National Records of Scotland

Public Records (Scotland) Act 2011

**Scottish Social Services Council
Assessment Report**

The Keeper of the Records of Scotland

13 October 2014

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 fully 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 record keeping 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. Executive Summary

This report sets out the findings of the Keeper's assessment of the RMP of the **Scottish Social Services Council** by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 31st July 2014.

The assessment considered whether the RMP of the Scottish Social Services Council was developed with proper regard to the 14 elements of the Keeper's statutory Model Records Management Plan (the Model Plan) under section 8(3) of the Act, and whether in this respect it complies with it and the specific requirements of the Act.

The outcome of the assessment and the Keeper's decision on whether the RMP of Scottish Social Services Council complies with the Act can be found under section 7 of this report with relevant recommendations.

3. Authority Background

The Scottish Social Services Council (SSSC) is responsible for registering people who work in social services and regulating their education and training.

The Regulation of Care (Scotland) Act 2001 established the SSSC. Their responsibilities set out in the Act are:
• To set up and maintain Registers of key groups of social service workers
• To publish Codes of Practice for all social service workers and their employers
• To regulate the education and training of the workforce
• To promote education and training
• To undertake the functions of the sector skills council; Skills for Care and Development (SfCD), this includes workforce planning and development.

http://www.sssc.uk.com/

4. Keeper's Assessment Process

The RMP was assessed by the Public Records (Scotland) Act Assessment Team on behalf of the Keeper. Assessors used the checklist elements listed in section 5, to establish whether the Scottish Social Services Council's RMP was developed with proper regard to the elements of the Model Plan and is compliant with the Act. The assessment also considered whether there was sufficient supporting evidence of such compliance.

Key:

G	The Keeper agrees this element of an authority's plan.		A	The Keeper agrees this element of an authority's plan as an 'improvement model'. This means that he is convinced of the authority's commitment to closing a gap in provision. He will request that he is 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 Keeper may choose to return the RMP on this basis.

5. Model Plan Elements: Checklist

For ease, the Scottish Social Services Council may be referred to as 'SSSC' below.

Element	Present	Evidence	Notes
1. Senior Officer *Compulsory element*	**G**	**G**	Lorraine Gray, Head of Strategic Performance and Engagement for the SSSC has been identified as the individual with overall responsibility for records management in the authority. This is confirmed by a *Covering Letter* from Anna Fowlie, Chief Executive dated June 2014 (evidence 01-01) and by the *Records Management Policy* **(see element 3)**. Ms Gray's responsibility for records management is also clear on the SSSC Intranet (evidence 03-01). The *Records Management Strategy and Plan* specifically requires Ms Gray to monitor record retention processes. The Keeper agrees that the Head of Strategic Performance and Engagement is a suitable individual for this role.
2. Records Manager *Compulsory element*	**G**	**G**	Caroline Gowans, Records Management Officer at SSSC, has been identified as the individual with day-to-day responsibility for implementing the RMP. This is confirmed by a *Covering Letter* from Anna Fowlie, Chief Executive dated June 2014 (evidence 02-01) and by the *Records Management Policy* **(see element**

3).

Ms Gowan's responsibility for records management is also clear on the SSSC Intranet (evidence 03-01).

Ms Gowans is the author of the *Records Management Policy* **(see element 3)**.

The *Records Management Officer Job Description* has been provided which shows PRSA responsibilities (evidence 02-02). The Keeper has also had sight of Ms Gowans formal qualification in Records Management. The Keeper thanks Ms Gowans for providing this.

The Records Management Officer has a responsibility to: "Deliver training and awareness-raising sessions across the organisation to ensure that staff at all levels, are aware of their record keeping responsibilities."

The Records Management Officer reports to the Head of Strategic Performance and Engagement **(see element 1)**

The Keeper agrees that the Scottish Social Services Council have identified an appropriate individual to this role as required by the Act.

