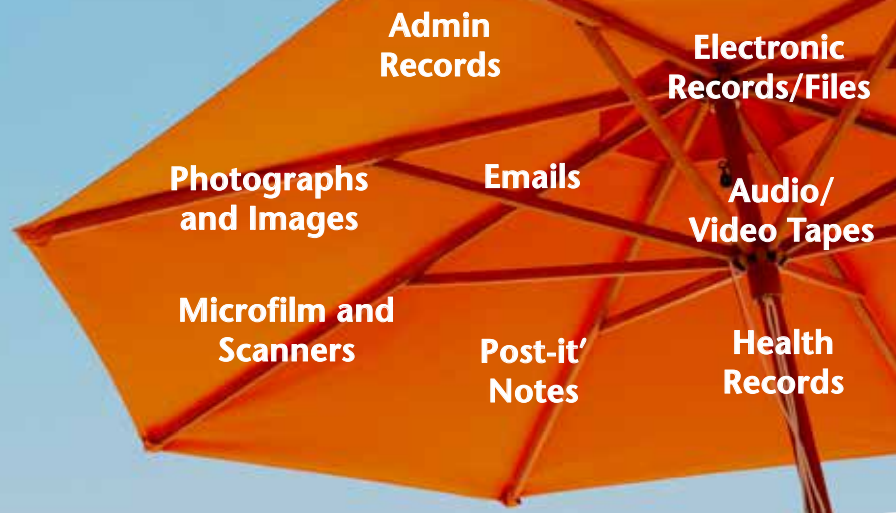
Public Records (Scotland) Act 2011  
Efficient and accountable records keeping (filing)

# NHS Fife Records Management Plan

A unique opportunity to improve record keeping in Fife

All records  
treated as  
valuable assets

A record is  
'anything in  
which  
information is  
recorded – in  
any form'



Records Management – The process of managing records and files throughout their life cycle from their creation, usage, maintenance and storage to their ultimate destruction or permanent preservation

Management of records in all formats is central to good governance.

Storage, retention, disposal, archiving and security of all files and records.

Information Sharing Protocols

Business Continuity and Vital Records

NHS wide Filing System

Information Security, Information Governance, Data Protection

Audit Trail

Good records management is key to maintaining public trust in NHS Fife and in supporting efficient service delivery

Safeguard public records and support long-term security of the records of staff, patients and NHS Fife



For more information contact Ann Allan via [Ann.allan@nhs.net](mailto:Ann.allan@nhs.net)

*Image courtesy of Fife NHS Board*

*Example of information leaflet developed to raise staff awareness of the importance of records management, citing the PRSA and the authority's RMP.*

# 05



*Image courtesy of NHSScotland*

## Section 5 Engagement

As the first year of full implementation has concluded, we can reflect on the progress made so far and report on the valuable engagement that has taken place. Improvements in public record keeping will not be made by imposing solutions on authorities. It needs to be a process of continuous dialogue to encourage improvement. Active engagement with authorities was key to our success.

### The response by public authorities to their new obligations under the Act has been very positive.

When the schedule to the Act was first drawn up, it listed approximately 270 public authorities, either specifically named or captured under umbrella designations such as 'Special Health Boards'. In the past year that number has fallen slightly to around 250 due to the amalgamation of functions and the creation of single authorities where previously several had existed. However, new authorities are likely to be created (e.g. Revenue Scotland) and the assessment team is liaising with Scottish Government to ensure that the schedule to the Act is kept up to date. The Scottish public sector will continue to evolve and the assessment team will update the legislation to reflect those changes.

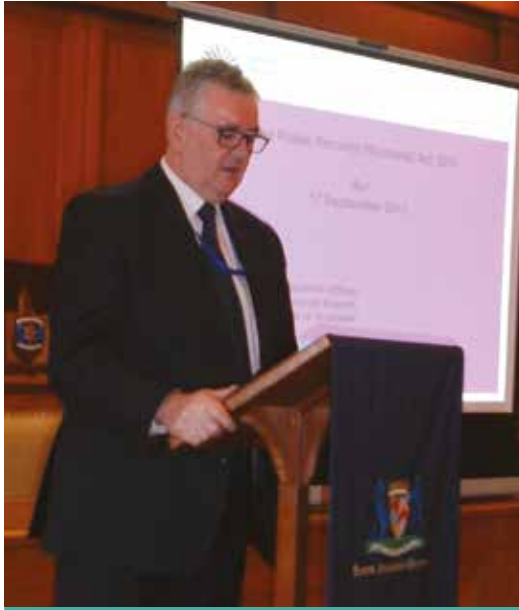
The response by public authorities to their new obligations under the Act has been very positive. Authorities who volunteered to become early adopters and submit a plan during the first year have now done so. Most of these plans have been agreed while some remain to be assessed. Equivalent levels of response and compliance are anticipated for 2014-15.

