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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 pleased to present this, my third report under the Public Records (Scotland) Act 2011 (the Act). It reflects the second full year of activity since the Act came into force on 1 January 2013 and reports on the year ending March 2015.

This year I can report on further successes for the Act and the measurable improvements made to public record keeping. The Act requires 250 named public authorities to submit records management plans to the Keeper for agreement. Authorities must prepare and submit plans for assessment and once agreed, they must implement them and keep their plans under review. Since coming into force, I am pleased to report that we have agreed a total of 59 plans and sent invitations to submit plans to 116 authorities. It will take us five years to complete the full invitation process and at present rate of progress we remain on target to achieve that by 2018.

With many more plans now submitted and agreed from across different sectors, we can more accurately gauge the state of health of records management provision in public authorities. Plans agreed to date show that authorities are taking their responsibilities seriously and that good practice is being followed in key areas. Senior managers have shown a strong commitment to allocate the necessary resources to achieve compliance at the earliest opportunity. Conversely, from the plans submitted we have identified certain key areas for improvement. More work needs to be done on improving business classification schemes and retention scheduling, as well as improvements to archiving arrangements and destruction methodologies. We are working closely with authorities to help them improve in these areas and our active engagement programme with authorities remains key to achieving that.

We continued to run surgeries about the Act in 2014. Surgery events started back in 2012 before the Act was implemented. They have taken us the length and breadth of Scotland from Kirkwall in the north to Dumfries in the south. The emphasis of the first surgeries was on informing authorities about their requirements and obligations. Those early events taught us a lot about states of readiness, helping us to identify authorities who would be 'early adopters'. The authorities who attended then were among the first to submit their plans and successfully complete the process, helping to provide benchmarking for others to follow.

This year we held surgeries in Inverness, Kirkcaldy, Helensburgh, Glasgow and Edinburgh at which 93 authorities were represented. We are currently engaging with authorities who will form the second wave of submissions, encountering some who are perhaps less well prepared than the first. By ensuring that the assessment team remains visible and approachable, we can respond quickly to those who require more help.

I was pleased to attend the event hosted by NHS Fife in Kirkcaldy where I heard at first hand the views of authorities. Such engagement helps us understand better their needs and develop meaningful guidance. Attendees come away with an improved understanding of their obligations and the benefits to be derived under the Act. These outreach activities have helped foster improved communication across many different sectors.

I was also pleased to address the Society of Local Authority Chief Executives (SOLACE) at one of their regular meetings in Edinburgh. The opportunity afforded by the Act to reach out to senior managers and chief executives is a significant benefit. Under Element 1 of the Model Records Management Plan, senior managers are engaging with us in a new and positive way. The assessment team is regularly invited to speak about the Act at senior management meetings, and doors are opening in ways that were only ever aspired to by my predecessors. Such key engagement has resulted in important investments by authorities such as the appointment of new records managers and the opening of new or improved modern record stores. These positive steps show the commitment authorities are making towards achieving lasting improvements rather than promoting quick fix solutions, which from past experience we know do not work.

The Act continues to build trust and promote a new culture around record keeping, one which values public records and ensures that they remain authentic, accurate and true. We continue in our aim not to impose new burdens on authorities and to enable improvement rather than prescribe it. That will be achieved by an open process of dialogue and continuous engagement, to encourage self-improvement. Open acknowledgement of gaps, accompanied by firm commitments to close them will be far more effective in achieving good records management practice in the longer term.

Ultimately this will not just benefit record keeping, but all those that we as public servants aim to serve.



Tim Ellis

Keeper of the Records of Scotland
1 September 2015

SECTION 2

Review of the year



► April 2014

Records Management Plans (RMPs) agreed for Bòrd Na Gàidhlig and Queen's Printer for Scotland. Public Records (Scotland) Act 2011 annual spring surgeries start, with the first held in Inverness, attended by 18 representatives. Presentation to Fife Council Service Area Managers training day in Glenrothes and meeting held with researchers from Monash University, Melbourne, Australia.

► May 2014

RMPs agreed for The Scottish Criminal Cases Review Commission, Scottish Information Commissioner, Scottish Parliament, Scottish Parliament Corporate Body, and the Scottish Commission for Public Audit. Spring surgeries take place in Edinburgh, Kirkcaldy and Helensburgh, attended by 50 representatives.

► June 2014

RMPs agreed for the Queen's and Lord Treasurer's Remembrancer, Midlothian Council, and Midlothian Licensing Board. Scottish Government internal audit review of assessment team activities successfully completed.

► July 2014

RMP agreed for Skills Development Scotland Co. Ltd.

► August 2014

RMPs agreed for Scottish Public Pensions Agency (Scottish Ministers), Dumfries & Galloway Council, Dumfries and Galloway Licensing Board, Dumfries and Galloway Assessor, Scottish Natural Heritage, and Mental Welfare Commission for Scotland.

Presentations to visiting archive students from University of Milwaukee, USA, and to Scottish Futures Trust 'Smarter Storage' regional meetings in Glenrothes, Aberdeen and Glasgow. Keeper's second annual report is laid before Parliament and published. Keeper addresses meeting of the Society of Local Authority Chief Executives (SOLACE).

► September 2014

RMPs agreed for the Crofting Commission, Board of Trustees of the Royal Botanic Garden, Edinburgh, and the Scottish Prison Service (Scottish Ministers). Presentation to visiting Swedish archivists from Stockholm Archives. Autumn surgeries take place in Glasgow and Edinburgh, attended by 37 representatives.

► October 2014

RMPs agreed for Quality Meat Scotland, Social Care and Social Work Improvement Scotland (SCSWIS) – Care Inspectorate, and Scottish Social Services Council. Presentations to East Lothian Council, Council Management Team, and the NHS Records Management Forum.

► November 2014

RMPs agreed for Fife Council, Fife Licensing Board, Fife Assessor, Scottish Further and Higher Education Funding Council, and the Local Government Boundary Commission for Scotland.

► December 2014

RMP agreed for Police Scotland. Annual target of inviting 50 authorities to submit plans is achieved.

► January 2015

RMPs agreed for East Lothian Council, East Lothian Licensing Board, and Mental Health Tribunal for Scotland. Meeting with Health and Social Care Integration Unit at Scottish Government to discuss impact of integrated joint boards on Act. Attendance at NHS Records Management Forum and presentation at 'Open Knowledge Scotland' event at National Library for Scotland.