3. Policy *Compulsory element*	G	G	SSSC have provided their *Records Management Policy* (Evidence 01-02). This is version 2.0 dated June 2014 approved by the Council on 17 June 2014. The *Policy* maps well against the statements in the submitted RMP and recognises records as a business asset (section 1). The *Policy* is available to SSSC staff through their Intranet. As screen shot of the home page of the records management section of the SSSC intranet has been provided to the Keeper (evidence 03-01) The policy is scheduled for review in 2017. The *Records Management Policy* is written by the Records Management Officer **(see element 2)**. The Keeper agrees that the SSSC have an operational and approved records management policy as required by the Act.
4. Business Classification	A	G	SSSC have a full *Business Classification Scheme* that has been provided to the Keeper (evidence04-01). However, they are still in the process of ensuring that staff map the folders on their shared drive to that scheme. This will be assisted by the planned roll-out of an EDRM. The Business Classification Scheme will be reviewed as part of the implementation of the EDRMs during 2014-15. A screen shot sample has been provided to the Keeper to demonstrate drive mapping to BCS (evidence 04-02). The *Records Management Strategy and Plan* introduces the idea of imposing the 'corporate file plan' on an EDRM (2. Executive Summary). The procurement of an EDRM (Symnatec Enterprise Vault http://www.symantec.com/en/uk/enterprise-vault) is confirmed by the SSSC CEO in the *Covering Letter* (evidence 01-01). The

			shows undoubted commitment from the authority. SSSC hold hard copy records internally. Non- current paper files are held off-site by a commercial storage company (Iron Mountain). The *Records Management Strategy and Plan* identifies that the proper roll-out of an EDRM will reduce business risk By: "Providing a central store for staff to capture their electronic documents and information, instead of in uncontrolled shared drives, email folders or network drives". The Keeper would like to acknowledge the recognition of email as a records management risk. The *Strategy* mentions the creation of an information asset register as an action (objective 4) and this is reiterated in the Summary Action Plan at section 7 of the document. This is to be commended. The Keeper notes that SSSC have committed to provide a copy of this register when available (the action plan suggested early 2015) in order that the SSSC submission can be kept up to date. SSSC make a statement in the RMP (page 22) that they will conduct audits of the file structure and file naming. It is not thought that any <u>function</u> of the SSSC is carried out by a third party. **The Keeper agrees this element of the Scottish Social Services Council's RMP on 'improvement model' terms. This means that he is convinced of the authority's commitment to implement the BCS fully over time, but would request that he is updated as this project progresses.**
5. Retention schedule	**G**	**G**	SSSC have a full *Retention Schedule* which has been provided to the Keeper (evidence 05-01).

			The retention decisions featured in the schedule are also included in the Business Classification Scheme **(see element 4)**. The Keeper understands that the implementation of an EDRM throughout SSSC will not affect retention decisions. The monitoring of the application of the *Retention Schedule* is specifically mentioned in the Strategic Objectives section of the submitted Strategy/RMP document. The Head of Strategic Performance and Engagement **(see element 1)** has a stated responsibility for ensuring this monitoring takes place. The Keeper agrees that the SSSC have an approved and operational *Retention Schedule* that maps to the *Business Classification Scheme.*
6. Destruction Arrangements *Compulsory element*	**G**	**G**	Paper: Internally, SSSC utilise the services of a commercial document destruction company. The Keeper has been provided with sample destruction certificates as evidence that this service is in operation (evidence 06-04 and 06-07). Paper: External. SSSC use Iron Mountain as an external store. The Keeper has been provided with evidence that proper arrangements are in place to ensure irretrievable destruction of records held in this store when appropriate (evidence 06-05). Electronic: The Keeper has been provided with detailed staff guidance which includes management of electronic records and e-mail (evidence 06-06) The Keeper has been provided with a sample of the records management spreadsheet showing destruction of records (evidence 05-02). The introduction of an EDRMs, which has been confirmed by, the Chief Executive in the *Covering Letter* should assist with prompting record destruction.

			Hardware: The Keeper has been provided with a selection of IT equipment destruction certificates (evidence 06-01) demonstrating that electronic storage on servers and devices are properly purged of information when appropriate. Back-Ups: **(see *Back-Ups* under General Comments below)** The Keeper agrees that the Scottish Social Services Council have appropriate procedures in place for the irretrievable destruction of records when required.
7. Archiving and Transfer *Compulsory element*	G	G	SSSC is currently in contact with the Client Management Team at National Records of Scotland (NRS) with the aim of developing a Memorandum of Understanding (MoU) to enable the transfer of records selected for permanent preservation from SSSC to NRS. This is confirmed by the Keeper's Client Managers. The SSSC have agreed that, once the MoU has been agreed, the Keeper will be sent a copy for inclusion in SSSC's evidence package. The SSSC under element 5 (RMP page 5) states "We recognise that, in particular, the widespread application of "permanent" retention represents organisational and record-keeping challenges". **The Keeper would like to offer assistance if the selection of records for permanent preservation is proving problematic. SSSC should contact their Client Manager (Leanne.jobling@nas.gov.uk) in the first instance if this would be helpful.** Records of predecessor organisations to SSSC have previously been transferred to the National Records of Scotland. The Keeper agrees that SSSC has arrangements in place to transfer records to an appropriate archive.

