



Public Records (Scotland) Act 2011
**Report by the Keeper of the
Records of Scotland, 2016**



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Laid before the Parliament by
Scottish Ministers, September 2016

SG/2016/129

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SECTION 1

Foreword by the Keeper of the Records of Scotland

To the Cabinet Secretary for Culture, Tourism and External Affairs

I am pleased to present this report under the Public Records (Scotland) Act 2011 (the Act) reflecting the third year of activity since it was introduced. The report sets out what the Act has achieved to the year ending 31 March 2016.

The past year has seen a continuation of the early progress delivered by the Act which requires around 250 named public authorities to submit records management plans for my agreement. Once agreed, authorities must implement their plans and, importantly, keep them under review. Named authorities who must comply with the Act are listed in the schedule, which was updated for the first time this year, ensuring that it remains fit for purpose.

This year we reached a significant milestone with the agreement of the 100th records management plan in February 2016, three years after the Act came into force in January 2013. In total we have agreed 106 plans and sent invitations to 160 authorities. I set the assessment team the target of completing the invitation process within five years and I am pleased to report that we will achieve this by 2018.

With many plans agreed we have a better picture of the state of records management provision in Scotland. Evidence suggests that record keeping is now being seen as increasingly valued by authorities, some of whom are taking it seriously for the first time. Plans agreed show that good practice is being followed and authorities continue to show a strong commitment to achieve compliance.

This year we reached a significant milestone with the agreement of the 100th records management plan in February 2016.

Most plans agreed this year carried improvement models, itself a positive sign of an open and honest assessment of current provision. The main areas where improvement is required continue to be in business classification and retention scheduling. We also noted an increase in the need to improve archiving arrangements, so we will continue to work closely with authorities to help them improve those areas. During the year, we drafted *Guidance on Proper Arrangements for Archiving Public Records*, designed to help authorities to understand their responsibilities for records intended for permanent preservation. Guidance is given on matters such as staffing, security, storage, collection care and public access. A public consultation on the guidance closed in March 2016 and a report on the responses will be produced.

For the first time we used powers under section 4 of the Act to return an authority's plan, the authority having submitted only a draft as its formal submission. The action taken was enough to prompt them to revise their submission. We provided additional guidance and support to the authority, after which they submitted a full plan within an agreed timescale. Following re-submission that plan was agreed. Such action shows that the Keeper is prepared to use the provisions afforded under section 4 to ensure authorities meet their statutory obligations.

With so many plans agreed under improvement, we developed a new process for managing updates on progress. A solution was agreed with an invited Stakeholder Forum and resources are now in place to start the process of assessing improvement models during 2016. It is important that we establish and manage this, while also ensuring the five-year programme of assessing initial submissions is not adversely affected. I will therefore be monitoring progress carefully over the coming year.

We maintained an active outreach programme again this year. We ran the second national conference about the Act in February 2016 entitled *Changing a Record Landscape: The Public Records (Scotland) Act 2011*. The conference was run in partnership with other organisations and aimed firmly at practitioners. It proved very popular with broad representation from different authorities and was attended by 93 delegates. It focused on the lessons learned to date, assessed progress made and examined future challenges facing authorities. Those will include assisting the Scottish Child Abuse Inquiry and its need to access vital information and records.

Resources are now in place to start the process of assessing improvement models during 2016.

We continued to run general surgeries about the Act, held in Balloch (Loch Lomond), Edinburgh and Perth this year. Though the numbers of authorities who attend are reducing, these events still attracted 58 authorities. Surgeries continue to perform a vital role, teaching us about states of readiness and ensuring that the assessment team remains visible and approachable. We also responded to many more requests for face-to-face meetings, presentations, both within authorities and at conferences, and to demands for specific teaching seminars, running two on e-records or born-digital records.

The Act continues to allow us to reach out to senior managers and the assessment team is regularly invited to speak at their meetings. It therefore remains an enabler, helping to build trust and promote a new culture around record keeping. We will continue to listen to authorities and support them as they develop, submit and review their plans in the future.



Tim Ellis
Keeper of the Records of Scotland
1 September 2016

SECTION 2

Review of the year



► April 2015

Public Records (Scotland) Act 2011 annual spring surgeries start, the first held in Balloch, Loch Lomond, attended by 11 representatives. Round-table discussion held in Montrose with five public authorities. Presentations to North Lanarkshire Council and at Integrated Joint Board discussion day for Dumfries and Galloway Council, NHS Dumfries and Galloway and Police Scotland.

► May 2015

Records management plan agreed for Scottish Enterprise. Surgery held in Edinburgh, attended by 15 representatives. The first electronic records seminar for public authorities held at the Scottish Parliament, attended by 41 representatives from 29 authorities.

► June 2015

Plan agreed for the Scottish Law Commission.

► July 2015

Plans agreed for Perth and Kinross Council and Licensing Board, and David MacBrayne Ltd.

► August 2015

Plans agreed for Children's Hearings Scotland and National Convener of Children's Hearings Scotland, North Ayrshire Council and Licensing Board, NHS Health Scotland, the Police Investigations and Review Commissioner, West Dunbartonshire Council and Licensing Board, the Scottish Qualifications Authority, the Commissioner for Children and Young People in Scotland, Scottish Government Main (Scottish Ministers), HM Inspector of Anatomy for Scotland, the Parole Board for Scotland, Chief Dental

Officer, Chief Medical Officer, the Scottish Agricultural Wages Board, HM Inspectorate of Fire and Rescue, HM Inspectorate of Constabulary and HM Chief Inspector of Prisons. Paper delivered at the Archives and Records Association (UK & Ireland) Annual Conference in Dublin. First plan returned to an authority under s.4 of the Act.

► September 2015

Public Records (Scotland) Act 2011 (Authorities) Amendment Order 2015 passed by Scottish Parliament. Order updates the schedule of named authorities. Plans agreed for the Standards Commission for Scotland. First autumn surgery held in Edinburgh attended by 15 representatives. Keeper's third annual report to Scottish Ministers is laid before Parliament.

► October 2015

Plans agreed for Education Scotland, the Scottish Housing Regulator, Healthcare Improvement Scotland and the Scottish Health Council. Surgery held in Perth, attended by 12 representatives. Presentations given to the Scottish Legal Aid Board and NHS Records Management Forum. First meeting held with the Scottish Child Abuse Inquiry.

► November 2015

Plans agreed for Aberdeenshire Council and Licensing Board, Inverclyde Council and Licensing Board and the Scottish Ambulance Service. Paper delivered at the Information and Records Management Society Scotland national conference in Perth. Second stakeholder forum convened to consider process for assessing improvement plans.

► December 2015

Plan agreed for the Scottish Commission for Human Rights. Second electronic records seminar for public authorities held at National Records of Scotland, attended by 62 representatives from 56 authorities. Public consultation on guidance for 'proper arrangements' commences.

► January 2016

Keeper meets annual target of inviting 50 authorities to submit plans. Plans agreed for VisitScotland and Renfrewshire Valuation Joint Board.

► February 2016

100th records management plan agreed. PRSA Conference held in Glasgow, attended by 93 delegates. Plans agreed for Dunbartonshire, Argyll and Bute Valuation Joint Board, East Dunbartonshire Council and Licensing Board and the Scottish Public Services Ombudsman.

► March 2016

Plan agreed for Judicial Appointments Board for Scotland. General surgeries arranged for 2016.

At year end, 106 plans agreed and 160 authorities invited to submit plans since 1 Jan 2013.

SECTION 3

Aims and obligations



“The Act supports positive change and improvement in records management across public authorities.”

The Public Records (Scotland) Act 2011 (the Act) has been in force since January 2013.¹ The main aim of the Act is to improve the quality of record keeping by named Scottish public authorities. It requires them to prepare, implement and keep under review a records management plan which sets out clear arrangements for the management of their public records. The plan must be submitted to the Keeper of the Records of Scotland (the Keeper) for his assessment and agreement.

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 to 1995, The Shaw Report*, published in November 2007. That report can be found on the Scottish Government’s website.²

The Keeper has published a Model Records Management Plan and Guidance Document to help authorities understand what is required. These were developed in consultation with a stakeholder forum in 2012 and can be found on the NRS website.³

The Model Plan contains 14 elements which the Keeper considers necessary for a robust plan. The Guidance Document is a practical tool designed to help authorities interpret the Model Plan. It is continuously reviewed and updated. Many of the examples shown were supplied by public authorities whose plans have been agreed.

The Act requires the Keeper to prepare an annual report for Scottish Ministers to inform them of progress, but where any shortcomings are identified it will report on them openly and honestly.

