The Public Records (Scotland) Act 2011

Clackmannanshire and Stirling Integration Joint Board

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

26th February 2024

Contents

1. Public Records (Scotland) Act 2011

The Public Records (Scotland) Act 2011 (the Act) received Royal Assent on 20 April 2011. It is the first new public records legislation in Scotland since 1937 and came into force on 1 January 2013. Its primary aim is to promote efficient and accountable record keeping by named Scottish public authorities.

The Act has its origins in *The Historical Abuse Systemic Review: Residential Schools and Children's Homes in Scotland 1950-1995* (The Shaw Report) published in 2007. The Shaw Report recorded how its investigations were hampered by poor recordkeeping and found that thousands of records had been created, but were then lost due to an inadequate legislative framework and poor records management. Crucially, it demonstrated how former residents of children's homes were denied access to information about their formative years. The Shaw Report demonstrated that management of records in all formats (paper and electronic) is not just a bureaucratic process, but central to good governance and should not be ignored. A follow-up review of public records legislation by the Keeper of the Records of Scotland (the Keeper) found further evidence of poor records management across the public sector. This resulted in the passage of the Act by the Scottish Parliament in March 2011.

The Act requires a named authority to prepare and implement a records management plan (RMP) which must set out proper arrangements for the management of its records. A plan must clearly describe the way the authority cares for the records that it creates, in any format, whilst carrying out its business activities. The RMP must be agreed with the Keeper and regularly reviewed.

2. Progress Update Review (PUR) Mechanism

Under section 5(1) & (2) of the Act the Keeper may only require a review of an authority's agreed RMP to be undertaken not earlier than five years after the date on which the authority's RMP was last agreed. Regardless of whether an authority has successfully achieved its goals identified in its RMP or continues to work towards them, the minimum period of five years before the Keeper can require a review of a RMP does not allow for continuous progress to be captured and recognised.

The success of the Act to date is attributable to a large degree to meaningful communication between the Keeper, the Assessment Team, and named public authorities. Consultation with Key Contacts has highlighted the desirability of a mechanism to facilitate regular, constructive dialogue between stakeholders and the Assessment Team. Many authorities have themselves recognised that such regular communication is necessary to keep their agreed plans up to date following inevitable organisational change. Following meetings between authorities and the Assessment Team, a reporting mechanism through which progress and local initiatives can be acknowledged and reviewed by the Assessment Team was proposed. Key Contacts have expressed the hope that through submission of regular updates, the momentum generated by the Act can continue to be sustained at all levels within authorities.

The PUR self-assessment review mechanism was developed in collaboration with stakeholders and was formally announced in the Keeper's Annual Report published on 12 August 2016. The completion of the PUR process enables authorities to be credited for the progress they are effecting and to receive constructive advice concerning on-going developments. Engaging with this mechanism will not only maintain the spirit of the Act by encouraging senior management to recognise the need for good records management practices, but will also help authorities comply with their statutory obligation under section 5(1)(a) of the Act to keep their RMP under review.

3. Executive Summary

This Report sets out the findings of the Public Records (Scotland) Act 2011 (the Act) Assessment Team's consideration of the Progress Update template submitted for Clackmannanshire and Stirling Integration Joint Board. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

Clackmannanshire and Stirling Integration Joint Board is responsible for the planning and oversight of delivery of health and social care integrated functions for Clackmannanshire and Stirling.

The Board's Integration Scheme sets out the functions which are delegated by NHS Forth Valley and Clackmannanshire and Stirling Councils to the IJB https://clacksandstirlinghscp.org/.

The Board operates as a body corporate (a separate legal entity), acting independently of NHS Forth Valley and Clackmannanshire and Stirling Councils. The Board consists of six voting members appointed in equal number by the NHS Forth Valley and a further three voting members from Clackmannanshire Council, and three from Stirling Council. A number of representative members are also drawn from the third sector, independent sector, staff, carers and service users. The Board is advised by a number of professionals including the Chief Officer, Medical Director, Nurse Director and Chief Social Work Officer.

The key functions of the Board are to:

- Prepare a Plan for integrated functions that is in accordance with national and local outcomes and integration principles
- Allocate the integrated budget in accordance with the Plan
- Oversee the delivery of services that are within the scope of the Partnership.