► February 2015

RMPs agreed for Aberdeen City Council and Risk Management Authority. Meetings with Lothian Health and Social Care Integration Strategic Working Group and Historic Child Abuse Inquiry to discuss implications for the Act. Engagement visit to Public Record Office of Northern Ireland, Belfast.

► March 2015

RMP agreed for Highlands and Islands Enterprise. Presentation to trainee archivists on Scottish Council on Archives 'Skills for the Future' programme. Stakeholder event held in Edinburgh to obtain feedback from authorities with agreed plans to consider follow-up process on improvement plans (17 attendees). Following success of 2014-15 surgery events, new spring surgeries arranged for 2015 in Balloch, Montrose and Edinburgh.

By year end, 59 plans agreed and 116 authorities invited to submit plans since Act came into force (1 Jan 2013).

SECTION 3

Aims and obligations



Image courtesy of NHSScotland

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The primary aim of the Act is to improve the quality of record keeping by scheduled Scottish public authorities. In so doing it helps authorities to safeguard and prioritise public records as a guarantor of the rights of Scottish citizens.

The Public Records (Scotland) Act 2011 (the Act) came into force on 1 January 2013.¹ The primary aim of the Act is to improve the quality of record keeping by scheduled Scottish public authorities. In so doing it helps authorities to safeguard and prioritise public records as a guarantor of the rights of Scottish citizens.

The Act requires named public authorities² to prepare, implement and keep under review a records management plan which sets out clear arrangements for the management of public records, whether created or held by an authority. The plan must be submitted to the Keeper of the Records of Scotland (the Keeper) for assessment within an agreed time frame. An assessment team, based in National Records of Scotland (NRS) oversees implementation of the Act, engaging extensively with authorities.

The origins of 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 2007.³ The review, commissioned by Scottish Ministers and led by Tom Shaw,⁴ investigated the regulatory framework for residential schools and children's homes throughout Scotland. It exposed poor record keeping which led to the wrongful destruction or loss of records for many looked after children, leaving former residents unable to access their own vital records.

Evidence of wider failings across the public sector in Scotland was further demonstrated by the Keeper's review of public records legislation completed in October 2009. It confirmed that records management problems went beyond the strict confines of the child care sector.

Scottish Ministers responded positively to the findings of the Shaw Report and the Keeper's review and introduced a Public Records Bill to Parliament in October 2010. The new Act was passed with the unanimous support of Parliament on 16 March 2011.

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

2 Ibid

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

4 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 abuse in residential children's institutions in Scotland.



Image courtesy of NHSScotland

“The Act helps public authorities address records management weaknesses by providing a framework of support through which positive change and improvements are being made.”

► Obligations under the Act

Under the Act, the Keeper must publish a Model Records Management Plan and Guidance Document to help authorities understand what is required of them. These documents were developed in consultation with a stakeholder forum and published in 2012. They can be found on the NRS website.⁵

The Model Plan consists of fourteen elements which the Keeper considers necessary components of a robust plan. The Guidance Document is a practical tool designed to help authorities interpret the various elements of the Model Plan.

The Act also requires the Keeper to prepare an annual report for Scottish Ministers to inform them about progress. The report highlights successes but where any shortcomings are identified, reports them openly and honestly.

⁵ <http://www.nrscotland.gov.uk/record-keeping/public-records-scotland-act-2011/resources>

The Act helps public authorities address records management weaknesses by providing a framework of support through which positive change and improvements are being made. It encourages the development of lasting improvements rather than promoting quick fix solutions.

▶ Allan Bell, University of Dundee,
Chair Scottish HE Information
Practitioners Group.

"The increasing complexity of our organisations and the legislative environment means that the importance of sharing knowledge and expertise within and between sectors has never been higher... We are fortunate in Scotland to have a strong and supportive recordkeeping community and a culture of constructive dialogue between stakeholders."

SECTION 4

The assessment process and progress report



- ▶ The PRSA Assessment Team: (L-R) Pete Wadley, Andrea 'Andy' Wells, Alexandra Imrie (legal intern), Bruno Longmore (Head of Government Records), Hugh Hagan and Robert Fotheringham.



A six month rolling programme of invitations to authorities is updated monthly and published on the NRS website.⁶ It sets out the formal timetable for submission of records management plans to the Keeper. Appearance on the timetable is agreed in advance with each authority concerned.

Once submitted, a plan is then reviewed by the assessment team. The team consists of three assessment officers and an administration support officer under the direction of the Head of Government Records. This year we also had the support of a graduate legal intern sponsored by Scottish Government.

The team is responsible for all matters concerning submission and assessment of plans, and will discuss any aspect of the process with authorities. They can be contacted at NRS on 0131 535 1418 or public_records@nrscotland.gov.uk.

⁶ <http://www.nrscotland.gov.uk/record-keeping/public-records-scotland-act-2011/assessment-process>

- ▶ Bruno Longmore, Hugh Hagan and Robert Fotheringham accept the records management plan of Perth and Kinross Council from Meic Pierce Owen, Corporate Records Manager.



▶ The assessment process

Each authority must have a named member of staff responsible for overseeing the implementation of their plan, the 'key contact'. They act as the primary contact point who liaise closely with the assessment team about the submission process.

The assessment process remains under continuous review. As part of our wider engagement with authorities we actively sought feedback about it last year. We are keen that the process remains fit for purpose and flexible, to meet the needs of authorities, allowing them enough time to allocate the appropriate resources and effort when preparing their plans. We therefore ensure sufficient time between sending out a formal invitation and the final submission date of the plan.

In the Keeper's 2014 annual report, we published a workflow outlining the submission process and estimated time taken to achieve each stage. Evidence suggests that this has been both useful and accurate, with the submission process taking on average 10-12 months to complete, from initial appearance on the rolling timetable to obtaining final agreement from the Keeper. Prior to submission of a plan, the assessment team encourage discussion with authorities to ensure that we dedicate more time to helping those who need it, or those who must prepare more complex plans. This approach has worked well, enabling authorities to tailor their responses to the Keeper's invitation and submit more robust plans.

“We remain on target to complete the invitation process for all of the 250 named authorities within a five year time frame.”

We remain on target to complete the invitation process for all of the 250 named authorities within a five year time frame. Currently we remain flexible about when an authority is invited to submit their plan, but as the five year period for submission reduces and slots fill up, it becomes more difficult to accommodate requests for specific submission dates. Priority continues to be given to authorities with more complex plans, or those whose arrangements are less well advanced. Such actions are permitted under section 1(9) of the Act.