The Act supports positive change and improvement in records management across public authorities.

► John Elliott, Head of Public Affairs, Archives & Records Association (UK & Ireland).

“In Scotland, the Public Records (Scotland) Act flowed from the influential Shaw Report and the scandal of decades of officialdom losing and misusing children’s records. The PRSA has put an accountability floor under the public sector and with the culture change that this requires, I see a genuine, positive direction of travel, where it seems ok to learn by doing and sharing perspectives.”

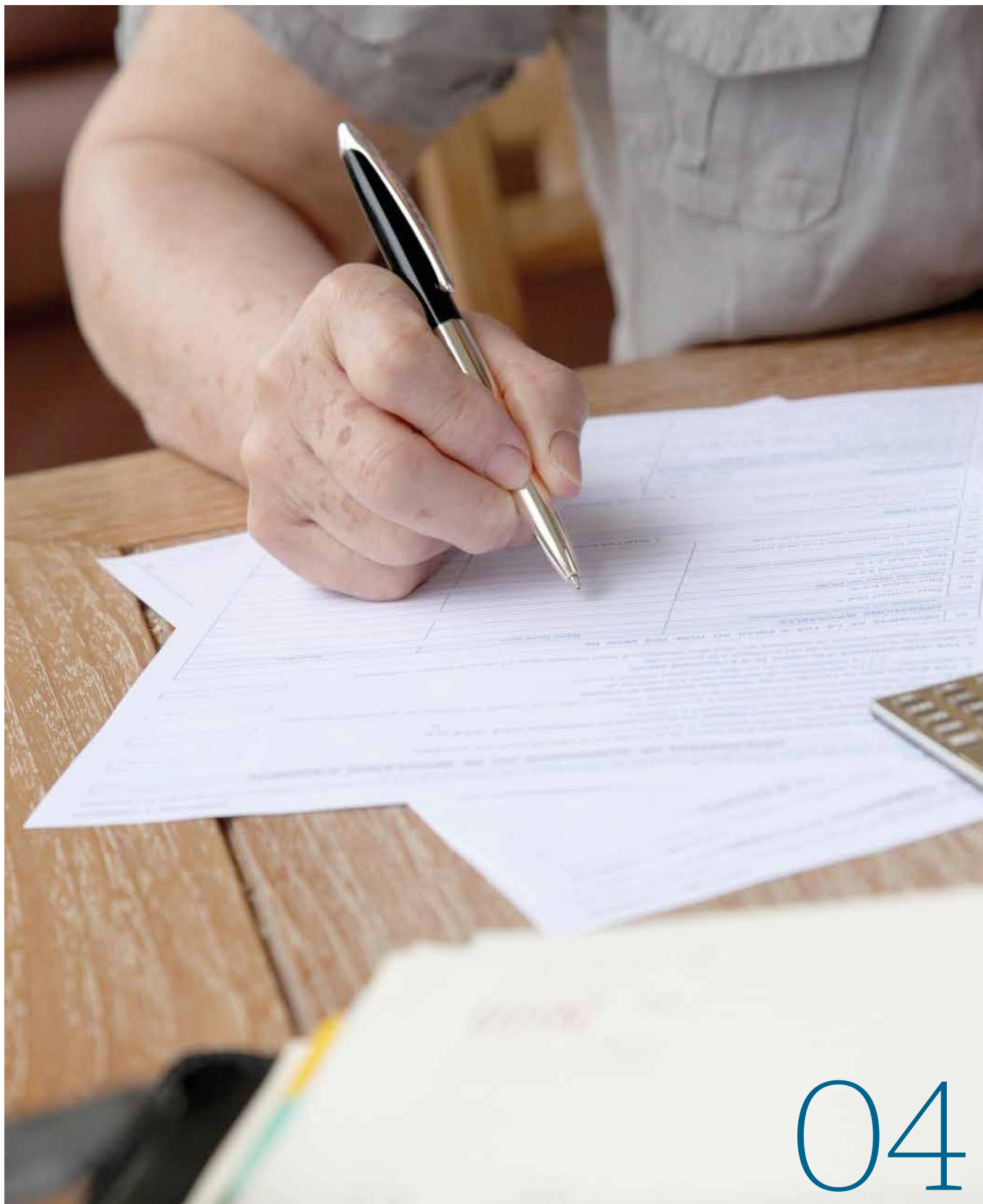
1 <http://www.legislation.gov.uk/asp/2011/12/part/1/enacted>

2 <http://www.gov.scot/Publications/2007/11/20104729/0>

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

SECTION 4

Progress report and the assessment process



A six-month rolling programme of invitations to authorities is published monthly on the NRS website.⁴ It sets out the Keeper's timetable for inviting submissions of plans. Appearance on the timetable is agreed in advance with an authority and once submitted, the plan is reviewed by the Keeper's assessment team. The team can be contacted at National Records of Scotland (NRS) on 0131 535 1418 or public_records@nrscotland.gov.uk.



► The PRSA Assessment Team: (L-R) Susan Corrigan (e-Records Unit), Hugh Hagan, Bruno Longmore (Head of Government Records), Robert Fotheringham, Andrea 'Andy' Wells and Pete Wadley.

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⁴ <http://www.nrscotland.gov.uk/record-keeping/public-records-scotland-act-2011/assessment-process>

“This year a significant milestone was reached with the agreement of the 100th records management plan.”

“Since the Act came into force the Keeper has agreed 106 plans and issued 160 invitations. We remain on track to complete the invitation process by 2018.”

► Progress report

This year a significant milestone was reached with the agreement of the 100th records management plan. A total of 42 plans were agreed during the year and the full list is available at pages 32-33.

We have set an ambitious target of inviting all authorities to submit their plans within five years. To achieve that we must average 50 invitations a year. This year we exceeded the target inviting 52 authorities to submit plans. Since the Act came into force the Keeper has agreed 106 plans and issued 160 invitations. We remain on track to complete the invitation process by 2018.

Prior to sending out a formal invitation we seek to identify authorities who may require more time in the early stages. We can postpone an invitation if we consider that a plan would fail to achieve agreement. However, the authority must show that they are working towards improving their submission and cannot simply ask for the date to be delayed.

This year we remained flexible about when an authority was invited to submit their plan, but this will become more difficult as the invitation programme draws to a close. Priority is given to those with more complex plans, or where an authority’s proposals are considered to be less well developed.

► Updating the Act

Named authorities who come under the Act are listed in the schedule. This year the schedule was updated to take account of new authorities created since the Act came into force and those since dissolved, ensuring that it remains fit for purpose.

The Public Records (Scotland) Act 2011 (Authorities) Amendment Order 2015 was passed by the Scottish Parliament in September 2015. The Order added six new authorities.

“The audit report was very positive giving the assessment team a ‘substantial’ assurance level rating, identifying good practice across the four areas scrutinised.”

► Bruno Longmore receives the VisitScotland records management plan from Ken Neilson, Director of Corporate Services and Heather McKay, Records Manager.

► Internal audit report

We were audited by Scottish Government this year. The audit investigated the assessment procedure for authorities under the Act and reviewed the controls in place over implementation. It formed part of our assurance coverage agreed with the NRS Audit and Risk Committee. Its scope was:

- **Governance Arrangements**
- **Records Management Plan (RMP) Compliance**
- **Stakeholder Engagement**
- **Annual Reporting Arrangements.**

The audit report was very positive giving the assessment team a ‘substantial’ assurance level rating, identifying good practice across the four areas scrutinised.

Only two recommendations for improvement were identified, either as low or moderate risks, under *Records Management Plan (RMP) Compliance*. Action was taken to close the first risk in 2015 and the Keeper will address the second in 2018 as part of a five year post-implementation review following completion of the invitation process.



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“The quality of plans submitted this year benefitted from submission of drafts.”

► Submission of plans

On average the submission process takes 10-12 months to complete, from initial appearance on the rolling timetable to obtaining agreement. The period for active discussion between the assessment team and an authority remains flexible.

We continued to receive informal drafts of plans for advance comment this year. This practice is encouraged by the assessment team as it allows the Keeper to consider how a plan might be strengthened. However the team will not review supporting evidence which can only be submitted with the final plan. Although onerous it has seen positive results, and the quality of plans submitted this year benefitted from submission of drafts.

► Main issues identified in plans

As in previous years, most agreed plans carried improvement models. A number of key areas of weakness were identified. Business classification and retention mechanisms remain areas where most improvement is required. This was previously recognised and we continue to receive a high percentage of improvement models under these two elements. Audit trail also remains an area where many plans are agreed on improvement.

