

**The Public Records (Scotland) Act 2011**

**West Dunbartonshire Integration Joint Board**

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

**2<sup>nd</sup> 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 West Dunbartonshire Integration Joint Board. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

#### 4. Authority Background

The Integration Joint Board for West Dunbartonshire is known operationally as the 'West Dunbartonshire Health & Social Care Partnership Board'.

The Health & Social Care Partnership Board is responsible for the operational oversight of West Dunbartonshire Health & Social Care Partnership (WD HSCP), which is the joint delivery vehicle for those integrated services delegated to the Integration Joint Board (the IJB) as set out within its integration scheme. West Dunbartonshire has had an integrated health and social care partnership since October 2010.

The IJB operates as a body corporate (a separate legal entity), acting independently of the Health Board and the Council. The IJB consists of six voting members appointed in equal number by the Health Board and the Council, with a number of representative members who are drawn from the third sector, independent sector, staff, carers and service users. The IJB is advised by a number of professionals including the Chief Officer, Medical Director, Nurse Director and Chief Social Work Officer.

The priorities for the partnership are set out in a Strategy Plan which can be accessed from their website: <http://www.wdhscp.org.uk/about-us/>.

## 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:

<b>G</b>	The Assessment Team agrees this element of an authority's plan.	<b>A</b>	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.	<b>R</b>	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: West Dunbartonshire Integration Joint Board**

Element	Status of elements under agreed Plan 08APR22	Status of evidence under agreed Plan 08APR22	Progress review status 02FEB24	Keeper's Report Comments on Authority's Plan 08APR22	Self-assessment Update as submitted by the Authority since 08APR22	Progress Review Comment 02FEB24
1. Senior Officer	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	No change.	Update required on any change.
2. Records Manager	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	No change.	Update required on any change.
3. Policy	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change.	Records Management Policy was updated in November 2022. Please see attached. Have also included Records Management Guidance which is available to all staff via the intranet.	Thank you for letting the Assessment Team know that West Dunbartonshire IJB Records Management Policy is in place, and has been updated in October 2022; we note that next scheduled review is due in October 2024.  Thank you for providing this, as well as the Records Management Guidance, to the Keeper.
4. Business Classification	<b>A</b>	<b>G</b>	<b>A</b>	The Keeper of the Records of Scotland (the Keeper) expects that the public records of an authority are known and are identified within a structure. [...] The Keeper has already agreed that the business classification provision in	The implementation of Microsoft 365 within West Dunbartonshire Council is continuing, and Records Management / Information	Element 4 stipulates that records are known and are identified within a structure, ideally founded on function. This can be a business