The open procedure ensures that there should be no surprises for authorities. The process starts six months before the formal letter of invitation is sent out, when the assessment team contact the authority to gauge its state of readiness. This early approach allows both parties to agree a submission date that is reasonable and achievable. With a timescale in place the team can begin to collaborate with the authority, as required, to ensure that the plan is as robust as it can be on submission.

Before submitting a plan, many authorities have started to send informal drafts for advance comment. This practice is encouraged as the assessment team can recommend how a plan might be strengthened. The benefit of this has been evident in the quality of plans submitted by authorities this year.

“The benefit of this has been evident in the quality of plans submitted by authorities this year.”

Following formal submission, the assessment team will consider the plan and generate an 'interim report'. This report is shared with the key contact alone giving them an opportunity to correct any factual errors, clarify misunderstandings or reflect on how their plan may be strengthened, for example by providing further supporting evidence. If the assessment team considers that the plan needs more than minor adjustments to achieve agreement, the interim report makes recommendations for improvement and provides a resubmission date by which the amended plan must be received. This provides the authority with a further opportunity in which to revise the plan before the Keeper issues his final report.

“Business classification and retention mechanisms tend to be areas where most improvement is required.”

► Main issues identified in plans

The assessment team has built up considerable experience of assessing plans over the last two years. A number of key areas of weakness have been identified within many of the plans submitted to date.

Business classification and retention mechanisms tend to be areas where most improvement is required. This was recognised at the development stage of the Keeper’s Model Plan and Guidance, and we therefore expected to be assessing improvement models under these areas. Audit trail is another area where a number of plans are agreed on an improvement basis. Intelligence about the state of records management across the public sector indicates that these areas are likely to require the most work to improve, and it is significant that these are the core building blocks of any robust records management system. While the evidence we have seen under each agreed plan clearly reflects the extent of the good work being undertaken across the sector, progress towards compliance under these core elements is vital to allow the Act to achieve its aims.

We take particular care about advising authorities on how to submit evidence in support of their plans. This is an identified area of weakness, so authorities must ensure that their evidence submissions fulfil the following requirements:

- **Sign-off by a senior accountable officer**
- **No submission of multiple copies of the same document**
- **Documents submitted should not be created exclusively for the Public Records (Scotland) Act 2011**
- **No submission of draft documents or business cases**
- **Any document, unique to the organisation, mentioned in the submitted plan must be provided as evidence.**

► Return of plans

Section 4(3) of the Act states that on receiving a proposed plan, the Keeper must agree it, or if he considers that it does not set out proper arrangements for the management of the authority's public records, return it in accordance with the process detailed in this section.

If the Keeper considers returning a plan he must, under section 4(6), inform the authority, invite their representations and have regard to those representations before reaching his final decision. If upon consideration he decides to formally return the plan, he must state his reasons for doing so, recommending modifications as appropriate and invite the authority to resubmit the plan by a determined date.

If his recommendations are not acted upon, or a revised plan is not submitted, the Keeper can invoke an action notice under Section 7 of the Act. We are pleased to report that no such action was deemed necessary again this year. We believe that the active engagement over the last two years has reduced the risk of an action notice being invoked.

► Progress report

This year we agreed a total of 36 plans. Since the Act came into force the Keeper has issued 116 invitations and agreed 59 plans. We aim to achieve similar numbers of invitations and agreements next year.

After two years in operation, the invitation process is firmly established and working well. By allowing six months' grace in advance of sending out a formal invitation we identify those authorities who may require more time at a very early stage. While we can postpone an invitation if initial discussions reveal that a plan would fail to achieve agreement, the authority must provide an assurance that they are working towards improving their submission. Such advance engagement has allowed more time for that crucial work to be completed this year.

To meet the testing timetable of inviting all authorities to submit their plans within five years, we must average 50 authorities a year. A list of those whose plans were agreed this year and the sectors they represent is published at pages 28-29.

“Since the Act came into force the Keeper has issued 116 invitations and agreed 59 plans.”



Image © 2014 Falkirk Council

► Improvement models and assessment reports

The Keeper will agree plans which require improvements under certain elements of the Model Plan, where evidence exists to support that improvement. Of the 36 plans agreed this year, all have included such improvement models.

We therefore regard improvement models as positive evidence. They reflect the fact that authorities continue to be open and honest with the Keeper. It is an acknowledgement of gaps in their records management provision and a statement of the intention to take positive measures to close them.

► Rosemary Agnew, Scottish Information Commissioner.

“I’ve never been backwards in coming forwards about the importance of good records management to good FOI practice. I urge all authorities to use the development or review of their records management plans as an opportunity to make sure that they embed the needs of FOI in their records management systems.”

“Nearly every authority has gaps in its provision, but our expectation is that under the impetus delivered by the Act, those will be addressed.”

All final assessment reports setting out the basis for the Keeper’s agreement of individual plans were published on the NRS website. Reports remind authorities of the need to keep the assessment team informed of progress against any improvements submitted as part of their supporting evidence.

Nearly every authority has gaps in its provision, but our expectation is that under the impetus delivered by the Act, those will be addressed. Of the 59 plans agreed to date, only nine were agreed without reference to improvement models. More work therefore still remains to be done but we are convinced that the commitment exists from authorities to meet stated improvement targets.

We have started to develop a separate process to assess improvement models. A Stakeholder Forum of invited authorities, whose plans have already been agreed, met in March 2015. It aims to develop new mechanisms to assess progress against improvement models. The work of the Forum continues next year and we anticipate that an appropriate solution will be in place by 2016.

The Act does not require an authority to publish its agreed plan, nor any of the supporting evidence submitted, but we continue to encourage them to do so. Not all authorities are in a position to publish because of the complexity of their plans and the evidence submitted. Those authorities who have been able to publish their plans have provided good examples for others to follow.

► Example of an information guide developed to raise staff awareness of the records management process, with reference to the 14 elements of the authority's records management plan.