Last year we reported on the importance of conducting meaningful engagement with stakeholders to help deliver the aims and aspirations of the Act and the positive impact this had on the development of the Keeper's Model Records Management Plan and Guidance. Without the collaboration and expertise of professional colleagues from across different sectors, the Act and associated documentation, would have been weaker and less relevant to the needs of authorities. We also stressed that key to the future success of the Act is maintaining this process of continuous engagement.

This year, the collaboration and engagement between the assessment team and public authorities has been exceptional. It has proven crucial in helping authorities improve their records management provision and develop mature plans.

► Julie Whitelaw,  
Head of Corporate  
Services, West  
Lothian Council.

"Don't expect to attain perfection with your RMP, build your plan on the basis of continuous improvement. This is what the Act expects and allows us to do ... work closely with the assessment team to get the most benefit out of the process."



*Hugh Hagan addresses public authority records managers at the PRSA surgery held in Ayr, September 2013.*

By setting authorities clear records management objectives, the Act has provided the impetus for increased collaboration between practitioners.

Engagement has taken place using all possible means at our disposal. Aside from the obvious mechanisms of email, telephone, website notifications and updates to advice and guidance, face to face contact conducted over the past year has delivered some of the most positive results. Bringing colleagues together to share experience, concerns and successes has proved to be an extremely valuable networking tool. It also provided the assessment team with a window into the world of records managers across Scotland's public authorities resulting in a much better

understanding of the problems they face. Such engagement has led to changes to our own assessment processes and in the way we will do things in the future.

Perhaps one of the most pleasing outcomes of collaborative working has been the strengthening of relationships between Scottish public authorities. It is particularly pleasing to report that some authorities remain keen to be involved in supporting the Act beyond the immediate requirement to attain agreement for their own plans. In November 2013, West Lothian Council convened a workshop in Edinburgh, facilitated by NRS, at which they willingly shared their own experience of the assessment process with other authorities. By setting authorities clear records management objectives, the Act has provided the impetus for increased collaboration between practitioners. It has also provided an opportunity for them to share experience, practical solutions and encourage the adoption of best practice.

### **PRSA feedback on assessment process**

In December 2013 a feedback session was hosted in NRS at which authorities who had completed the assessment process advised the assessment team on how it might be improved. This led to a number of key changes to the reporting mechanism, for example, from a ticks and crosses system of indicating levels of compliance under each element of an authority's RMP, to a Red, Amber, Green status indicator with which authorities are more familiar. Modifications continue to be made based on such feedback, as we seek to ensure the process remains relevant and meets the requirements of stakeholders.

## PRSA surgeries and continuous engagement

A major success of last year's engagement was the continuing provision of the 'surgeries' which allow us to promote the Act and explain our joint obligations under it. A total of eight surgery events were run in the spring and autumn of 2013 which were held in Aberdeen, Edinburgh, Glasgow, Ayr, Dundee, Stirling and Kirkwall. Attendees were representatives from Scottish public authorities. Feedback received has ensured changes to the format of future surgeries in 2014. Over that period we engaged directly with 127 bodies and met with 151 public authority representatives. Surgery events were over-subscribed highlighting that demand remains high. Venues were provided free of charge by participating authorities which reflects a commitment to participate and engage with the process and we are extremely grateful to those authorities for their generosity.