5. Assessment Process

A PUR submission is evaluated by the Act's Assessment Team. The self-assessment process invites authorities to complete a template and send it to the Assessment Team one year after the date of agreement of its RMP and every year thereafter. The self-assessment template highlights where an authority's plan achieved agreement on an improvement basis and invites updates under those 'Amber' elements. However, it also provides an opportunity for authorities not simply to report on progress against improvements, but to comment on any new initiatives, highlight innovations, or record changes to existing arrangements under those elements that had attracted an initial 'Green' score in their original RMP submission.

The assessment report considers statements made by an authority under the elements of its agreed Plan that included improvement models. It reflects any changes and/or progress made towards achieving full compliance in those areas where agreement under improvement was made in the Keeper's Assessment Report of their RMP. The PUR assessment report also considers statements of further progress made in elements already compliant under the Act.

Engagement with the PUR mechanism for assessment cannot alter the Keeper's Assessment Report of an authority's agreed RMP or any RAG assessment within it. Instead the PUR Final Report records the Assessment Team's evaluation of the submission and its opinion on the progress being made by the authority since agreeing its RMP. The team's assessment provides an informal indication of what marking an authority could expect should it submit a revised RMP to the Keeper under the Act, although such assessment is made without prejudice to the Keeper's right to adopt a different marking at that stage.

Key:

G	The Assessment Team agrees this element of an authority's plan.	A	The Assessment Team agrees this element of an authority's progress update submission as an 'improvement model'. This means that they are convinced of the authority's commitment to closing a gap in provision. They will request that they are updated as work on this element progresses.	R	There is a serious gap in provision for this element with no clear explanation of how this will be addressed. The Assessment Team may choose to notify the Keeper on this basis.

6. Progress Update Review (PUR) Template: Clackmannanshire and Stirling Integration Joint Board

Element	Status of elements under agreed Plan 25JUN19	Status of evidence under agreed Plan 25JUN19	Progress review status 26FEB24	Keeper's Report Comments on Authority's Plan 25JUN19	Self-assessment Update as submitted by the Authority since 25JUN19	Progress Review Comment 26FEB24
1. Senior Officer	G	G	G	Update required on any change.	Clackmannanshire and Stirling IJB confirm that AnneMargaret Black, Chief Officer, remains the individual with overall responsibility for records management in the authority. *Update February 2024:* AnneMargaret Black is currently on secondment and therefore the CSIJB Interim Chief Officer is currently David Williams.	The Assessment Team thanks you for this confirmation. Update required on any future change. *Comments on update February 2024*: Noted with thanks.
2. Records Manager	G	G	G	Update required on any change.	Deirdre Coyle retired as Head of Information Governance for NHS Forth Valley in 2022. Sarah Hughes-Jones took over this role in July 2022 and is the individual with responsibility for overseeing the implementation of the *Plan*, with Amy Cawood, Corporate Records Manager providing professional records management support. Lesley Fulford, Senior Planning Manager, Clackmannanshire and Stirling Health & Social Care Partnership (lesley.fulford@nhs.scot) provides oversight from the IJB perspective.	Thank you very much for this update which has been noted. The Assessment Team also notes that, since the submission of this PUR, Amy Cawood has left her role as Corporate Records Manager for NHS Forth Valley. The PRSA team confirms that it has an additional named Key Contact on file.

					The IJB holds limited records in its own right but has an interest in ensuring its partners are properly managing their records relating to integrated services in line with their approved plans. The IJB's records are held and managed on systems operated by NHS Forth Valley. The NHS Forth Valley RMP resubmission was approved by the Keeper in June 2023.	
3. Policy	G	G	G	Update required on any change.	The IJB Records Management Plan (*Plan*) points to the NHS Forth Valley Corporate Records Management Policy. This was updated and approved by the Information Governance Group in June 2021. It was also approved by the Keeper as appropriate in NHS Forth Valley's revised Records Management Plan (RMP) in June 2023.	Element 3 stipulates that the authority has an appropriate policy statement on records management.

The Assessment Team thanks you for this positive update on NHS Forth Valley's Corporate Records Management Policy update. |
| 4. Business Classification | A | G | A | **The Records Management Plan of NHS Forth Valley has been agreed by the Keeper under 'improvement model' terms for element 4. This means that the Health Board has identified a gap in provision in this element and is working towards closing that gap.**

Therefore, the Keeper agrees this element of the Clackmannanshire and Stirling Integration Joint | Business Classification Scheme (BCS) – the records of the delivery of the integrated services (as opposed to the records of the operational administration of the IJB) are held under the business classification scheme of NHS Forth Valley. The NHS Forth Valley RMP was agreed by the Keeper under "improvement model" terms for this element, and accordingly the IJB *Plan* was approved on the same basis. NHS Forth Valley formally resubmitted its RMP in October 2022 (and received approval in June 2023). The BCS continues to be approved under an | Thank you for this update which is noted with thanks.