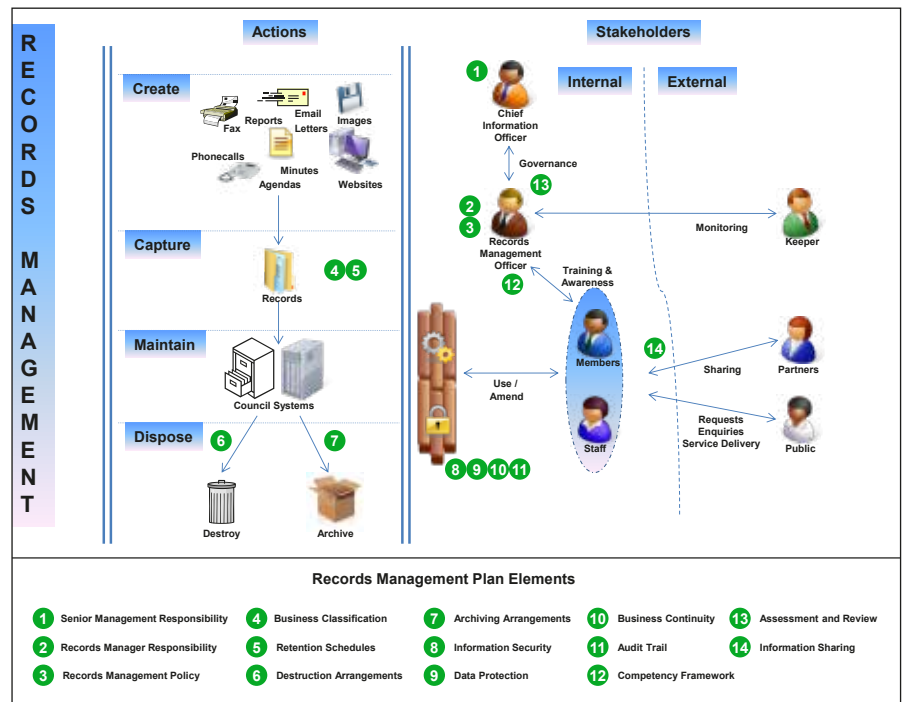


Image courtesy of Dumfries and Galloway Council

SECTION 5

Engagement



Image courtesy of Skills Development Scotland

“By setting authorities clear records management objectives, the Act continues to provide the impetus for increased collaboration between practitioners”

After two years of implementation, we can see signs of positive change being made to improve public record keeping. Our programme of active engagement with authorities has been key to that progress. Improvements are not being made by imposing solutions on authorities, but by a process of continuous dialogue that encourages this progress.

The schedule to the Act originally listed 270 named public authorities. That number fell to around 250 with the amalgamation of functions and the creation of single authorities where previously several had existed. New authorities continue to be created, e.g. Integrated Joint Boards,⁷ requiring us to liaise closely with Scottish Government to keep in touch with any new developments and ensure that the schedule remains up to date. A review of the schedule and the supporting policy documents was completed this year and will come into force in 2015.

Last year we stressed that the key to the future success of the Act was in maintaining a process of continuous engagement. We are content that this collaboration continues to provide the vital help authorities need to improve their records management provision and assist them in developing and submitting robust plans.

The sharing of experience, concerns and successes has empowered those yet to start the process and helped the assessment team to better understand the records and information challenges within public authorities. We continue to rely upon the support of public sector colleagues to help us communicate the aims of the Act and encourage broader participation. By setting authorities clear records management objectives, the Act continues to provide the impetus for increased collaboration between practitioners as well as the opportunity to share experience, practical solutions and encourage best practice.

► Feedback on the assessment process

We continue to shape the assessment process based on lessons learned and the constructive feedback received from our comprehensive programme of engagement. Modifications to the process continue to be made based on that feedback as we strive to ensure that it remains relevant and meets the requirements of stakeholders. We have also started to involve colleagues in the development of a new solution for assessing and reporting on improvement models under agreed plans. In March 2015, seventeen public authorities attended the first of a series of meetings to consider how this might be developed. Colleagues are keen to participate and to play their part in developing this joint solution.

⁷ http://www.legislation.gov.uk/asp/2014/9/pdfs/asp_20140009_en.pdf

- ▶ Opening of new record store by East Dunbartonshire Council: (L-R) Ian Black, Director of Finance and Shared Services, Council Leader Rhondda Geekie and Hugh Hagan, National Records of Scotland.

Image courtesy of East Dunbartonshire Council



▶ New initiatives

In August 2014 the Keeper was invited by East Dunbartonshire Council to attend the formal opening of the council's new Central Records Store, designed specifically to help the council meet its obligations under the Act. The store will house some 20 million pieces of paper in approximately 6,000 archival boxes. The opening was reported by the local media reflecting the importance that the council attached to the event and the impact that the Act is having.

- ▶ Councillor Rhondda Geekie, East Dunbartonshire Council Leader

"This is about being smarter about what we need to store and also storing it more effectively and efficiently. This will help promote consistency in the use, storage and disposal of information and records which could otherwise expose the Council to financial, reputational and operational risks."

“This year we engaged directly with 93 authorities and met with 105 representatives.”

We also collaborated with the Scottish Futures Trust (SFT), an independent company established by the Scottish Government in 2008 with a responsibility for delivering value for money across all public sector infrastructure investment.⁸ SFT operates at arm’s length from the Government but works closely with the public sector to seek and deliver improved value for taxpayers. We attended three regional meetings as part of the Smarter Storage programme in Aberdeen, Glasgow and Glenrothes to discuss the Act’s potential to assist authorities improve their record storage. The programme encourages public bodies to critically review the space and financial resources consumed by current file storage solutions. It promotes a more strategic, collaborative approach to records management across the public sector in Scotland.

► Surgeries and continuous engagement

The most successful element of our active engagement programme remains surgery events, run in spring and autumn each year. This year we engaged directly with 93 authorities and met with 105 representatives.

Surgeries started in 2012, a year before the Act was implemented. They have taken us the length and breadth of Scotland from Kirkwall in the north to Dumfries in the south. The emphasis of the first surgeries was firmly on informing authorities about their requirements and obligations. These events continue to tell us a lot about states of readiness, helping us to identify those authorities who are ready to submit their plans and engage in the process.