This year a larger percentage of plans were identified where archiving arrangements (Element 7) proved challenging. In part, this reflects the age and type of authorities submitting plans, as many have never had to consider transfer of records to an archive before.

Overall, the quality of evidence submitted with each plan clearly reflects that good work is being done across different sectors and progress is being made under the Act.

► Return of plans

“The Keeper is prepared to use the provisions he has been afforded under section 4 of the Act to encourage authorities to meet their statutory obligations.”

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 an authority’s public records, return it.

The Keeper is prepared to use the provisions he has been afforded under section 4 of the Act to encourage authorities to meet their statutory obligations. He used this power for the first time this year when an authority submitted a draft plan as its formal submission. The Keeper informed the authority that he was considering returning it under section 4(6) and invited their representations. This was sufficient to prompt them to revise their submission. The assessment team provided additional help and guidance. This allowed the authority to submit a full plan and achieve agreement.

If a recommendation is not acted upon, or a revised plan is not submitted, the Keeper can invoke an action notice under section 7. We are pleased to report that no such action was deemed necessary again this year.



Image courtesy of Marine Scotland

► Improvement models

We continue to regard improvement models as positive evidence and a reflection that authorities continue to be open and honest with the Keeper. In acknowledging gaps in their records management provision and stating their intention to take positive measures to improve, the Keeper continues to view this as good records management practice.

Final assessment reports setting out the basis for the Keeper's agreement of plans were published on the NRS website. Reports remind authorities of the need to act to make progress under their agreed improvement models.

► Zarya Rathé, Senior Records Officer,
Midlothian Council.

"The development of our records management plan has transformed records management at Midlothian Council. There is now heightened awareness across the organisation of the importance of good recordkeeping, and records management itself has become a core corporate service. Our RMP enables us to proactively tackle challenges in advance, rather than react as they arise."

► Improvement model assessment process

As reported last year, we involved several public authority colleagues in discussions about developing a new solution for assessing and reporting on improvement models under agreed plans. A number of authorities whose plans had achieved the Keeper's agreement were invited to attend two Stakeholder Forum meetings and by the end of 2015 a solution had been agreed. This was announced at the national conference in February and resources are now in place to start the process in 2016.

The new process will effectively follow that which is used by the Keeper to assess original submissions. It is a collaborative procedure that will invite authorities to volunteer information and evidence against progress. As an open and informed process, it will seek to emphasise progress and good practice where it exists.

- Stakeholder Forum meeting at General Register House, Edinburgh, called to consider the improvement model assessment process.

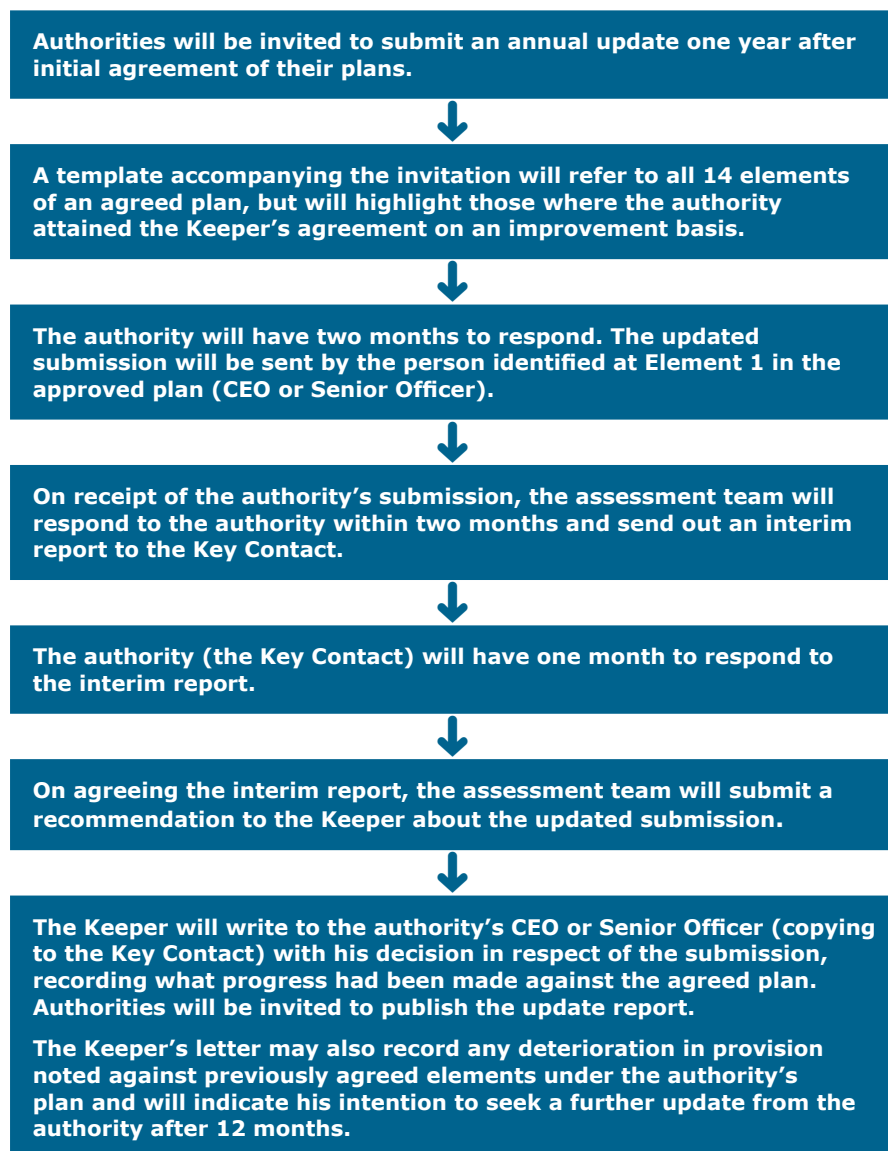


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“The new assessment process will allow authorities not simply to report on progress against improvements, but to highlight innovations, new records management developments and good news stories.”

The new assessment process will allow authorities not simply to report on progress against improvements, but to highlight innovations, new records management developments and good news stories to the Keeper. Even where an original amber element remains in place, progress may have been made and this will be recorded and reported positively.

Once the assessment has been concluded, the Keeper will write to the Chief Executive of the authority with his findings and this will be simultaneously posted to the NRS website. The following flowchart describes the agreed process.



It is important that we undertake the review of plans within the timeframe set by improvement models. We will ensure that the main five-year programme of agreeing plans is not adversely affected. Maintaining that balance of agreeing new plans and assessing progress made under agreed plans, will give a clearer picture of how the Act is working.

- ▶ Example of information guide 'Keep your documents and records safe' to raise staff awareness of records and information security within an authority, citing the PRSA.

Image courtesy of East Dunbartonshire Council

Keep your documents and records safe



The Public Records Scotland Act came into force in 2011. All Councils are now legally obliged to ensure the security of records in all formats

We are all responsible for information security

- Data privacy is relevant to us all
- We need to keep customer and personal data secure and confidential
- We need to think before moving data from one location to another

Information security starts and ends with you

- Information is valuable – treat records as assets
- Clear desk policy – don't leave insecure files and boxes lying around the office
- Computers – lock your computer before walking away
- Printers – always use the secure print function

Need Help?

Contact the Information Management Team on: information.records@eastdunbarton.gov.uk
Or speak to us at one of our weekly drop-in sessions on alternating Wednesday afternoons at the Marina or Broomhill, where you can discuss all of the above or speak to our Freedom of Information & Data Protection Officer

SECTION 5

Engagement



Image courtesy of Marine Scotland (B. Collette)

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“We continually review the assessment process based on lessons learned and the constructive feedback received over the last three years.”

► Scott Sammons, Chair,
Information and Records
Management Society UK.

The Act seeks to improve records management provision within authorities over time through a process of collaboration, joint working and continuous engagement. We therefore work closely with authorities, helping to develop trust and delivering robust records management plans. By setting clear records management objectives the Act is providing a strong impetus for positive change.

We continually review the assessment process based on lessons learned and the constructive feedback received. Modifications to the process were made to ensure that it remains relevant and meets the requirements of stakeholders.

As we report on this, the third year of implementation, there are signs of positive change being made to improve public record keeping. Our programme of active engagement with authorities remains key to ensuring improvements are made, not by imposing solutions on authorities, but through a process of continuous dialogue.