The NHS Forth Valley Records Management Plan highlights that the BCS is not implemented across the shared drive network, but that it will be integral to [the] M365 solution. This will take time to implement fully, and the Assessment Team looks forward to being updated on progress in future PURs. |

	A	G		**Board's Records Management Plan under 'improvement model' terms.**	improvement model and will be incorporated into the planning for M365 SharePoint implementation.	This Element will remain at Amber while work on BCS and IAR and M365 implementation continues.
5. Retention Schedule	A	G	G	**The Records Management Plan of NHS Forth Valley has been agreed by the Keeper under 'improvement model' terms for element 5. This means that the Health Board has identified a gap in provision in this element and is working towards closing that gap.** **Therefore, the Keeper agrees this element of the Clackmannanshire and Stirling Integration Joint Board's Records Management Plan under 'improvement model' terms.**	Retention schedule – in 2016, the plan for NHS Forth Valley was agreed by the Keeper under "improvement model" terms for this element, and accordingly, the IJB *Plan* was approved on the same basis. Under the new NHS Forth Valley RMP (June 2023), this element has now been fully approved.	The Assessment Team thanks you for this update which has been noted. This Element can now be turned Green for the PURs. Should Clackmannanshire and Stirling IJB resubmit their RMP for assessment, it is likely this Element would receive a Green status.
6. Destruction Arrangements	A	G	A	**The Records Management Plan of NHS Forth Valley has been agreed by the Keeper under 'improvement model' terms for element 6. This means that the Health Board has identified a gap in provision in this element and is working towards closing that gap.** **Therefore, the Keeper agrees this element of the Clackmannanshire and**	Destruction arrangements – NHS Forth Valley's RMP was agreed by the Keeper under "improvement model" terms for this element in 2023, and accordingly the IJB *Plan* is approved on the same basis. The issue is primarily around destruction of electronic records, in common with many Scottish public authorities. This element remains under an improvement model. The NHS Forth Valley RMP notes that deletion of digital records managed in network shared drives is not fully auditable	Thank you for this update which has been noted. Improvements to this Element are expected following the M365 implementation to NHS Forth Valley's, and therefore Clackmannanshire and Stirling IJB's, systems. This Element remains at Amber while the work to address electronic records

				Stirling Integration Joint Board's Records Management Plan under 'improvement model' terms.	or undertaken in a controlled manner. NHS Forth Valley anticipates that migration to M365 should greatly enhance its ability to monitor the deletion of public records when appropriate.	destruction continues.
7. Archiving and Transfer	**G**	**A**	**G**	**The IJB Plan notes an action point to liaise with the NHS Forth Valley archive repository (Stirling University) regarding the IJB records specifically. This will be done when a permanent Chief Officer (see element 1) has been appointed.** **The Keeper would like to learn more regarding the IJB taking decisions around what gets archived.** **The Keeper agrees this element of Clackmannanshire and Stirling Integrated Joint Board's records management plan on an 'improvement model' basis. This means that the authority has identified a gap in provision (the IJB has not discussed their records specifically with the archive) and have put in place a plan to close that gap. The Keeper agreement is conditional on the authority pursuing a meeting with Stirling University Archive Services as soon as is practical. The IJB has acknowledged this.**	Archiving and Transfer - the RMP for NHS Forth Valley was agreed by the Keeper under "improvement model" terms for this element in 2016, and accordingly, the IJB *Plan* was approved on the same basis. Following resubmission of its RMP in 2023, NHS Forth Valley's Archiving and Transfer element has now been fully approved. The IJBs records are included in NHS Forth Valley's revised MoU with Stirling University.	The Assessment Team thanks you for this update which has been noted. It is excellent to hear that the revised MoU with Stirling University and NHS Forth Valley explicitly includes IJB records. Update required on any future change.