⁸ <http://www.scottishfuturestrust.org.uk/>

Surgery events in Scotland during 2014



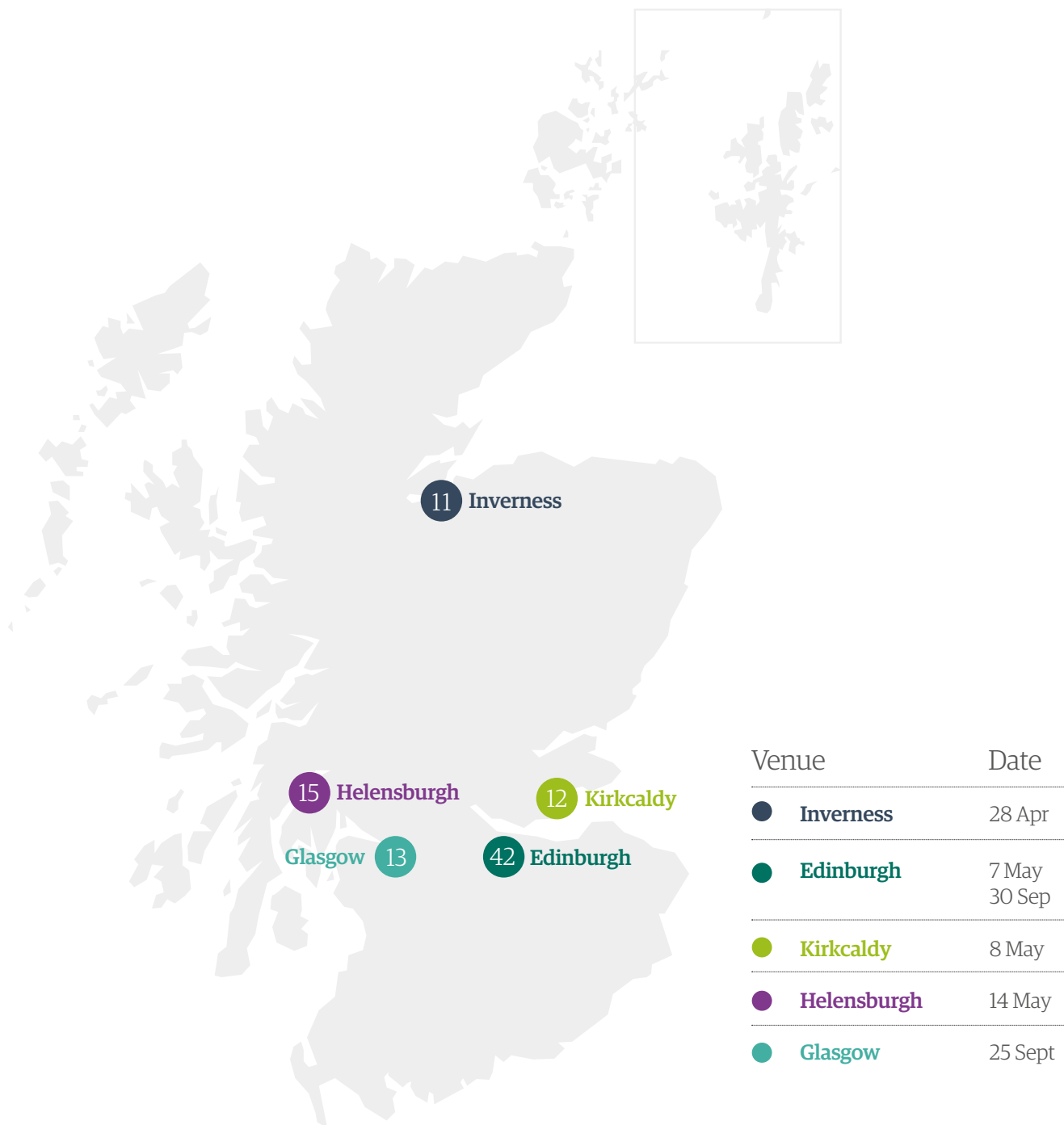
Crown copyright

This year we continued to avoid concentrating events exclusively in the central belt. Surgeries were held in Inverness, Kirkcaldy, Helensburgh, Glasgow and Edinburgh and we met with authorities who will form the second wave of submissions, encountering some who require more assistance in the preparation of their plans. Surgeries help the assessment team to remain high profile and accessible to authorities.

▶ Joe Fitzpatrick MSP, Minister for Parliamentary Business.

“The Scottish Government regards effective records management as key to ensuring the public have confidence that an authority is operating as efficiently and openly as possible – as well as being central to ensuring compliance with freedom of information obligations. The National Records of Scotland is to be congratulated on its approach in promoting the legislation and in engaging with stakeholders to encourage successful implementation.”

► Map showing surgery venues and the number of authorities represented in 2014



- Surgery event at Kirkcaldy, hosted by NHS Fife.



Crown copyright

We have ensured that the experience of those authorities who have already completed the process of submitting a plan was shared with others. At each of this year's surgeries we invited speakers from different authorities to give brief presentations about their own experience. It is reassuring to report that colleagues readily agreed to participate and that they found it personally and professionally rewarding.

We express our particular thanks to the speakers, who volunteered from The Moray Council, Scottish Environment Protection Agency, The Office of the Scottish Information Commissioner, NHS Education for Scotland, Mental Welfare Commission for Scotland and Glasgow City Council.

Surgery events were again over-subscribed and we rely on the goodwill of participating authorities to support this initiative. Many willingly supplied venues free of charge. This reflects the continuing commitment to engage with us and we are extremely grateful to those authorities for their generosity.

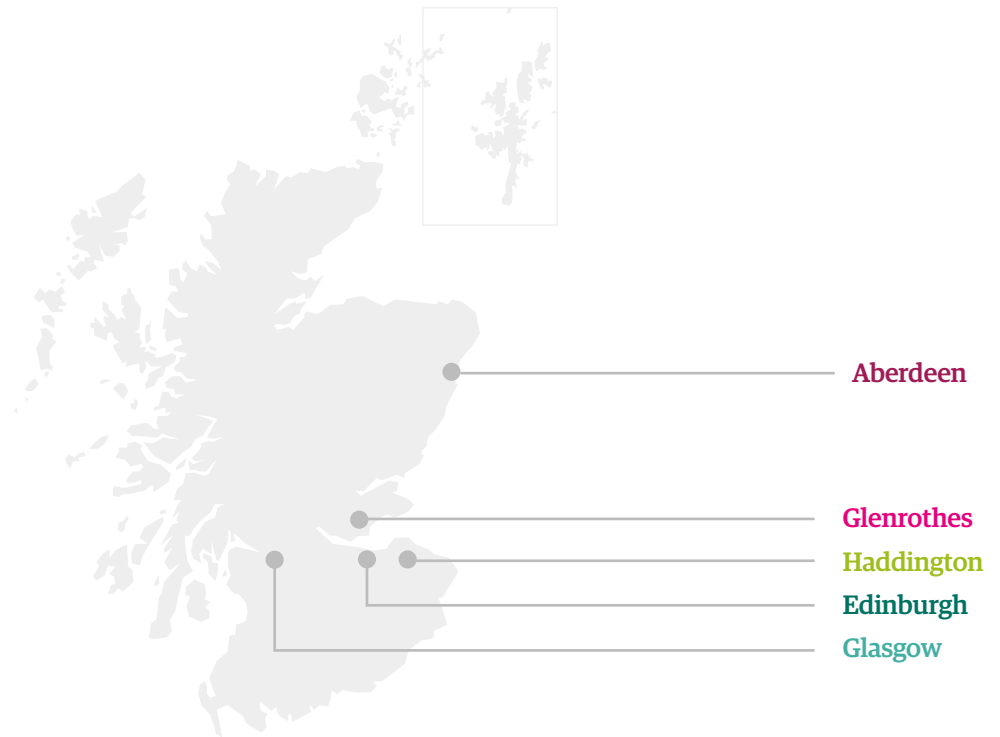
“We will continue this high level contact in the future as the best way of achieving positive outcomes.”