“I see the Act as a positive driver for improving wider information and records management, not only in Scotland but across the UK. Exposure to it results in positive engagement. It encourages the building of trust and helps promote the benefits of effective records and information management to organisations across different sectors. The Keeper’s team has done superb work implementing the Act and I look forward to working closely with them to promote compliance and good practice in our field.”

The schedule to the Act lists around 250 named public authorities. As new authorities are created, we have liaised closely with Scottish Government to keep in touch with any new developments. As reported in section 4, the schedule was updated this year and six new authorities added to it.

“The Act continues to provide the impetus for increased collaboration between practitioners.”

► Proper arrangements for archiving records under the Act

Authorities listed under the Act must make ‘proper arrangements’ for records to be transferred to an appropriate archive repository. The Keeper prepared supplementary guidance about what he considers to be proper arrangements for archiving public records. That was submitted to public consultation which ended on 14 March 2016.⁵ Assessment of public responses is still under way. Once finalised, the new guidance will help authorities understand how the Keeper interprets ‘an appropriate archive repository’ and agree the steps necessary under proper arrangements when archiving records selected for permanent preservation.

► Outreach activities

The Act continues to provide the impetus for increased collaboration between practitioners, as well as the opportunity to share experience, develop practical solutions and encourage best practice. The assessment team continues to benefit from the appetite among our professional colleagues to work closely with them to help deliver successful outcomes.

⁵ <https://consult.scotland.gov.uk/national-records-of-scotland/archiving-public-records>

PRSA national conference in Glasgow, February 2016.



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“Scottish Ministers regard effective records management as key to ensuring that the public continue to have confidence and public authorities operate as efficiently and openly as possible.”

► PRSA conference

A key outreach event this year was the second national conference about the Act held in Glasgow on 24 February 2016, entitled *Changing a Record Landscape: The Public Records (Scotland) Act 2011*. There was broad representation from Scottish public authorities with a total of 93 delegates attending the conference.

The first national conference under the Act was held in December 2013. It focused on attracting senior managers from authorities to ensure that they understood their requirements under the (then) new Act. The 2016 conference was aimed firmly at practitioners. It focused on lessons learned, assessing progress made and the future challenges facing authorities.

The opening address was given by Fiona Hyslop MSP, Cabinet Secretary for Culture, Tourism and External Affairs. Ms Hyslop is the Government Minister who first introduced the Act in 2011 and retains a keen interest in its progress. She indicated that Scottish Ministers regard effective records management as key to ensuring that the public continue to have confidence and public authorities operate as efficiently and openly as possible. Good records management helps support those aims and the infrastructure of a modern Scottish state, and is seen as a powerful mechanism for improvement and efficiency. It is central to ensuring compliance with other legislative responsibilities such as freedom of information and data protection legislation.

Both the Keeper and the Scottish Information Commissioner delivered keynote addresses, reflecting the importance both regulators give to good records management. The Keeper announced a key milestone with the agreement of the 100th records management plan, a particular honour that fell to East Dunbartonshire Council and Licensing Board. We also launched an updated version of the PRSA information leaflet at the conference, used to good effect in the past.

The conference also provided an opportunity to report on a recent partnership initiative with stakeholders concerning the management of updates and assessment of improvement models under agreed plans. The initiative, recorded more fully in section 4, developed an assessment process. Colleagues identified wider potential for the process, not simply to monitor progress against agreed improvements, but to provide a way for authorities to record their own in-house records management initiatives and help overcome cultures of caution.

► Dr Leslie Anne Stevens, ESRC
Research Fellow, Administrative
Data Research Centre Scotland.

“Certain attitudes and perceptions view legislation as restraining how public sector data can be used. The PRSA however acts as a facilitator. It helps challenge cultures of caution and tackle risk-averse practices which hinder good information governance in Scotland. Scottish public authorities can use the Act to their advantage, to navigate and satisfy regulatory demands and keep good records management and information governance high on their authority’s agenda.”

As testimony to the joint working encouraged by the Act and promoted by the Keeper, the conference was run in partnership with the Scottish Council on Archives (SCA), the Information and Records Management Society Scotland (IRMS), the Archives and Records Association (Scotland) and the Archivists of Scottish Local Authorities Working Group. In preparation for the conference SCA published a short article in their magazine *Broadsheet*, updating the profession on progress made under the Act and announcing the conference. A further *Broadsheet* article, post conference, reported on proceedings.

► Feedback and new initiatives

Feedback from authorities at general surgeries indicated a desire to explore certain issues in more detail. One key area of concern was electronic or born-digital records, and in particular their archiving under Element 7 of records management plans. Authorities felt there was a need for more discussion and engagement to share knowledge and experience under that element. We therefore sought to deliver a wider learning opportunity under the Act and fill an identified gap.

- Tim Gollins, Head of Digital Archiving and Director of the NRS Digital Preservation Programme.

“Records have been created in a variety of formats over the centuries. Authorities must be able to preserve the records in their care. The Act is underpinning our engagement with them over the development of resources to help authorities take their own first steps towards digital preservation.”

In response, we ran two e-records seminar events last year, such was the demand. The first was held in the Scottish Parliament in May 2015 and attended by 41 delegates.

- The first e-Records seminar day held in the Scottish Parliament, May 2015.



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The second at the NRS in December 2015 was attended by 62 delegates. Both days consisted of talks by invited speakers from public authorities who willingly shared their experience. We express our particular thanks to the volunteer speakers from the University of Dundee, West Lothian Council, East Lothian Council, NHS National Services Scotland, The Scottish Parliament, Perth and Kinross Council and the information management consultant company, HJBS Ltd. Colleagues from the NRS e-Records and Digital Preservation Unit also gave papers and played a significant role. This encouraged lively discussion, and feedback from both events was very positive. The seminars addressed issues such as:

- ▶ **Assessing the electronic records management needs of authorities**
- ▶ **Understanding differing approaches to electronic records management based on a range of drivers and budgets**
- ▶ **Permanent archive transfer**
- ▶ **Organisational influencing and implementation techniques.**

The seminars also provided another partnership opportunity. Meic Pearce Owen, Chair of IRMS, chaired sessions at the seminars and the Society generously contributed a 'Tweet of the Day' prize at both events. These were won by Alison Morris, Moray Council, and Frank Finlayson, Highlands & Western Isles Valuation Joint Board, respectively.

- ▶ Tim Ellis, Keeper of the Records, awards Frank Finlayson, Highlands & Western Isles Valuation Joint Board, the IRMS-sponsored prize for 'Tweet of the Day' at the second e-Records seminar day, December 2015.



Image courtesy of Meic Pearce Owen

“This year we engaged directly with 58 authorities and 60 representatives attended surgery events.”

► General surgeries and continuous engagement

General surgery events are run in spring and autumn each year. They remain an important part of our engagement programme and ensure that the assessment team remains high profile and accessible to authorities. This year we engaged directly with 58 authorities and 60 representatives attended surgery events. For the first time, NRS e-Records Unit presented on our developing procedures for permanent preservation and transfer of born-digital records.

Surgeries started in 2012. The emphasis then was firmly on informing authorities about their requirements and obligations under the Act. Surgery events continue to tell us a lot about states of readiness and help us identify authorities in most need of assistance. We have also found that many authorities attend surgeries more than once. Initially authorities want to learn about their obligations, but secondary attendances tend to focus more on understanding the detail of preparing a plan as submission dates draw closer. They exploit the valuable networking opportunity these afford. Though the number of attendees is starting to fall, we see a continuing need to run general surgeries for some years yet. We intend to review the numbers required for 2016.

This year we ran four surgeries in Balloch (Loch Lomond), Edinburgh and Perth. We also held an experimental round table discussion in Montrose attended by five authorities. This initiative reflects a perceived demand to hold less formal, smaller events, tailored to meet specific requirements of authorities. They can be run at short notice and with fewer people.

We are also encountering authorities who are less well prepared with their early submissions and therefore require more assistance during the initial preparation phase. Such authorities benefited from face-to-face meetings to help them understand the process better and gauge their progress, or lack of it. We are happy to continue to provide such support as ultimately it results in wider improvements, a fuller understanding of requirements and more considered submissions.

- ▶ Invitation speakers Mandy Bell (Scottish Enterprise), Tracy Gill (NHS NSS) and Meic Pierce Owen (Perth & Kinross Council) address surgery delegates in Balloch (Loch Lomond), Edinburgh and Perth .



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“We continue to encourage authorities to share their experience, particularly those who have already completed the process of submitting a plan.”