	G	G	G			
8. Information Security	G	G	G	Update required on any change.	Refer to NHS Forth Valley RMP agreed June 2023.	Update required on any future change.
9. Data Protection	G	G	G	Update required on any change.	Refer to NHS Forth Valley RMP agreed June 2023.	Update required on any future change.
10. Business Continuity and Vital Records	A	G	A	**The Plan notes for further development an action point to undertake a "Review of all resilience policies to ensure they refer to IJB records." The Keeper agrees this is an important action as the IJB is a relatively new authority.** **The Keeper agrees this element of the Clackmannanshire and Stirling Integration Joint Board's records management plan on 'improvement model' terms. This means that the authority has identified a gap in their records management provision (the review of the business continuity system focusing on IJB records has not yet been carried out) but have put processes in place to close that gap.**	IJB policies and procedures align with its partner organisations. A review is underway to ensure that all IJB records are covered. In addition, the Keeper has agreed that NHS Forth Valley have an approved and operational business continuity process and that information management and records recovery properly feature in its plans. Although this element has been formally approved by the Keeper, work still needs to be undertaken by NHS Forth Valley to provide assurance that records that are business critical are covered by business continuity and disaster recovery arrangements. The IJB's information assets still need to be added to the NHS Forth Valley Information Asset Register.	Thank you for this update on the ongoing business continuity review focusing on IJB records, mentioned in the 2019 Agreement Report. While progress is being made and the upcoming records review underway, this Element remains at Amber while the work continues. For instance, it is good to hear that there is awareness that IJB's information assets still need to be added to the NHS Forth Valley Information Asset Register, and that work still needs to be undertaken to provide assurance that records that are business critical are covered by business continuity and disaster recovery arrangements. The Team look forward to updates on progress in future

	A	G	A			PURs.
11. Audit Trail				**The Records Management Plan of NHS Forth Valley has been agreed by the Keeper under 'improvement model' terms for element 11. This means that the Health Board has identified a gap in provision in this element and is working towards closing that gap.** **Therefore, the Keeper agrees this element of the Clackmannanshire and Stirling Integration Joint Board's Records Management Plan under 'improvement model' terms.**	Audit trail – In 2016, the plan for NHS Forth Valley was agreed by the Keeper under "improvement model" terms for this element, and accordingly, the IJB *Plan* was approved on the same basis. This element remains under an improvement model for NHS Forth Valley under its 2023 resubmission. This gap in provision is likely associated with the lack of centralised control of changes made to records managed on shared drives. It is anticipated that functionality available in M365 will help provide more robust audit capabilities.	The ongoing M365 implementation will have a significant impact on this Element, enforcing automated audit trail metadata on any changes made to records. This Element will remain at Amber while IJB's records are still being managed on shared drives under NHS Forth Valley's systems. The Assessment Team looks forward to progress updates on this project in future PURs.
12. Competency Framework	G	G	G	Update required on any change.	Refer to NHS Forth Valley RMP June 2023. This element has been fully approved by the Keeper. IJB administrators have access to NHS systems and are therefore required to complete the mandatory Records Management module on TURAS. Any administrative staff who may not have access to NHS systems, can receive individual records management training from the Corporate Records Management team as required.	The Assessment Team appreciates this update on staff records management training, both mandatory and voluntary. The Team has no particular concerns regarding this Element. Update required on any future change.
13. Assessment and Review	A	G	A	**The Head of Information Governance is developing a self-assessment document to**	Voluntary participation in the Progress Update Review process provides the IJB with a means to assess and review the	Thank you for this update. The IJB's participation in the PUR process is commended.

				support assessment and review. **This will be monitored and reported via Internal Audit. The self-assessment will build upon a self-assessment tool being developed for NHS Forth Valley records.** **The Keeper agrees this element of the Clackmannanshire and Stirling Integration Joint Board's Records Management Plan on 'improvement model' terms. This means that the authority has identified a gap in provision (the self-assessment mechanism is still in development), but has put processes in place to close that gap. The Keeper's agreement is conditional on his being updated as requested regarding the progress of the self-assessment mechanism.**	records management processes currently in place. At the time of submission of the IJB's Plan there was no agreed mechanism for review. However, discussions are underway with a records manager at another Council to carry out reciprocal review of the Councils' and IJB plans by way of review. The Keeper has agreed to this element under "improvement model" terms. A joint Records Management Group has been established between the Board, NHS Forth Valley and another local Council. It is envisaged that this Group will provide support with the scrutiny of RMPs. However, as the IJB follows the NHS Forth Valley's 2023 RMP in respect of its records management, it will inevitably require improvement as the Keeper notes that "until he is informed that NHS Forth Valley is confident that its review methodology has been appropriately adopted this element remains at Amber."	NHS Forth Valley has reported that the maturity model detailed in the IJB's RMP in 2019 is not yet fully embedded, and that they "still have some way to go". While acknowledging that the Maturity Model is a suitable measure of the success of the implementation of the RMP, this element retains its Amber status until the authority can be confident it is sufficiently embedded. This Element will remain at Amber while work continues. The establishment of a joint Records Management Group to ensure the RMP is being kept under review is particularly positive news.
14. Shared Information	**G**	**A**	**G**	The *Plan* refers to an information sharing protocol (guidance). **In evidence for this element the Keeper requires to see an example data sharing agreement featuring the IJB. An MoU with the health board or one of the Councils, allowing the IJB to process data, would suffice.** **For the moment the Keeper**	No personal data is shared with the IJB from either Stirling or Clackmannanshire Councils nor NHS Forth Valley. The only personal data held by or shared with the IJB is in respect of its Board members. The IJB does not process any personal data on behalf of its constituent partners.	Thank you for this update on information sharing. It is good to hear that no personal data is currently being processed on behalf of its constituent partners. It is likely other kinds of information is being shared, however, in a necessary, lawful and controlled way.