	G	**G**	
8. Information Security *Compulsory element*	**G**	**G**	SSSC have an *Information Security Policy* that has been provided to the Keeper (evidence 08-01). It is dated 2011and owned by Eleanor Morton, Head of ICT. It is is made available to staff via the intranet. There is a specific objective (4) in the *Strategy* to ensure the protection of personal information. The Keeper has been provided with evidence that SSSC operate controls on access to information within the authority, ensuring only authorised individuals can access/edit documents (for example evidence 11-01). The Keeper has been provided with details of the induction programme in place to introduce new staff to the authority (evidence 08-02). This demonstrates training in information security and data protection. The Keeper agrees that SSSC have an approved and operation information security policy as required by the Act.
9. Data Protection	**G**	**G**	SSSC have a Data Protection Policy which has been supplied to the Keeper. It is dated 2013. SSSC publish information for their service users at: http://www.sssc.uk.com/About-Us/data-protection-notice.html SSSC is registered with the Information Commissioner: Z5756299. Guidance on subject access requests is under *Your rights under the Data Protection Act* on the data protection notice page (link above).

			There is a specific objective (4) in the *Strategy* to ensure the protection of personal information. The Keeper has been provided with details of the induction programme in place to introduce new staff to the authority (evidence 08-02). This demonstrates training in information security and data protection. Section 3 of the SSSC staff Code of Conduct (supplied as evidence 09-08) deals with confidentially and data protection. SSSC operates an Information Governance training strategy which specifically covers Data protection Requirements. The Keeper agrees that SSSC properly recognise their responsibilities under the Data Protection Act 1998.
10. Business Continuity and Vital Records	**G**	**G**	SSSC have created a *Disaster Recovery Plan* in conjunction with the Care Inspectorate (Scheduled by PRSA as Social Care and Social Work Improvement Service). This plan has been forwarded to the Keeper, and was approved by the Council in August 2014. The Keeper has been provided with evidence of this approval. The review of the Business Classification Scheme as part of the implementation of an EDRM will offer SSSC an opportunity to identify vital records **(see element 4)**. There is a commitment to do this in the RMP (page 18). The Keeper commends this decision. The business continuity system is based on Recovery Flow with which the Keeper is familiar. SSSC have a contractual arrangement for document recovery. Although details of

	G	G	the procedure have been provided to the Keeper the contract has not been provided for reasons of business sensitivity. The Keeper is entirely sympathetic to that decision and agrees this omission is appropriate. The Keeper agrees that the Scottish Social Services Council have properly considered the recovery of key business systems and records in an emergency.
11. Audit trail	G	G	The SSSC have processes in place to track records and to ensure that the version tracked is the correct one. Staff instructions have been provided to the Keeper as evidence (particularly evidence 06-06, 11-02 and 11-07, but others). The principle record series, created as part of a SSSC function (as opposed to corporate administration), are managed in a case-management system. This system has a functional audit trail element embedded. The audit trail element of the RMP is likely to change when the EDRM **(see element 4)** is fully implemented. However, he is satisfied that the current situation in SSSC shows an understanding of the importance of this element and demonstrates that the authority have properly addressed the issue. The introduction of the EDRM should assist with document tracking. The SSSC have agreed to update the Keeper as the project progresses. For electronic records this involves a suit of staff instructions that have been provided to the Keeper (evidence 06-06, 11-07, 11-08 etc.). The *Records Management Strategy and Plan* suggests that there may be a lack of consistency around naming conventions (Objective 3), but the Keeper is satisfied that SSSC are already taking appropriate steps to improve this. The RMP (pages 19-20) includes a statement that describes the procedure for creating and tracking paper files by registering them centrally. Non- current paper