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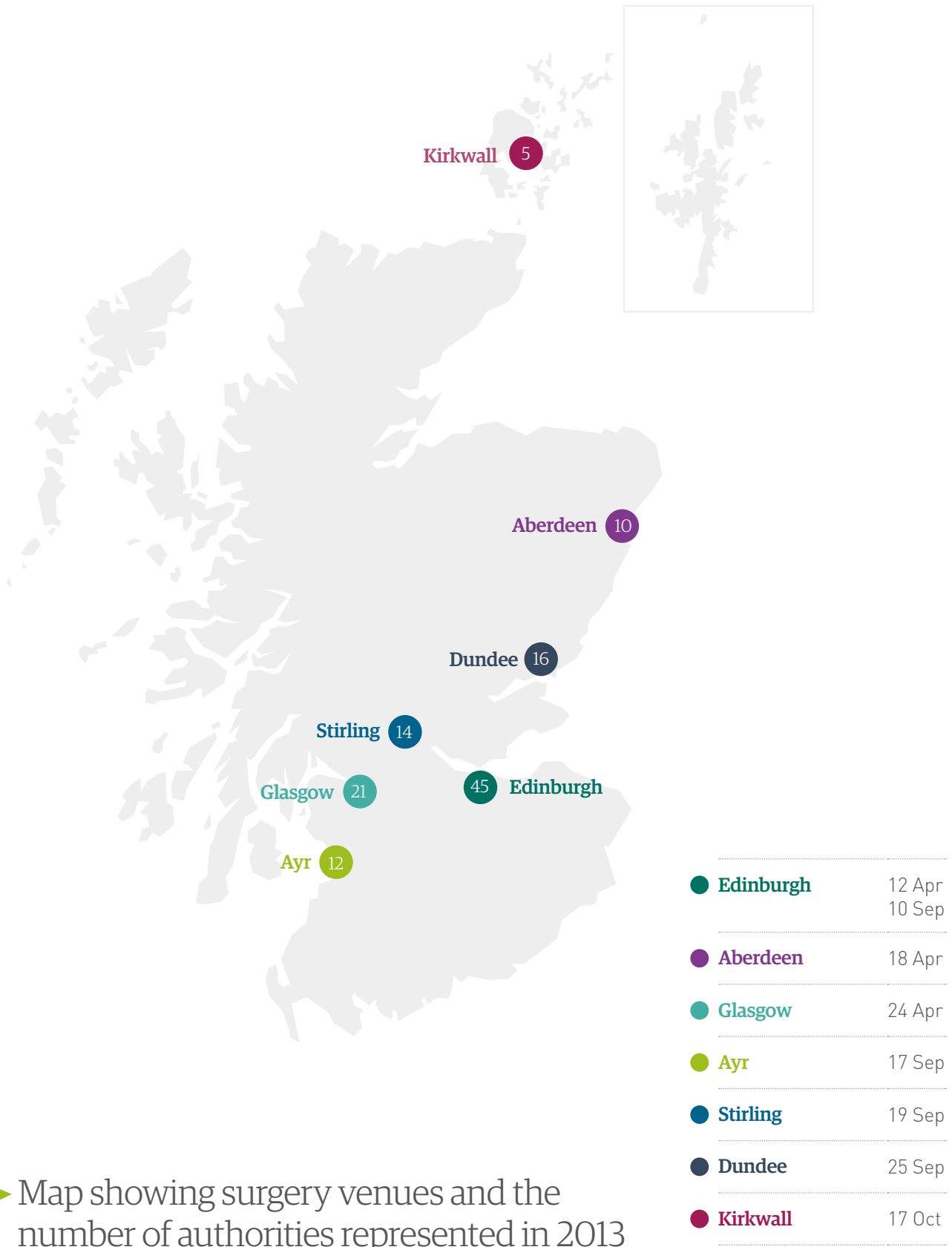
Image courtesy of the Scottish Council on Archives

*Humza Yousaf MSP, Minister for External Affairs and International Development addresses the "Getting Our Act Together: The Public Records (Scotland) Act 2011" conference in Glasgow, December 2013.*

We also continued to meet individual authorities. These proved very valuable, particularly during the invitation and submission period. Direct engagement has enabled the Keeper's non-statutory guidance to be updated and kept relevant. We republished our Frequently Asked Questions (FAQs) to address questions or issues raised at surgeries or directly with the assessment team. <http://www.nrscotland.gov.uk/>

Due to continuing demand, more surgery events are planned for 2014. We will continue to meet with individual authorities or groups of authorities, as necessary, to discuss their proposals or particular concerns. Exploring issues either face to face or in small groups proved extremely beneficial last year. The assessment team will maintain this high level of contact and engagement to assist authorities in continuing to achieve positive outcomes.