We continue to encourage authorities to share their experience, particularly those who have already completed the process of submitting a plan. As in previous years we invited speakers from different authorities to give brief presentations about their experience of the process at surgery events. It is reassuring to report that many authorities agreed to participate willingly and found it both personally and professionally rewarding. We express our particular thanks this year to the volunteer speakers from Scottish Enterprise, Aberdeen City Council, Midlothian Council, NHS National Services Scotland (NHS NSS) and Perth and Kinross Council.

We continue to rely on the goodwill of participating authorities to help deliver surgeries. Many supply venues free of charge, reflecting a continuing commitment to support the engagement process and we are extremely grateful to them for their generosity. The Keeper wishes to record his thanks to Loch Lomond & The Trossachs National Park Authority, Angus Council, and Perth and Kinross Council.

► Conferences and wider talks

We were invited to participate at a number of key conferences and other events this year. In August 2015, a conference paper was delivered at the Archives and Records Association (UK & Ireland) annual conference held in Dublin. The conference theme was *Challenges, Obligations, or Imperatives? The moral and legal role of the Record Keeper today* and attended by over 200 delegates. The Head of Government Records delivered a paper 'A Moral Imperative? The Impact of the Public Records (Scotland) Act 2011 Beyond Record Keepers' on the origins of the Act and the influence this continues to have for implementing the legislation. The paper focused on the moral imperative which initially drove the legislation (the Shaw Report) and the impact this continues to have for record keeping in Scotland. It was well received and helped publicise our activities in Scotland to a wider international audience.

- Bruno Longmore addresses the Archives and Records Association (UK & Ireland) National Conference in Dublin, August 2015.



Image courtesy of Archives & Records Association (UK & Ireland)

A paper was also delivered to the Information and Records Management Society Scotland (IRMSS) conference in Perth in November 2015. This was the first IRMSS conference of its kind to be held in Scotland and was hosted by Perth and Kinross Council. The conference was entitled, *Information#Transformation: managing information to deliver business change*. One of the main conference themes considered the challenge of transforming business whilst maintaining a healthy compliance profile. Hugh Hagan delivered a paper which drew heavily on the aims of the Act, entitled 'Compliance: It does more than it says on the tin!'.

In March 2016, we were again pleased to be invited by the Scottish Council on Archives to deliver a paper at their annual *Opening Up Scotland's Archives* event for archive trainees supported by the Heritage Lottery Fund's 'Skills for the Future' programme. The programme aims to improve skills and develop the Scottish archives sector. This allows us to reinforce the importance of managing current records robustly to new archive professionals, to safeguard the archives of tomorrow and protect the rights of Scotland's citizens today.

- ▶ Student delegates at the Scottish Council on Archives 'Opening Up Scotland's Archives' event in Edinburgh.



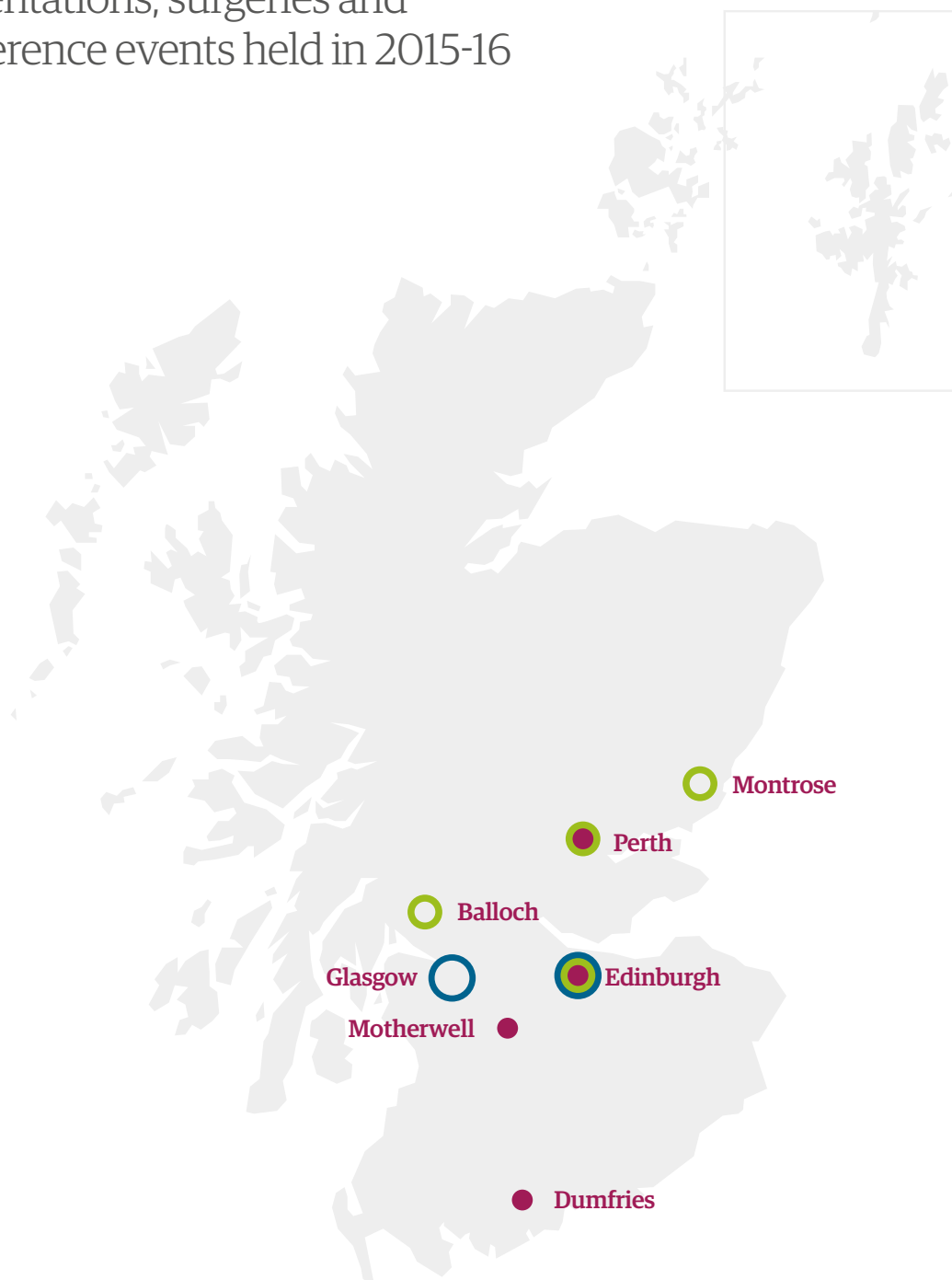
Image courtesy of Scottish Council on Archives

“We will continue to offer surgeries for the foreseeable future and review the best way of engaging with authorities to achieve the most productive outcomes.”

There has been increasing demand to present to individual authorities and for face-to-face meetings. Where possible we tried to fulfil those requests as they prove very valuable, particularly in the run up to the invitation and submission period. Though time consuming, they offer the team a welcome opportunity to discuss the Act in some detail with records management colleagues, and with senior public sector officials. Discussion can range from high level concerns about the impact of the Act on front line services to the potential benefits of improved information management. Presentations of this nature were delivered to North Lanarkshire Council; a joint Health and Social Care Partnership training day was held for Dumfries and Galloway Council, NHS Dumfries and Galloway and Police Scotland; and also for the Scottish Legal Aid Board and at NHS Tayside.

General surgery events continue to offer the main and most regular opportunity to engage with public bodies. We consider that the focus should shift to organising more sector-specific events and round table discussions. We will continue to offer surgeries for the foreseeable future and review the best way of engaging with authorities to achieve the most productive outcomes.