The Keeper attended the surgery held in Kirkcaldy where he heard from David Lowrie of the Scottish Information Commissioner’s Office. He also received the views of other authorities present and their comments about our approach. Such direct engagement helps us to understand better the needs of authorities and develop more meaningful guidance. The direct benefit to authorities of attending surgeries is the sharing of experience with their peers. This helps attendees to be more confident about completing and submitting plans.

There was high demand for face-to-face meetings with individual authorities this year. Such meetings proved very valuable, particularly in the run up to the invitation and submission period. They often facilitate detailed discussion about the Act with senior officials. Discussions address concerns about the potential impact on their functions and the drive to improve information management, presenting an important opportunity to discuss the Act at a higher level.

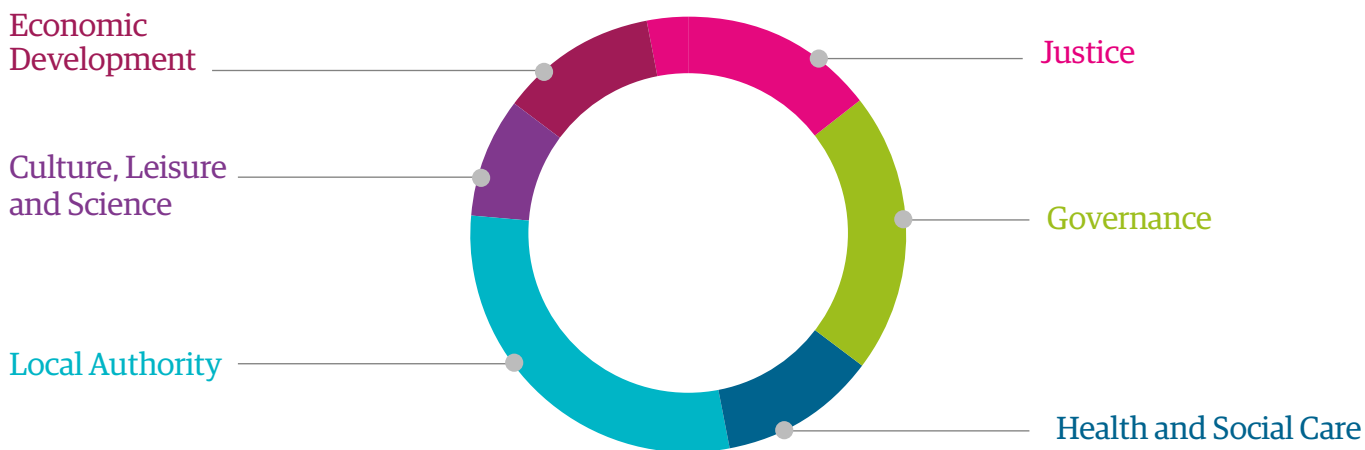
More surgery events are planned for 2015. We will also continue to conduct meetings with authorities, as required, to address concerns, recognising that this high level contact is the best way of achieving positive outcomes.

Presentations on Act given at special meetings and events 2014-15



| Organisation | Location | Date |
|------------------------------|------------|-------------|
| Fife Council | Glenrothes | 29 Apr 2014 |
| Scottish Futures Trust | Glenrothes | 11 Aug 2014 |
| | Aberdeen | 3 Aug 2014 |
| | Glasgow | 14 Aug 2014 |
| SOLACE | Edinburgh | 4 Aug 2014 |
| Stockholm Archives | Edinburgh | 5 Sep 2014 |
| East Lothian Council | Haddington | 28 Oct 2014 |
| NHS Records Management Forum | Edinburgh | 28 Oct 2014 |
| | Edinburgh | 20 Jan 2015 |
| Open Knowledge Scotland | Edinburgh | 28 Jan 2015 |
| Skills for the Future | Edinburgh | 3 Mar 2015 |

Records management plans agreed in 2014-15 and sectors represented



| Authority | Date of Agreement | Sector |
|--|-------------------|----------------------|
| Bòrd Na Gàidhlig | 03/04/14 | Economic Development |
| Queen's Printer for Scotland | 08/04/14 | Governance |
| Scottish Information Commissioner | 20/05/14 | Governance |
| Scottish Criminal Cases Review Commission | 26/05/14 | Justice |
| Scottish Parliament | 26/05/14 | Governance |
| Scottish Parliament Corporate Body | 26/05/14 | Governance |
| Scottish Commission for Public Audit | 26/05/14 | Governance |
| Q<R* | 10/06/14 | Justice |
| Midlothian Council* | 10/06/14 | Local Authority |
| Midlothian Licensing Board* | 10/06/14 | Local Authority |
| Skills Development Scotland Co. Ltd. | 14/07/14 | Economic Development |
| Scottish Public Pensions Agency (Scottish Ministers) | 08/08/14 | Governance |
| Dumfries and Galloway Council | 28/08/14 | Local Authority |
| Dumfries and Galloway Licensing Board | 28/08/14 | Local Authority |