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► Map showing surgery venues and the number of authorities represented in 2013



## Online articles and other publicity

During the year we promoted the Act by publishing a series of articles both online and in hard copy. A total of 21 separate articles were published in journals, newsletters and on websites, or as FAQs, meeting reports, newspaper articles and, on occasion, by letter to the CEOs of named Scottish public authorities.

We contributed to publications including professional journals and websites in the archive and information sector and more general publications. We continuously updated the NRS website with significant developments in relation to our continuing engagement under the Act and published the Keeper's assessment reports to the website.

A total of 21 separate articles were published in journals, newsletters and on websites, or as FAQs, meeting reports, newspaper articles.

The Act was also promoted through a podcast by the assessment team and first aired in November 2013. It was distributed widely and has attracted significant interest.  
<http://podcasts.irms.org.uk/category/information-law/>

## NRS website statistics

### ▶ Visits and downloads from the NRS website

	No of RTF Downloads	No of PDF Downloads	Visits	Views
<b>Keeper's Model Plan</b>	567	608	3057	3946
<b>Keeper's Guidance Document</b>	2161	n/a	2281	2813
<b>Surgery FAQ</b>	444	263	n/a	n/a
<b>Executive Summary</b>	495	297	n/a	n/a

## National Confidential Forum

True to the origins of the Act we contributed to other initiatives stemming from the findings of the Shaw Report. We helped to develop the remit of The National Confidential Forum, established under the Victims and Witnesses (Scotland) Act 2014, to provide a confidential space in which former residents of care can recount their experiences and have them recorded. Related to that, we also contributed to workshops in support of the 'Reclaiming Lost Childhoods' project. That aims to deliver a web-based forum and knowledge hub for former residents of care, permitting them access to advice and guidance on records and information about their time in care in Scotland.

▶ Gordon Hobbs,  
Information  
Manager, Information  
Management &  
Governance, The  
Scottish Parliament.

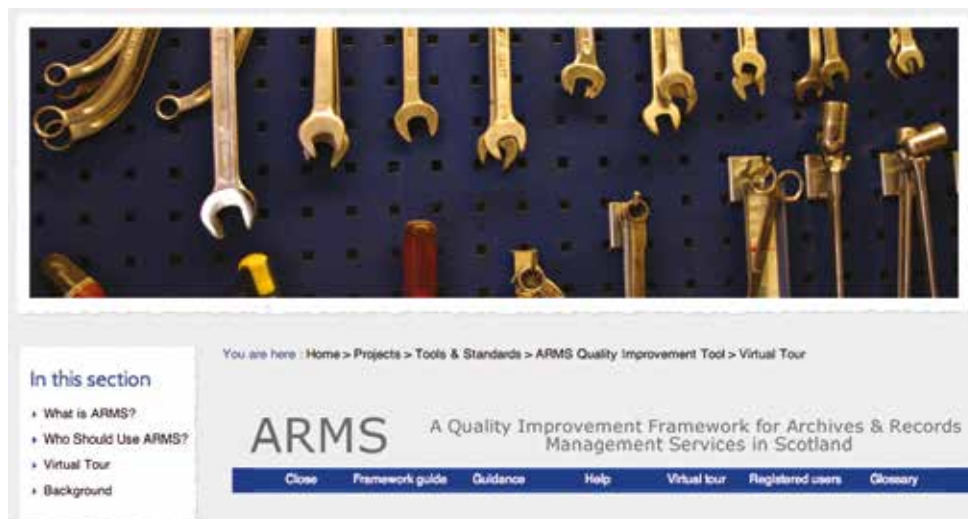
"Just listened to the PRSA podcast and want to let you know it was excellent, a great way to get the message across. I've already encouraged our senior managers to have a listen."

## 'Getting Our Act Together'

The first post-implementation conference on the Act, 'Getting Our Act Together', was held at The City Halls, Glasgow on 3 December 2013. The opening address was delivered by Mr Humza Yousaf MSP, Minister for External Affairs and International Development. The conference attracted speakers from across the Scottish public sector, including Glasgow City Council, West Lothian Council and NHS Fife. It also heard from professional archive and records management colleagues from the Public Records Office of Northern Ireland and Gloucestershire County Council. In the spirit of co-operation both the Scottish Information Commissioner and the Assistant Commissioner for Scotland and Northern Ireland, Information Commissioner's Office, gave key-note addresses, while the conference was run in partnership with the Scottish Council on Archives, the Information and Records Management Society, Archivists of Scottish Local Authorities Working Group, and the Archives and Records Association. The conference attracted significant interest and was well attended by senior managers across authorities with high demand for places.