► Map showing locations of PRSA presentations, surgeries and conference events held in 2015-16



● Presentation

Venue	Date	Event
Motherwell	9 April 2015	North Lanarkshire Council Governance Committee
Dumfries	15 April 2015	Health and Social Care Partnership Working Group
Edinburgh	12 October 2015	NHS Records Management Forum
Perth	9 November 2015	IRMSS Conference

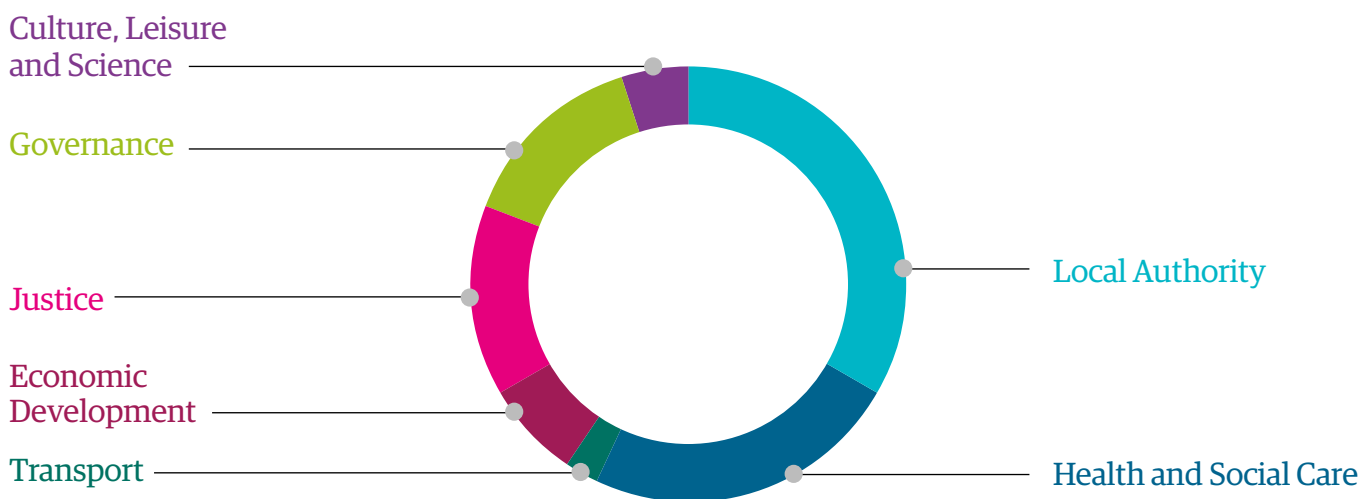
○ Surgery

Venue	Date	Event	Numbers
Balloch (Loch Lomond)	22 April 2015	Surgery	11
Montrose	23 April 2015	Round Table Workshop	5
Edinburgh	28 May 2015	Surgery	15
	7 September 2015	Surgery	15
Perth	1 October 2015	Surgery	12

○ Conference

Venue	Date	Event	Numbers
Edinburgh, Scottish Parliament	8 May 2015	Electronic Records Seminar	41
Edinburgh, NRS	1 December 2015	Electronic Records Seminar	62
Glasgow	24 February 2016	PRSA National Conference	93

Records management plans agreed in 2015-16 and sectors represented



Authority	Date of Agreement	Sector
Aberdeenshire Council	12/11/2015	Local Authority
Aberdeenshire Licensing Board	12/11/2015	Local Authority
Chief Dental Officer of the Scottish Administration	28/08/2015	Health and Social Care
Chief Medical Officer of the Scottish Administration	28/08/2015	Health and Social Care
Children's Hearings Scotland	05/08/2015	Health and Social Care
Commissioner for Children and Young People in Scotland	26/08/2015	Health and Social Care
David McBrayne Ltd	24/07/2015	Transport
Dunbartonshire, Argyll and Bute Valuation Joint Board	18/02/2016	Local Authority
East Dunbartonshire Council	23/02/2016	Local Authority
East Dunbartonshire Licensing Board	23/02/2016	Local Authority
Education Scotland	13/10/2015	Economic Development
Healthcare Improvement Scotland	30/10/2015	Health and Social Care
Her Majesty's Chief Inspector of Prisons	28/08/2015	Justice
Her Majesty's Inspector of Anatomy for Scotland	28/08/2015	Culture, leisure and science
HM Inspectorate of Constabulary in Scotland	28/08/2015	Justice
HM Inspectorate of Fire and Rescue for Scotland	28/08/2015	Governance

Authority	Date of Agreement	Sector
Inverclyde Council	12/11/2015	Local Authority
Inverclyde Licensing Board	12/11/2015	Local Authority
Judicial Appointments Board for Scotland	07/03/2016	Justice
National Convener of Children's Hearings Scotland	05/08/2015	Health and Social Care
NHS Health Scotland	13/08/2015	Health and Social Care
North Ayrshire Council	05/08/2015	Local Authority
North Ayrshire Licensing Board	05/08/2015	Local Authority
Parole Board for Scotland	28/08/2015	Justice
Perth and Kinross Council	20/07/2015	Local Authority
Perth and Kinross Licensing Board	20/07/2015	Local Authority
Police Investigations and Review Commissioner	25/08/2015	Justice
Renfrewshire Valuation Joint Board	20/01/2016	Local Authority
Scottish Agricultural Wages Board	28/08/2015	Governance
Scottish Ambulance Service	12/11/2015	Health and Social Care
Scottish Commission for Human Rights	29/12/2015	Health and Social Care
Scottish Enterprise	06/05/2015	Economic Development
Scottish Government Main	28/08/2015	Governance
Scottish Health Council	30/10/2015	Health and Social Care
Scottish Housing Regulator	13/10/2015	Governance
Scottish Law Commission	19/06/2015	Justice
Scottish Public Services Ombudsman	29/02/2016	Governance
Scottish Qualifications Authority	25/08/2015	Economic Development
Standards Commission for Scotland	15/09/2015	Governance
Visit Scotland	13/01/2016	Culture, leisure and science
West Dunbartonshire Council	25/08/2015	Local Authority
West Dunbartonshire Licensing Board	25/08/2015	Local Authority

“The Keeper has offered to facilitate a forum meeting to enable the Inquiry to meet with as many authorities as possible.”

► Scottish Child Abuse Inquiry

The Public Inquiry on Historical Abuse of Children in Care (renamed the Scottish Child Abuse Inquiry) was announced by Scottish Ministers on 28 May 2015.⁶ It was officially set up on 1 October 2015 and is Scotland’s first statutory national inquiry into the historical abuse of children in care. It is due to report within four years. Its overall aim and purpose is to raise public awareness of the abuse of those children during the period it covers. It will provide an opportunity for public acknowledgement of their suffering and a forum for validation of their experience and testimony.⁷

The period covered by the Inquiry is within ‘living memory’ of any person who suffered abuse. The definition of ‘abuse’ extends beyond the physical and the Inquiry will be entitled to consider other forms of abuse at its discretion. The Keeper is committed to assisting the work of the Inquiry and we prepared an initial list of potential record sources in NRS. Reflecting the scale of the task involved, a conservative estimate assessed over 1,000 metres of government records which could be potentially relevant. That excludes court records or any material held by other public authorities.

We met the Inquiry team this year. The Keeper has offered to facilitate a forum meeting to enable the Inquiry to meet with as many authorities as possible. That may involve key contacts identified under the Act. We hope that this may help authorities to better understand the Inquiry’s terms of reference and their own obligation to assist its investigations.

⁶ <http://www.gov.scot/Topics/People/Young-People/protecting/child-protection/historical-child-abuse>

⁷ <https://www.childabuseinquiry.scot/>

► Wider outreach

Perhaps not surprisingly the level of visits and downloads for information about the Keeper's Model Plan and Guidance from our website is falling. That trend reflects the increase in the numbers of authorities who have completed the process and have less need to access that information. However, it is encouraging that interest in the Model Plan and Guidance remains moderately high. Figures can be seen in the following table, with last year's figures shown in brackets.

► NRS website statistics

► Visits and downloads from the NRS website

	Nos of RTF Downloads	Nos of PDF Downloads	Visits
Keeper's Model Plan document	27 (271)	169 (348)	1,431 (2,880)
Keeper's Model Plan Guidance Document	n/a	216 (1,084)	462 (1,946)

► 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 establishment of a National Confidential Forum (NCF) under The Victims and Witnesses (Scotland) Act 2014⁸ is one such initiative that drew on the expertise of the Keeper to help frame its terms of reference. The NCF began its work late in 2014 and we remain in contact with it. The NCF was created as a formal committee of the Mental Welfare Commission for Scotland (MWC) which, as a scheduled authority under the Act, had to amend its agreed plan to account for this new area of business. We are therefore liaising with MWC over its updated plan which accounts for the records of the NCF.

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

► Janine Rennie, Chief Executive,
Open Secret (In Care Survivors
Service Scotland)

“Through our work delivering the In Care Survivors Service Scotland project, we have found that good record keeping is important for the emotional wellbeing of former residents. It can make the difference that enables survivors of abuse to recover, gain closure and move forward. The Public Records Scotland Act is welcomed as it will ensure good records management practice by public authorities.”

Other post-*Shaw* initiatives that we continue to contribute to include Reclaiming Lost Childhoods (RLC), a project designed to help care experienced individuals investigate and access information and records about their time in care. A series of workshops were set up to consider the barriers and issues in tracing information and accessing records.