| Authority | Date of Agreement | Sector |
|---|-------------------|------------------------------|
| Dumfries and Galloway Assessor | 28/08/14 | Local Authority |
| Scottish Natural Heritage | 28/08/14 | Culture, Leisure and Science |
| Mental Welfare Commission for Scotland* | 28/08/14 | Health and Social Care |
| Crofting Commission | 08/09/14 | Economic Development |
| Board of Trustees of the Royal Botanic Garden, Edinburgh | 10/09/14 | Culture, Leisure and Science |
| Scottish Prison Service (Scottish Ministers) | 26/09/14 | Justice |
| Quality Meat Scotland* | 27/10/14 | Economic Development |
| Social Care and Social Work Improvement Scotland (SCSWIS) - Care Inspectorate | 27/10/14 | Health and Social Care |
| Scottish Social Services Council* | 27/10/14 | Health and Social Care |
| Fife Council* | 26/11/14 | Local Authority |
| Fife Licensing Board* | 26/11/14 | Local Authority |
| Fife Assessor* | 26/11/14 | Local Authority |
| Scottish Further and Higher Education Funding Council | 26/11/14 | Culture, Leisure and Science |
| Local Government Boundary Commission for Scotland | 26/11/14 | Governance |
| Police Scotland | 19/12/14 | Justice |
| East Lothian Council | 12/01/15 | Local Authority |
| East Lothian Licensing Board | 12/01/15 | Local Authority |
| Mental Health Tribunal for Scotland | 26/01/15 | Health and Social Care |
| Aberdeen City Council* | 10/02/15 | Local Authority |
| Risk Management Authority* | 18/02/15 | Justice |
| Highlands and Islands Enterprise | 17/03/15 | Economic Development |

* Records management plan published on authority's website

► Wider outreach

Last year we reported that we had promoted the Act through an Information and Records Management Society (IRMS) podcast made by the NRS assessment team, first aired in November 2013. In 2014 the IRMS won the InfoGov Award for the best InfoGov Resource for its pioneering podcasts. These awards recognise the best resources in the Information Governance industry across the UK, and 2014 was the first year they were awarded, making it a particularly significant achievement. The award recognised the innovative nature of the podcast programme put together by Heather Jack and James Lappin, independent records management consultants, and featured the Public Records (Scotland) Act 2011. This recording was distributed widely and continues to attract significant interest. It is recognised by the records management community that this initiative is reaching an audience not just in the UK but globally.⁹

► NRS website statistics

► Visits and downloads from the NRS website

| | Nos of RTF Downloads | Nos of PDF Downloads | Visits |
|---------------------------------------|----------------------|----------------------|--------|
| Keeper's Model Plan document | 271 | 348 | 2880 |
| Keeper's Model Plan Guidance Document | 1084 | n/a | 1946 |
| Surgery FAQ document | 126 | 178 | n/a |
| Executive Summary document | 223 | 153 | n/a |

⁹ <http://podcasts.irms.org.uk/category/information-law/>

► National Confidential Forum

We continue to contribute to initiatives stemming directly from the findings of *The Shaw Report*, one of which recommended that Scottish Ministers listen to the voices of former residents. The success of the 2009 *Time to be Heard: A Pilot Forum*, which heard testimony from adults who had been residents of Quarriers residential care establishment, convinced Scottish Ministers of the value of a wider rollout of such a forum. Ministers therefore committed the Scottish Government's Survivor Scotland Strategy to facilitating a National Confidential Forum Reference Group in 2012. The Group took a central role in developing and shaping the overall direction of the consultation on, and legislation for, the creation of the National Confidential Forum (NCF). The Victims and Witnesses (Scotland) Act received Royal Assent on 17 January 2014¹⁰ and the NCF began its work late in 2014.

The Keeper was represented on and contributed to the work of the NCF Reference Group.

► Heather Jack, Independent Records Management consultant

"How we manage our records and information has a direct impact on every aspect of life - it has the power to inform or mislead, to unite or divide, to create or destroy, to protect or to harm, to empower or to disenfranchise. The very human story behind the Public Records (Scotland) Act is proof of that and is translatable across every sector, every nation, every generation, every person."

¹⁰ <http://www.legislation.gov.uk/asp/2014/1/contents>



The Survivor Scotland Strategy led to other initiatives that have used the Keeper's expertise about records. It included Reclaiming Lost Childhoods, a project designed to address the needs of adults who experienced care as children, to enable them to investigate and access information and records about their time in care. The learning from Reclaiming Lost Childhoods informed the work of the Scottish Human Rights Commission (SHRC) InterAction on the Historic Abuse of Children in Care. The Keeper has commented as part of the iterative process that helped develop the SHRC Action Plan on Justice for Victims of Historic Abuse of Children in Care, published in Jan 2014.

The Keeper is also represented on the board of trustees of *Talking Care Scotland*, a survivor-led oral history project which aims to collect the experiences of care experienced adults and make their memories and narratives available through the web. It has recently been awarded a start-up grant by the Heritage Lottery Fund.

He is further committed to assisting the work of the Historical Child Abuse Inquiry Scotland formally announced by Scottish Ministers on 28 May 2015.¹¹ We also visited colleagues in the Public Record Office of Northern Ireland in Belfast to learn about their experiences of working with the Historical Institutional Abuse Inquiry currently under way there.¹²

¹¹ <http://www.gov.scot/Topics/People/Young-People/protecting/child-protection/historical-child-abuse>

¹² <http://www.hiainquiry.org/>

- ▶ Group of visiting Swedish archivists from Stockholm Archives.



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“Such positive commentary from overseas colleagues is encouraging and recognition of the important work being done in Scotland.”

▶ Recognition and contact with other jurisdictions

This year we addressed visiting groups of archivists from the University of Milwaukee, USA and from Stockholm Archives in Sweden. The latter group constituted a number of senior archivists and record professionals who spoke of the potential relevance of the principles behind the Act in supporting improvements for records management and change management in Sweden. They expressed interest in exploring further direct engagement with us in the future. Such positive commentary from overseas colleagues is encouraging and recognition of the important work being done in Scotland.

In March 2015 we met with researchers from the Centre for Organisational and Social Informatics, Faculty of Information Technology, Monash University, Melbourne, Australia, to discuss the Act in the context of the university’s research programme ‘Connecting the Disconnected: Designing Socially Inclusive, Integrated, Archival and Recordkeeping Systems and Services’.

This programme recognises that reliable information is critical to those who have experienced ‘care’ in the past, that it can support their search for identity and memory, and help them find their families. It can also provide evidence for accountability and help them assert their rights and pursue justice. In Australia, as in Scotland, some who experienced care were disadvantaged and traumatised by the failures of record keeping. Such failures therefore reflect a global issue.

“Such approaches reflect the wider interest that the Act is having overseas.”

The research programme aims to investigate and develop new thinking around record keeping and archival law, policies and practice in Australia, transcending the boundaries of individual organisations, sectors and jurisdictions. This work resonates with some of the initiatives currently being pursued in Scotland.