## Scottish Council on Archives: Archives and Records Management Service Quality Improvement Tool (ARMS)

The Keeper's guidance reflects the importance of identifying the most up-to-date records management advice and toolkits available for authorities to use. One example is the ARMS improvement tool, developed by the Scottish Council on Archives (SCA) to help improve records management in Scottish public authorities. Launched in September 2012, it received a number of endorsements as a flexible and comprehensive self-evaluation and self-improvement tool for record-keeping organisations. The toolkit provides authorities with the support necessary to focus on key outcomes and performance indicators across the full range of archive and records management services.



<http://www.scottisharchives.org.uk/arms>

In 2012, the Keeper mapped the 14 elements of the statutory Model Records Management Plan with the Quality Indicators of the ARMS framework document. The results demonstrated excellent compatibility between the two, assuring the Keeper that if ARMS is used by a public authority, it will help that authority develop and implement records management improvements. It provides the Keeper with strong evidence of an authority's intention to work towards compliance. The Keeper has therefore endorsed ARMS as entirely complementary to the 'improving' spirit of the Act.

## Recognition by others

### The Information and Records Management Society 'Team of the Year' Award.

In May 2013 the PRSA assessment team received the Information and Records Management Society (IRMS) Records Management Team of the Year Award 2013 as authors of the "Guidance to the form and content of the Model Records Management Plan For Developing Records Management Arrangements Under Section 1 of The Public Records (Scotland) Act 2011" <http://www.nrsscotland.gov.uk>.



*Image courtesy of the UK Information and Records Management Society.*

*Bruno Longmore and Pete Wadley accept the IRMS Records Management Team of the Year Award 2013, on behalf of the PRSA team, from Meic Pierce Owen, IRMS.*

This prestigious UK award was presented at the IRMS annual conference in Brighton on 20 May 2013. It is one of only four awards given annually by the IRMS which is the foremost professional association for those who work in records or information management in the UK <http://www.irms.org.uk/>. Such a prestigious award reflects not only the hard work of the team, but the wider value of the documentation we have developed and a recognition of the good work being done in Scotland.

► Heather Forbes,  
Head of Information  
Management  
and Archives,  
Gloucestershire  
County Council.

"In an era of austerity ... good governance and improved efficiency are particularly important. We cannot solve the information challenges we face alone. [We must] work together to improve our procedures. I therefore particularly look forward to more best practice emerging from Scotland to inspire us on our journey."

# 06



*Image courtesy of the Scottish Environment Protection Agency*

## Section 6 Changing culture

Last year we asked whether this legislation would achieve the aim of creating a culture that values public records. When the legislation was initially passed, that principle was enshrined from the outset by Scottish Ministers.

The Act is already making a significant difference and, over time, has the capacity to bring about lasting improvements in Scotland's record keeping practice. There are positive signs that this outcome is being achieved.

This year many public authorities across Scotland displayed a firm commitment to make the Act work. Those invited have submitted robust plans which reflect and promote good practice, or contain improvement proposals that reflect a commitment to do so. Such evidence suggests that authorities have accepted and embraced the benefits of the legislation and are taking it seriously. There is also firm evidence of a willingness and enthusiasm to collaborate, both with the Keeper and across different sectors, to share experience, knowledge, and extend best practice.

### The Act ... has the capacity to bring about lasting improvements in Scotland's record keeping practice.

This year has seen a growing awareness and understanding of the Act, not just in Scotland, but across the wider UK and overseas. Achieving the IRMS Team of the Year award stands testimony to that recognition. It is evident that the products we developed, the Keeper's Model Plan and Guidance, have wider appeal and can be applied beyond our own geographical and political boundaries.

The Keeper's Guidance Document is helping the assessment team deliver records management advice and guidance to parts of the public sector the NRS has not engaged with before. Authorities are encouraged by the aims of the Act because it seeks to bring about measured change. It therefore remains important to the long-term success of the Act that we continue to focus on improving records management provision. Ministers set the Keeper the task of changing the culture around public sector records and information management. Cultures take time to change and evolve. It will therefore only be possible to measure the success of the Act over the longer period, but by encouraging and supporting continuous improvement we will bring about lasting change.