One of the outcomes of RLC was a requirement for an oral history of individual experiences and life histories of care experienced individuals and victims of abuse. It was imperative that ownership, direction and control of this work remained with care leavers and victims. The outcome was the establishment of Talking Care Scotland (TCS), designed to deliver 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. The Keeper is a trustee of TCS offering records and information support.

The Keeper commented on the process that helped develop the Scottish Human Rights Commission’s (SHRC) Action Plan on Justice for Victims of Historic Abuse of Children in Care, published in January 2014. He continues to support the Commission’s work.

The Scottish Government’s SurvivorScotland policy team is responsible for co-ordinating the successful delivery of future policy to support adult survivors. It implements the Scottish Government’s SHRC interaction plan commitments. The SG therefore convened a Policy Steering Group for the SHRC Interaction Plan on Historic Abuse of Children in Care. The Keeper contributes to the work of the Group.

► Recognition and contact with other jurisdictions

In September we addressed a visiting group of archivists from South Korea. This group was visiting the UK to learn more about our archival and records management practices. They visited NRS and showed great interest in the work of the PRSA team. They were keen to access web-based information on the implementation process.

Last year we reported that we met with researchers from the Centre for Organisational and Social Informatics, Faculty of Information Technology, Monash University, Melbourne, Australia. We discussed 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 research programme aims to investigate and develop new thinking around record keeping in Australia, particularly around care and records that provide evidence of identity and supports care leavers in upholding rights and seeking justice. This work resonates with initiatives in Scotland and we will continue to support our Australian colleagues where appropriate. A forthcoming international gathering of information specialists in Dundee will see us collaborate with Monash University to deliver a conference session.

We also reported last year on contact with 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. They are particularly interested in the experience of survivors of in-care abuse as they seek to find and access records about themselves and their care environment. In May 2015 Professor Wendy Duff from the Faculty of Information visited Edinburgh and conducted interviews with members of the assessment team to help inform their work.

SECTION 6

Looking forward

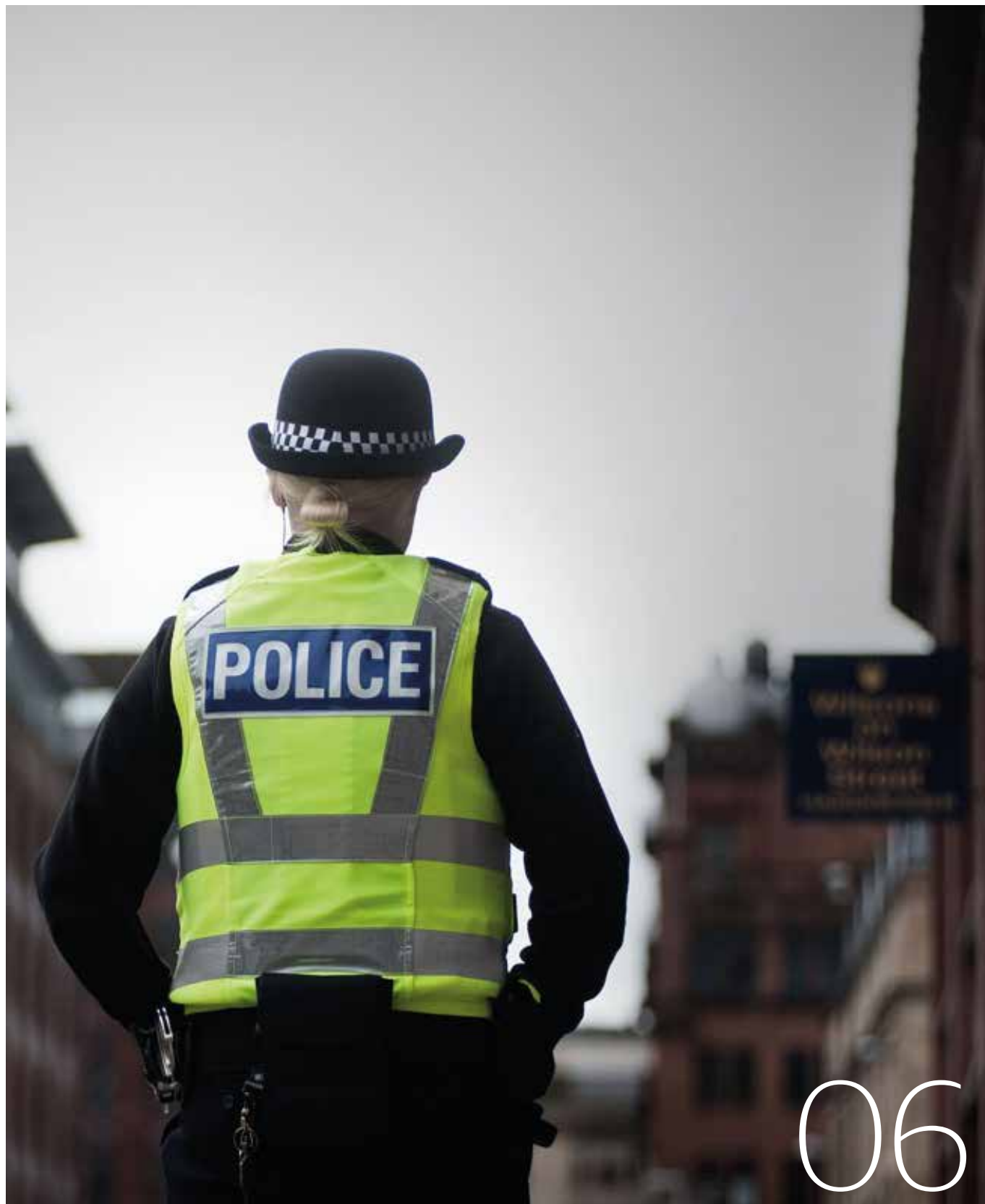


Image courtesy of Police Scotland

06

“Most submissions agreed by the Keeper contained improvement models, considered to be a positive step, and further evidence of the development of a more open and transparent culture.”

The Act continues to make good progress and we saw tangible improvements to record keeping practice this year. Evidence submitted suggests that record keeping is now seen as increasingly valued by authorities, some of whom are taking it seriously for the first time. The Act has ensured that it is no longer viewed as a back room activity, but recognised as essential to help support better governance and improve public services.

Public authorities across Scotland submitted robust plans again this year. Those reflected growing awareness of the need for good practice across different sectors. Most submissions agreed by the Keeper contained improvement models, considered to be a positive step, and further evidence of the development of a more open and transparent culture. We continue to encourage authorities to publish their plans once they have been agreed, and this year we published a list of those available on authorities' own websites. This will benefit others who have yet to submit their plans and help promote good practice.⁹

It is pleasing to report that different sectors continue to develop their own discussion and liaison groups that help share experience, knowledge, extend best practice and ensure authorities continue to work together in a positive way. Instrumental in helping that process has been the work of the Information and Records Management Society (IRMS) at both Scottish and UK levels, and the Scottish Council on Archives (SCA). We continue to work closely with these professional bodies, as reported in earlier sections. The Act and the work of the assessment team benefitted significantly from their expertise, extensive communication networks and willingness to involve us in wider events and discussions.

The Act continues to attract attention from overseas. Though there has been a reduction in downloading copies of the Keeper's Model Plan and Guidance, they still receive attention from overseas researchers particularly in Australia and Canada.

► Kim Eberhard, PhD candidate, Western Sydney University, researching private sector bodies delivering public sector services.

“The Public Records (Scotland) Act is ‘hero legislation’ because it addresses the gap between public and private sectors, especially through its clear and inclusive definition of a public record. A new benchmark has been set, which I hope will encourage other jurisdictions internationally to revise and amend their own records and archives legislation.”

⁹ <http://www.nrscotland.gov.uk/record-keeping/public-records-scotland-act-2011/resources/published-records-management-plans-rmps>

“A number of authorities are, for the first time, engaging with the obligation to put archive arrangements in place for records of enduring value.”

We continue to engage with relevant research projects. Next year the assessment team has been invited to address The Forum for Archives and Records Management Education and Research (FARMER) conference, an international conference to be held in Dundee on 5 April 2016. The conference will attract specialist researchers and trainers in the archives and records management profession from across the world.

There is interest in the Act from other national institutions. The National Archives of Ireland (NAI) sent several delegates to attend the conference in Glasgow in February 2016. We discussed the benefits of the Act and the implementation process with the Director of NAI as a possible model to follow with regard to records of local authorities in the Republic of Ireland. Our Irish colleagues plan to host records management training events for civil servants in Dublin and expressed interest in inviting the team to participate.