We were also approached by researchers from the Faculty of Information at the University of Toronto, Canada, studying the impact of records and record keeping practices on social justice cases. Taking the Shaw Report (2007), as their focal point and the Scottish Government’s initiative Time to be Heard (2011) they aim to investigate the impact of poor record keeping on the ability of survivors of abuse to learn about their past and seek legal redress. They also aim to examine the ability of the institutions responsible for the care of children to make informed decisions that would keep those children safe and respond to claims of abuse. They plan to examine the implementation of the recommendations of the two reports and the impact of the Act as they relate to record keeping practices.

Such approaches reflect the wider interest that the Act is having overseas. We remain committed to participating where appropriate in this international discussion.

► Professor Wendy Duff, Faculty of
Information, University of Toronto

“Archives feature regularly in controversies over the weight and responsibility of the past, and archivists suggest that records play an essential role in shaping common understandings about past injustices. However, the precise channels and depth of their impact remain poorly understood. By studying the findings and recommendations of the Historical Abuse Systemic Review (2007) and the Time to be Heard (2011) reports, as well as the translation of some of these recommendations into new records legislation, i.e., the Public Records (Scotland) Act, we hope to develop a more precise and nuanced understanding of the link between archives and social justice.”

SECTION 6

Looking forward



► Bruno Longmore addresses Fife Council Service Area Managers in Glenrothes.



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“The Keeper’s Model Plan and Guidance and our engagement with authorities continues to have wide appeal. The approaches from overseas researchers is evidence of this wider appeal and the ground-breaking work that the Act is fostering.”

The Act is making a difference, helping to bring about measurable improvements in Scotland’s record keeping practice. We see many positive signs of the emergence of a changed culture, one where record keeping is increasingly valued. There is strong evidence to suggest that many authorities have already accepted and embraced the benefits of the legislation and are taking it seriously.

This year many public authorities across Scotland submitted robust plans which reflect and promote good practice. The majority of submissions contained improvement models, firm evidence of a commitment and willingness to be transparent and open about their current situations. We see authorities increasingly working together in a positive way, helping to share experience, knowledge and extend best practice.

The Act continues to have a strong impact in Scotland and attract attention from overseas. The Keeper’s Model Plan and Guidance and our engagement with authorities continues to have wide appeal. The approaches from overseas researchers in Australia and Canada is evidence of this wider appeal and the ground-breaking work that the Act is fostering. We seek to continue to engage with these important research projects and next year members of the assessment team will contribute directly to the projects and ultimately learn from their findings.

The overall success of the Act cannot be measured in a single year. It needs to be looked at over a much longer period of time. By helping to support continuous improvement we remain confident that over the long term we will see lasting change and new approaches to the management of public records and information. One of the most encouraging indicators of this cultural change is the strengthening of relationships between public authorities and the Keeper.

“The Act has clearly provided records managers with the tools and confidence to stimulate separate debate.”

► Mike Enston, Executive Director,
Communities Directorate,
Fife Council.

We are seeing records managers in authorities bringing forward their own initiatives, to develop new forums to discuss the Act and its implications. We were invited to attend a training day run by Fife Council Service Area Managers in Glenrothes, attended by senior managers and divisional heads, where the Council Director addressed them on the importance of the Act and information as a business asset. We are witnessing more of these events, for example the new NHS Information Management Forum, which though run independently seeks to include the Keeper’s participation.

“We’re seeing a real change in the importance people attach to good information management. It’s not hard to see why – getting it right can unlock productivity benefits and drive greater responsiveness, prevention and evidence based decision making. It’s sometimes been a past weakness, it needs to be a future strength.”

“We are engaging with senior public sector executives in a new and positive way.”

The Act has clearly provided records managers with the tools and confidence to stimulate separate debate. This is evidence of engagement that otherwise may not have happened. We encourage this type of activity to help develop a wider dialogue in supporting Scottish Ministers’ aims for the Act.

The Act continues to open doors. We are engaging with senior public sector executives in a new and positive way. In August 2014 the Keeper addressed the Society of Local Authority Chief Executives (SOLACE) at one of their regular meetings. In October the East Lothian Council, Council Management Team, invited us to attend a Board meeting to discuss the Act and the submission of its plan. Such invitations are positive indicators that senior managers have engaged with the process. We aim to maintain this momentum and continue to deliver a strong message to help ensure that the Act fulfils its goals.

- ▶ Tim Ellis (Keeper of the Records) addresses the Society of Local Authority Chief Executives in Edinburgh.



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“Our aim is to complete the invitation process within a five year cycle by the year 2018.”

Next year we will invite a further 50 scheduled authorities to submit their plans for assessment. Our aim is to complete the invitation process within a five year cycle by the year 2018.

We will build upon the lessons learned and maintain our commitment to engage with authorities. We will continue to promote the benefits of the Act and extend understanding. We will listen to authorities and support them as they develop their plans. On the back of the feedback received, we will continue to improve our own processes and update the supporting guidance to the Keeper’s Model Plan.

We will focus on improving identified areas of weakness. To achieve this we will develop a new assessment programme for improvement models. We will run further surgeries across Scotland during the spring and autumn of 2015, inviting more authorities who have completed the process to share their experiences. In recognition of changing requirements we will review and refresh the content and consider running more round-table discussions or specific speaker engagements.

► NHS record store.



Image courtesy of NHSScotland

“Ultimately, we see the Act as performing the role of an enabler. It acts as a catalyst through which lasting improvements in record keeping will be achieved.”

The Keeper’s first conference about the Act was held in December 2013. It was very successful and we will host another conference in 2016 to be run in partnership with the Scottish Council on Archives, the Information and Records Management Society (Scotland), the Archives and Records Association (Scotland) and the Archivists of Scottish Local Authorities Working Group. Its focus will be on lessons learned and the challenges which still need to be addressed such as born-digital records. From surgery feedback we know this to be an area of particular concern to practitioners and next year we will run training seminars to address those.

In 2015 we will update the schedule to the Act to keep it up to date. Revisions will reflect changes that have already taken place, such as the amalgamation of the police and fire services into single unitary authorities and the creation of new bodies.

Ultimately, we see the Act as performing the role of an enabler. It acts as a catalyst through which lasting improvements in record keeping will be achieved by Scotland’s public authorities. The evident progress reported this year and the positive picture emerging, shows that we are certainly on the right path. Momentum continues to build and ultimately this will benefit record keeping and all those we aim to serve.

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