► Meic Pierce Owen,  
Chair of the  
Information and  
Records Management  
Society.

"The '14 elements' offer a valuable mechanism for business improvement through the use of Records Management tools, not just for the Scottish public sector, but for any organisation in any country."

The legislation alone will not bring about change. The Act is merely the mechanism through which we encourage, promote and record change, and in this respect, we can already point to some significant successes:

- ▶ **Agreeing RMPs which reflect good practice and a commitment to improve within authorities.**
- ▶ **Commenting on several draft RMPs and helping colleagues strengthen their provisions.**
- ▶ **Engaging and using all methods and media at our disposal.**
- ▶ **Travelling widely to attend face to face meetings with colleagues, listening to their concerns and applauding success.**
- ▶ **Amending our processes in relation to feedback.**
- ▶ **Hosting PRSA surgeries outside the central belt, including the Northern Isles.**
- ▶ **Participating in events and conferences organised by others to promote the Act and best practice.**

The Act is merely the mechanism through which we encourage, promote and record change.

Are these achievements helping to change the culture? We certainly believe so, as much of what we do is about engaging with authorities to help promote internal and cross-sectoral relationships. Our engagement is focused on delivering the message of business efficiency and regulatory compliance through adopting best practice across the public sector. It is about encouraging improvement through collaboration, the development of common standards and working jointly to share experience and knowledge.

▶ Dr Edward Coyle,  
Director of Public  
Health, NHS Fife,  
Chair of the Caldicott  
Guardian Forum,  
NHSScotland.

“The Act provides an opportunity to tackle the issue across the whole organisation and in that way aspire to be a leading organisation for good information governance. Confidence and reputation are critical assets and in this regard stewardship of public data is important. Good records equals good data equals good information, which leads to better health in my world!”

The most pleasing outcome of this process has been the working relationships that now exist between the NRS and named public authorities. The Act has forced all of us in the public sector to focus on the wider importance of records and information to society, particularly for vulnerable individuals. The road we have all travelled over the past seven years since Shaw reported has brought home the message that records and information are about safeguarding human rights, strengthening democracy and preserving trustworthy historical archives.

## The Act has forced all of us in the public sector to focus on the wider importance of records and information to society, particularly for vulnerable individuals.

The most encouraging indicator of the potential for cultural change is the trust that is being developed and strengthened in our working relationships with public authorities. We have consistently delivered the message about the importance of good records management, but what is significantly more encouraging, is the positive response we have received from authorities.

The assessment team attended events where records managers brought together colleagues from other business areas to discuss the Act and its implications for them. In August 2013, for example, we were invited to attend a meeting of a sub-group of the Scottish Local Authority Chief Internal Auditor's Group in Kilmarnock who were keen to learn more about the Act and better understand the compliance and regulatory requirements for their authorities.

In October 2013, we attended a meeting of the NHS National Services Scotland Legal Services Directorate to discuss the Act with the authority's solicitors and administrators. The Act has clearly therefore provided records managers with the stimulus to instigate internal debate that otherwise may not have happened.

The Act has also opened doors for the assessment team to engage with senior executives. NHS Ayrshire and Arran Board invited the team to attend one of its regular Board meetings in March 2013 to discuss the Act and answer their questions around compliance. These invitations are another sign that we are on the right path. We need to maintain that momentum and continue to deliver our message, not just to records managers, but also senior managers. Only by ensuring buy-in from this important group will the Act fulfil its aims. Last year we saw positive signs that this extended buy-in is now happening.

► Rosemary Agnew,  
Scottish Information  
Commissioner.

"We have an opportunity with the Act now to be the section of society that actually makes a difference to how future generations will be able to access our corporate and historical memory."

# 07



*Image courtesy of NHSScotland*



## Section 7 Looking forward

In 2014-15, the assessment team will invite at least 50 scheduled authorities to submit their plans in order to complete the invitation process within the five-year cycle we have set as our goal.

We will build upon the lessons learned during the first full year of the Act's implementation. Our commitment to engage meaningfully with authorities was central to the successes recorded this year. We will therefore ensure that we continue to promote the benefits of the Act and extend understanding about it, both in Scotland and further afield. We will renew our efforts to engage with authorities, listen to and support the needs of practitioners as they seek to develop their plans, and encourage improved records management procedures within the public sector. That remains one of our highest priorities.