The Act has been in operation for three years and over 100 plans have been submitted and agreed. A pattern has emerged which reflects broad success for the legislation. All public authorities with agreed plans have appointed a named senior officer who has ultimate responsibility for ensuring their plan is resourced. They have further appointed an officer to have day-to-day records management responsibility and ensure that the plan is implemented. These are the essential foundations upon which future good practice in records management, and therefore the success of the Act, will be based.

Senior management support for the provisions of a plan will be the means by which Scottish Ministers' aims for the Act will be delivered and the culture of records management practice in Scotland changed for the better. A number of authorities are, for the first time, engaging with the obligation to put archive arrangements in place for records of enduring value. The Act is helping to support proper archive provision, another indicator that it is delivering tangible improvements.

Feedback from authorities, whether at meetings, surgeries or conferences, indicate that the Keeper's strategy of open discussion and engagement is welcomed and helping them through the process. Our commitment to the principle of continuous improvement and encouraging progress over the longer term, helps records managers give a reasonable and positive message to their senior management teams. This encourages authorities to engage positively with the process. Over time, it will help embed improvements made to the management of public sector information.

Records managers in authorities continue to bring forward their own initiatives. We have, for example, been invited to participate at regular meetings of the NHS Records Management Forum. The Forum was set up at the start of 2015 to provide records managers in that sector with a space in which to discuss issues and share experience. Through direct engagement, we ensure that the Forum is kept informed of developments under the Act and likewise we are apprised of progress and challenges experienced across the NHS in Scotland. We continue to encourage this type of activity to help develop wider conversations.

Implementation of the Act must not falter. Where an authority's plan has been agreed, we will continue to support the key contact to ensure that record keeping remains high profile. The Keeper recognises that as time passes and more plans are agreed, there is a danger that complacency may set in. To ensure this does not happen, we will embed the assessment process for improvement models as a routine action within authorities.

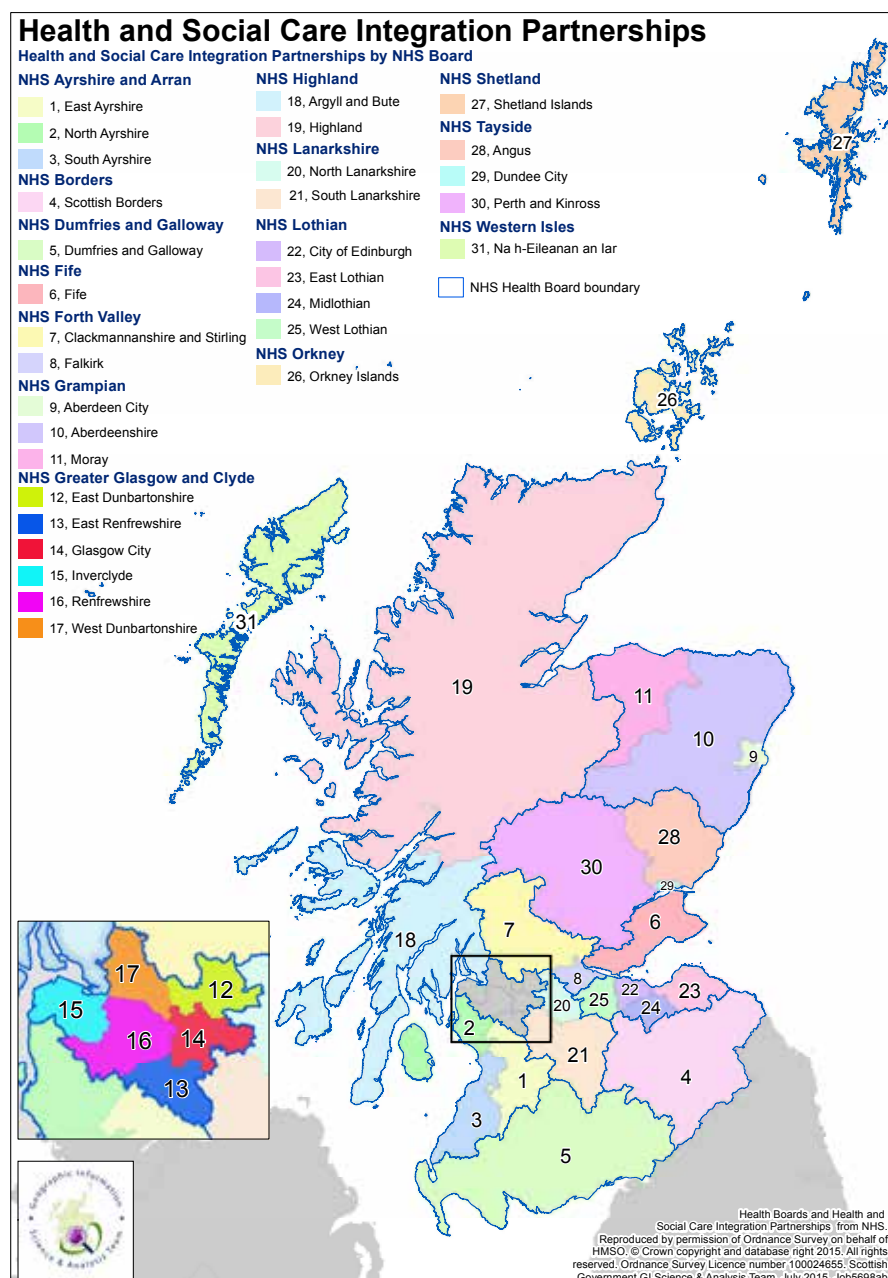
The NRS Digital Preservation Strategy identifies issues we need to tackle in order to ensure that we are able to select, accept, interpret and make available records in digital formats. Last year, NRS initiated a Digital Preservation Programme to deliver this change. As part of the programme, we engaged with local authorities over the development of resources to help them take their own first steps towards digital preservation. As reported in section 4, part of that wider engagement process included supporting the e-records seminars conducted in 2015. We are also partnering with SCA to resource initiatives in 2016-17 to create 'foundation guidance' on digital preservation for Scottish local authorities. However, we consider that this guidance will help more widely, and assist other authorities meeting the challenges of digital preservation and archiving of born-digital records under element 7.

The Scottish Child Abuse Inquiry will have a significant impact on the work of many authorities across Scotland as they deal with the Inquiry's need to access vital information and records. The Inquiry also provides us with an opportunity to promote the Act. We will use it to encourage authorities to realise the benefits that might immediately be accrued through good records management to help them meet their obligations to the Inquiry.

We will continue to engage with senior public sector executives in a positive way and respond to ad-hoc requests to present to senior managers.

We will exploit new opportunities and seek to engage more widely with new audiences. For example, we will co-host a one-day workshop in April 2016 with the Administrative Data Research Centre Scotland (ADRCS) to discuss the role of the Act in helping public authorities negotiate issues around shared and open data, and any lessons learned from implementing the Act.

Also, new public authorities, such as the Integrated Joint Boards (IJB), created under the Public Bodies (Joint Working) (Scotland) Act 2014, are subject to the Act. That will require us to liaise closely with colleagues across the health service and local authority sectors, as well as IJB Chief Officers, to understand better the functions and record creating responsibilities of these new bodies.



“We are on track to complete the invitation process within the five year cycle by the year 2018.”

Next year we will invite another 50 authorities to submit their plans for assessment. We are on track to complete the invitation process within the five-year cycle by the year 2018.

We will continue to build on the lessons learned and engage with authorities to promote the benefits of the Act and extend understanding of it. 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. The new assessment programme for improvement models, highlighted in section 4, will be rolled out in 2016. The assessment team will work to ensure that this reporting mechanism becomes instrumental in maintaining the profile of records management across authorities.

We will continue to run general surgeries during the spring and autumn of 2016, inviting authorities who have completed the process to share their experience. However, in recognition of changing requirements we will reduce the number and review their locations to ensure that the maximum number of authorities can attend. We will also consider running more round table discussions and provide more specific speaker engagements as required.

We will continue to use the Act as an enabler. As the Act matures and more authorities achieve the Keeper’s agreement, the challenge is to ensure that momentum is maintained. We will seek to build on the success of the past three years to ensure that the good work taking place across Scotland’s public authorities delivers lasting improvements in record keeping.

► Falkirk Council records store.



Image © 2014 Falkirk Council

Improving the quality of record keeping and the status of records management remains our ultimate goal. While much remains to be done, evidence shows that the Act is working and practical changes and successes achieved. By changing the culture of records and information management we stand not just to make our authorities more efficient and effective, but to better serve the citizens of Scotland.

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Produced for National Records of Scotland by APS Group Scotland

Published by National Records of Scotland, September 2016

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