

The Public Records (Scotland) Act 2011

North Ayrshire Integration Joint Board

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

19th February 2024

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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 North Ayrshire Integration Joint Board. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

North Ayrshire IJB is the constituted legal governing body of North Ayrshire Health and Social Care Partnership. It is responsible for the strategic direction, effectiveness, and efficiency of the Partnership. The IJB has delegated responsibilities by North Ayrshire Council and NHS Ayrshire & Arran. Their integration scheme describes their responsibilities.

IJB membership reflects the multi-agency partnership working approach and includes carers and people who use their services.

IJB governance ensures accountability, transparency and effective efficient working.

IJB receives reports from a range of different strategic groups. IJB also reports to partner agencies, including Scottish Government.

<https://www.nahscp.org/about-us/how-we-work/north-ayrshire-integration-joint-board-ijb>

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.
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6. Progress Update Review (PUR) Template: North Ayrshire Integration Joint Board

Element	Status of elements under agreed Plan 01APR21	Status of evidence under agreed Plan 01APR21	Progress review status 19FEB24	Keeper's Report Comments on Authority's Plan 01APR21	Self-assessment Update as submitted by the Authority since 01APR21	Progress Review Comment 19FEB24
1. Senior Officer	G	G	G	Update required on any change.	No update required on Chief Executive of North Ayrshire Council.	<p>An authority's Records Management plan should name an individual senior staff member is identified as holding corporate responsibility for records management.</p> <p>The Team has noted that this continues to the Chief Executive of North Ayrshire Council, Craig Hatton.</p> <p>Update required on any future change.</p>
2. Records Manager	G	G	G	Update required on any change.	<p>From June 2022, the person with corporate responsibility for records management at North Ayrshire Council is [redacted], Information Management Officer.</p> <p>Contact details: North Ayrshire Council, Cunninghame House,</p>	The Assessment Team thanks you for this update on records manager responsibility which has been noted. The person named under Element 2 should be an individual staff member is identified as holding operational

					<p>Friars Croft, Irvine, KA12 8EE</p> <p>Attached updated role profile which maintains responsibility for records management as reflected in previous PUR update.</p> <p>The IMO post continues to directly report to the Information Governance Senior Manager; allowing for strategic oversight and escalation routes to the Executive Leadership Team.</p>	<p>responsibility for records management and has appropriate corporate responsibility, access to resources, and skills.</p> <p>The Team has been given the details of the responsible Key Contact, as well as provided with a copy of the role description.</p> <p>Update required on any future change.</p>
3. Policy	G	G	G	Update required on any change.	No update.	Update required on any change.
4. Business Classification	G	G	G	Update required on any change.	No update.	Update required on any change.
5. Retention Schedule	G	G	G	Update required on any change.	No update.	Update required on any change.
6. Destruction Arrangements	G	G	G	Update required on any change.	No update.	Update required on any change.
7. Archiving and Transfer	A	G	A	North Ayrshire Council deposits records selected for permanent preservation in Ayrshire Archives. However, as stipulated at Element 4, the IJB create digital records	North Ayrshire Council has created an Archive & Transfer Policy to reflect the arrangement in place with	Thank you for providing this update on archiving and transfer arrangements.

				<p>only and therefore are not currently covered by the archiving agreement and service provided by Ayrshire Archives under the North Ayrshire Council Archiving and Transfer Policy which covers paper records only. The IJB have stated: “The Integration Joint Board acknowledge the importance of digital preservation and take this on board for future consideration and will seek to investigate the development of a Digital Archiving Policy in conjunction with North Ayrshire Council.” [...] The Keeper [...] is happy to agree this element of the North Ayrshire Integration Joint Board’s Records Management Plan under ‘improvement model’ terms. This means that the authority has identified a gap in provision (no formal archiving agreement in place) and have suggested reasonable actions to close that gap (investigate a digital archiving policy in conjunction with the Council). The Keeper’s agreement is conditional on his being updated on the situation when requested.</p>	<p>Ayrshire Archives for the safe transfer and archival of historical records.</p> <p>We are in the process of creating a Digital Archive Policy for NAIJB records.</p>	<p>In the Agreement, the Keeper explains that because the IJB only creates digital records, these are not covered under the North Ayrshire Council Archiving and Transfer Policy. It is great to hear that an Archive and Transfer Policy with Ayrshire Archives is in place.</p> <p>The Team acknowledges that a separate Digital Archive Policy to cover digital records is currently under development.</p> <p>As a Digital Archive policy has not yet been formalised, this Element will remain at Amber. The Assessment Team look forward to progress updates on this ongoing work in due course.</p>
8. Information Security	G	G	G	Update required on any change.	No update.	Update required on any change.
9. Data Protection	G	G	G	Update required on any change.	No update.	Update required on any change.
10. Business Continuity and	G	G	G	Update required on any change.	No update.	Update required on any change.

Vital Records						
11. Audit Trail	G	G	G	Update required on any change.	No update.	Update required on any change.
12. Competency Framework	G	G	G	Update required on any change.	No update.	Update required on any change.
13. Assessment and Review	G	G	G	Update required on any change.	No update.	Update required on any change.
14. Shared Information	G	G	G	Update required on any change.	No update.	Update required on any change.
15. Public Records Created or Held by Third Parties	N/A	N/A	N/A	Update required on any change.	No update.	Update required on any change.

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

Version

The progress update submission which has been assessed is the one received by the Assessment Team on 27th July 2023. The progress update was submitted by Karen Andrews, Team Manager, Governance.

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

The Assessment Team has reviewed North Ayrshire 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

North Ayrshire 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 North Ayrshire Integration Joint Board continue to take their statutory obligations seriously and are working hard to bring all the elements of their records management arrangements into full compliance with the Act and fulfil the Keeper's expectations.

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

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

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

Iida Saarinen
Public Records Officer