We will continue to adapt and improve our own processes, and update the supporting statutory and non-statutory guidance. These have already benefited from stakeholder feedback, but we must ensure that they remain relevant and fit for purpose. We will therefore continue to invite feedback and listen to any advice received from practitioners and the wider community.

**We will renew our efforts to engage with authorities, listen to and support the needs of practitioners as they seek to develop their plans, and encourage improved records management procedures within the public sector.**

We will use the full complement of communication tools to ensure that we have a comprehensive understanding of the views of practitioners and ensure that we continue to successfully promote the Act as widely as possible. To that end, we will run a further series of surgeries across Scotland during the spring and autumn of 2014. Evidence suggests that authorities appreciate meeting and hearing from the assessment team within their own localities, and that they also prize the networking opportunities that such surgeries afford. The continuing popularity of these events shows that there is still considerable demand for them, and we will review and refresh the content and delivery to better instruct others on what we have already learned.

Following the success of last year's conference, we will consider the need to host a further conference about the Act. Any event would gain from being run in partnership with umbrella organisations such as the Scottish Council on Archives, the Information and Records Management Society (Scotland), the Archives and Records Association and the Association of Local Authority Archivists Working Group. Its focus would be firmly on the lessons learned and improvements known to have been made. It would aim to help those authorities who have yet to prepare or submit their plans.

We will also update and amend the schedule to the Act to reflect the evolving public sector landscape and ensure that any new authorities who come under its provisions are added. Revisions will reflect changes such as the amalgamation of the police and fire service authorities into single unitary authorities.

Ultimately, the main driver will be to maintain our aim of continuing practice improvement within named public authorities. The Act will continue to be used as the catalyst to achieve this, and as a positive mechanism through which significant and lasting improvements in record keeping can be achieved across Scotland's public sector. We are convinced that we are on the right path towards achieving this outcome and delivering a new culture which respects and acknowledges the importance of public records. We will therefore seek to build upon the momentum of last year and deliver the important changes needed in records and information management for the wider benefit of all Scotland's citizens.



Image ©2014 Falkirk Council

► Humza Yousaf,  
Minister for  
External Affairs  
and International  
Development.

"I applaud the efforts that you have made ... and I hope this legislation will be as successful in the next year as it has been in the first. With your continued support as public authorities [it] will deliver the change that we very much need ... and safeguard the rights of all."

## Annex A

### **Authorities whose records management plans (RMPs) were agreed in 2013-14**

Accounts Commission for Scotland  
Audit Scotland  
Auditor General for Scotland  
Central Scotland Valuation Joint Board (RMP published at [www.falkirk.gov.uk](http://www.falkirk.gov.uk))  
City of Glasgow Licensing Board  
Court of the Lord Lyon  
Falkirk Council (RMP published at [www.falkirk.gov.uk](http://www.falkirk.gov.uk))  
Falkirk Licensing Board (RMP published at [www.falkirk.gov.uk](http://www.falkirk.gov.uk))  
Glasgow City Council  
Glasgow City Council Assessor  
Keeper of the Records of Scotland (RMP published at [www.nrscotland.gov.uk](http://www.nrscotland.gov.uk))  
Moray Council (RMP published at [www.moray.gov.uk](http://www.moray.gov.uk))  
Moray Licensing Board (RMP published at [www.moray.gov.uk](http://www.moray.gov.uk))  
NHS Education for Scotland (RMP published at [www.nes.scot.nhs.uk](http://www.nes.scot.nhs.uk))  
NHS Fife (RMP published at [www.nhsfife.org](http://www.nhsfife.org))  
NHS National Services Scotland  
Office of the Scottish Charity Regulator  
Registrar General for Births, Deaths and Marriages in Scotland  
(RMP published at [www.nrscotland.gov.uk](http://www.nrscotland.gov.uk))  
Scottish Advisory Committee on Distinction Awards  
Scottish Environment Protection Agency  
Scottish Legal Aid Board (RMP published at [www.slabb.org.uk](http://www.slabb.org.uk))  
West Lothian Council (RMP published at [www.westlothian.gov.uk](http://www.westlothian.gov.uk))  
West Lothian Licensing Board (RMP published at [www.westlothian.gov.uk](http://www.westlothian.gov.uk))

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