	■	■	■	**agrees this element of the Clackmannanshire and Stirling IJB's plan as an improvement model. If, in the future, he can be provided with evidence showing that information governance is considered when information sharing takes place between the IJB and third parties, the Keeper should be able to fully agree this element.**	*Update February 2024:* A copy of the *Forth Valley Information Sharing Protocol* between Clackmannanshire Council, Stirling Council, NHS Forth Valley, and Clackmannanshire and Stirling Integration Joint Board, 2024, has been provided.	*Comments on February 2024 Update:* The Assessment Team acknowledges the receipt of the Joint Information Sharing Protocol (2024) with thanks.
15. Public Records Created or Held by Third Parties	N/A	N/A	N/A	Not included in current IJB *Plan* (2019).	The IJB does not procure services but relies on its partner organisations to do this. Any external providers should have the requirements written into the contract. This will ensure that the contract complies with information governance, information security and records management requirements are embedded at the procurement and implementation stages. The Keeper has agreed this element of the NHS Forth Valley 2023 RMP under 'improvement model' terms. NHS Forth Valley requires to undertake considerable work to understand the full extent of records created by third parties who carry out NHS Forth Valley functions. Further work is also required to ensure that all new systems and projects comply with information governance, information security and records management requirements and that this is embedded at procurement and implementation stages.	Element 15 stipulates that adequate arrangements must be in place for the management of records created and held by third parties who carry out any **functions** of the authority. It is, however, good that NHS Forth Valley has identified that it is not entirely confident of its current compliance under this Element, but that it is taking steps to close this gap. While this positive note applies to the IJB as well, this Element will remain 'Not Applicable' for Clackmannanshire and Stirling Integration Joint Board.

7. The Public Records (Scotland) Act Assessment Team's Summary

Version

The progress update submission which has been assessed is the one received by the Assessment Team on 18th September 2023. The progress update was submitted by Amy Cawood, Corporate Records Manager.

The progress update submission makes it clear that it is a submission for **Clackmannanshire and Stirling Integration Joint Board**.

The Assessment Team has reviewed Clackmannanshire and Stirling Integration Joint Board's Progress Update submission and agrees that the proper record management arrangements outlined by the various elements in the authority's plan continue to be properly considered. The Assessment Team commends this authority's efforts to keep its Records Management Plan under review.

General Comments

Clackmannanshire and Stirling Integration Joint Board continues to take its records management obligations seriously and is working to bring all elements into full compliance.

Section 5(2) of the Public Records (Scotland) Act 2011 provides the Keeper of the Records of Scotland (the Keeper) with authority to revisit an agreed plan only after five years has elapsed since the date of agreement. Section 5(6) allows authorities to revise their agreed plan at any time and resubmit this for the Keeper's agreement. The Act does not require authorities to provide regular updates against progress. The Keeper, however, encourages such updates.

The Keeper cannot change the status of elements formally agreed under a voluntary submission, but he can use such submissions to indicate how he might now regard this status should the authority choose to resubmit its plan under section (5)(6) of the Act.

8. The Public Records (Scotland) Act Assessment Team's Evaluation

Based on the progress update assessment the Assessment Team considers that Clackmannanshire and Stirling Integration Joint Board continue to take their statutory obligations seriously and are working hard to bring all the elements of their records management arrangements into full compliance with the Act and fulfil the Keeper's expectations.

The Assessment Team recommends authorities consider publishing PUR assessment reports on their websites as an example of continued good practice both within individual authorities and across the sector.

This report follows the Public Records (Scotland) Act Assessment Team's review carried out by

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