			<p>West Dunbartonshire Council is appropriate.</p> <p>However, at the time of submission the Council's <i>BCS</i> had not been updated to include IJB records. The future developments column against element 4 of the RMP states: "West Dunbartonshire Council's <i>BCS</i> to be reviewed to take account of IJB's requirements". <b>The Keeper requires an update on this issue.</b></p> <p><b>West Dunbartonshire Council are currently commissioning and implementing Microsoft 365 across the corporate estate and this project includes Records Management / Information Governance of which Business Classification will be a part. The project is on-going and a Records Management Consultant has been very recently appointed. Once the public records of the IJB are included in the Council's <i>BCS</i> the Keeper will require a screen-shot of the relevant <i>BCS</i> area to confirm this. Please supply when possible. The IJB have committed that they "will be happy to provide evidence of this when it is in place" (<i>RMP</i> page 10)</b></p> <p><b>Until evidence can be provided that the public records of the IJB are covered in the records management structure of the Council, the Keeper can only agree this element of the IJB's <i>RMP</i> on 'improvement model' terms. This means that he is satisfied that the IJB is working towards robust provision under this element. His agreement is conditional on his being updated on any change.</b></p>	<p>Governance including Business Classification is still within the scope of the project. Progress has been made with the implementation since the initial response and there has been engagement with the Records Management Consultant as part of the project.</p>	<p>classification scheme, an information asset register, or similar. It is good to hear that work on the M365 project continues, and that business classification remains part of the project.</p> <p>Although the <i>BCS</i> may well need refreshed as the M365 project progresses, the Team would like to remind the IJB that Keeper is still awaiting evidence that public records of the IJB are currently covered in the records management structure of the Council.</p> <p>This Element will remain at Amber as the Keeper is still awaiting evidence on this Element.</p>
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5. Retention Schedule	G	G	G	Update required on any change.	No change.	Update required on any change.
6. Destruction Arrangements	G	G	G	Update required on any change.	No change.	Update required on any change.
7. Archiving and Transfer	A	G	A	<p>The Act requires that all Scottish public authorities identify a suitable repository for the permanent preservation of any records considered suitable for archiving. A formal arrangement for transfer to that repository must be in place. [...]</p> <p><b>Once the public records of the IJB are included in the Council's archive transfer arrangements the Keeper will require a statement to that effect, preferably from the Council archivist, and evidence in the form of a copy of any transfer guidance documents that show the inclusion of the records of the IJB. Please supply when possible. [...]</b></p> <p><b>The Keeper is content to agree this element of the West Dunbartonshire Integration Joint Board's <i>Records Management Plan</i> under 'improvement model' terms. This means that the authority has identified a gap in provision (in this case that the IJB records do not yet appear in the archive transfer arrangements), but are taking steps to close that gap. The Keeper's agreement is conditional on his being informed when the transfer arrangements are suitably updated.</b></p>	<p>Following discussion with WDC Archivist, will work with colleagues within Democratic Services to arrange a binding of minutes for HSCP board meetings which will then be submitted to the archive. This should mirror existing processes in place for bound minutes for WDC Committee meetings which are currently archived in this way with an Internal Records Transfer form which would be completed to show the format arrangement of transfer. This discussion will be taken place following on from this update. In addition, for wider HSCP records that are held on the West Dunbartonshire Council CMIS system enquiries are being made to ascertain what the position is for the archival of</p>	<p>The Assessment Team thanks you for providing this update on Board Minute archiving arrangements, and for showing that discussions on this matter continue.</p> <p>The Team would like to highlight that the Keeper awaits a copy of a formal agreement between West Dunbartonshire IJB and the Council Archive, a statement confirming that the IJB records are covered under an existing Archiving and Transfer Agreement, and/or evidence in the form of a copy of any transfer guidance documents that show the inclusion of the records of the IJB.</p> <p>This Element will remain at Amber until the evidence requested has been supplied.</p>

					documents on that system.	
8. Information Security	G	G	G	Update required on any change.	No change.	Update required on any change.
9. Data Protection	G	G	G	Update required on any change.	No change.	Update required on any change.
10. Business Continuity and Vital Records	G	G	G	Update required on any change.	No change.	Update required on any change.
11. Audit Trail	G	G	G	Update required on any change.	No change.	Update required on any change.
12. Competency Framework	G	G	G	Update required on any change.	No change.	Update required on any change.
13. Assessment and Review	G	G	G	Update required on any change.	No change.	Update required on any change.
14. Shared Information	G	G	G	<p>The Keeper expects a Scottish public authority to ensure that information sharing, both within the Authority and with other bodies or individuals, is necessary, lawful and controlled.</p> <p>As part of its function, West Dunbartonshire Integration Joint Board shares information with other bodies when appropriate and does so under information sharing processes set out in an <i>Information Sharing Protocol</i> which has been supplied to the Keeper. This is the</p>	<p>The link identified seems to be an old link as the <a href="http://www.nhsggc.org.uk">www.nhsggc.org.uk</a> address now redirects to <a href="http://www.nhsggc.scot">www.nhsggc.scot</a> - although this is an external website will look to raise this with NHS GGC.</p>	<p>Thank you for letting the Assessment Team know that West Dunbartonshire IJB is looking into this matter. A link to the most recent Information Sharing Protocol would be very welcome.</p>

				<p>December 2019 version which includes the 'Integration Joint Boards of the Area'.</p> <p><b>The Keeper would like to point out that the version currently online at the NHS Greater Glasgow and Clyde Website appears to be an earlier version:</b>  <a href="https://www.nhsggc.org.uk/media/236748/124-nhsggc-protocol-for-sharing-information.pdf">https://www.nhsggc.org.uk/media/236748/124-nhsggc-protocol-for-sharing-information.pdf</a></p>		
15. Records Created or Held by Third Parties	N/A	N/A	N/A	<p>The Keeper is content that this element does not apply to the public records of West Dunbartonshire Integration Joint Board.</p> <p>Update required on any change.</p>	No change.	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 28th July 2023. The progress update was submitted by Alastair Handley, Systems, Digital & Information Governance Manager.

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

The Assessment Team has reviewed West Dunbartonshire 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

West Dunbartonshire 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 West Dunbartonshire 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 style and is positioned above the printed name and title.

Iida Saarinen  
Public Records Officer