			files are held off-site by a commercial storage company (Iron Mountain). These too are centrally tracked. The *Records Management Strategy and Plan* sets out a strategic objective (objective 1) to create a culture "where staff are confident that they have access to and are using the correct version of a record" The Keeper agrees that SSSC have processes in place to locate the 'correct' versions of records when required.
12. Competency Framework for records management staff	**G**	**G**	The *Records Management Officer Job Description* has been provided which shows PRSA responsibilities (evidence 02-02). Furthermore, although it is not needed for agreement, the Records Management Officer person specification has been provided. (evidence 02-03) The Keeper has also had sight of Ms Gowans' formal qualification in Records Management. The Keeper thanks Ms Gowans for providing this. The Records Management Officer has a responsibility to: "Deliver training and awareness-raising sessions across the organisation to ensure that staff at all levels, are aware of their record keeping responsibilities." Training for staff is a theme throughout the RMP. The Keeper commends this. Furthermore the *Records Management Strategy and Plan* sets out an objective (Objective 1) to implement training for staff in order to create a culture which values records. This is reiterated in the Summary Action Plan at section 7 of the *Records Management Strategy & Plan* document, with a target date of early 2015. The Keeper commends the formal adoption of this objective. The Keeper has recently seen Council approval of Disaster Plan training for SSSC

			staff which will be implemented in line with the new *Disaster Recovery Plan* **(see element 10)**. SSSC operates an Information Governance training strategy. The Keeper agrees that the individual identified as having day-to-day responsibility for implementing the RMP has appropriate skills for the role. Furthermore, the Keeper acknowledges that SSSC considers records management training for appropriate staff.
13. Assessment and Review	**G**	**G**	The Records Management Plan is scheduled for review in 2015. The *Records Management Policy* is scheduled for review in 2017. The Business Classification Scheme will be reviewed as part of the implementation of the EDRMs during 2014-15. This is an action listed in the Summary Action Plan at section 7 of the *Records Management Strategy & Plan* document. SSSC operates an Information Governance training strategy. This is reviewed annually. The action plan for the RMP is part of the operational plan of SSSC (provided to the Keeper as evidence 13-01). The agreement of the plan is 7H in the plan for SSSC. **N.B. legally the Keeper 'agrees' an RMP rather than 'approves'.** There is a facility for reporting potential failures to the Council quarterly. SSSC make a statement in the RMP (page 22) that they will conduct audits of the file structure and file naming. This is an action listed in the Summary Action Plan at section 7 of the *Records Management Strategy & Plan* document. The Action Plan shows that departments will be 'audited' at random to 'ensure that all staff are

			following naming convention guidance'. This will be an ongoing project. The Keeper agrees that SSSC have arrangements in place to properly review their RMP and other key records management policies.
14. Shared Information	**A**	**A**	The Objectives in the *Records Management Strategy and Plan*. Commit SSSC to "develop and implement standard sharing protocols and agreements" as an 'action' that will "Ensure best use of information by developing procedure for sharing and re-use". This is an action listed in the Summary Action Plan at section 7 of the *Records Management Strategy & Plan* document, with a proposed completion date of November 2014. **The SSSC have committed to supply these updated protocols and agreements when available in order to keep the SSSC file up-to-date.** **Similarly when the review plan mentioned on page 23 of the RMP is available the Keeper has been offered a copy.** **The Keeper can agree this element on 'improvement model' terms. This means that the authority has recognised a gap in its provision and the Keeper is convinced of a commitment to close that gap.**

General Notes on RMP, Including Concerns:

The submitted Records Management Plan is version 1.0 dated July 2014. It is collated by the SSSC records manager **(see element 2)** and owned by the Head of Strategic Performance and Engagement **(see element 1)**. The submitted document is a combined *Records Management Strategy and Plan*. The Keeper, of course, can only 'agree' the records management plan component of this document (pages 8 – 23), although he has leant heavily on the strategy, as evidence of commitment, while making his assessment.

The whole document was approved by the Council on 17 June 2014. A minute of the council's approval will be sent when signed-off as further evidence of the official status of the RMP. This is welcomed.

The Records Management Plan is supported by the *Records Management Policy* **(see element 3)**

The Keeper's agreement of the SSSC RMP is specifically mentioned as an objective in the Council's formal Strategic Plan 2014 – 2017 available from: http://www.sssc.uk.com/About-Us/about-the-scottish-social-services-council.html

Records are acknowledged to be a corporate asset of SSSC in the *Records Management Strategy and Plan* (2. Executive summary, Objective 4) which then goes on to itemise the benefits of robust records management (4. Strategic outcomes). The Keeper commends this introduction as being entirely in the spirit of the Act.

The RMP makes a commitment (page 22) to report all changes after agreement to the Keeper. This is welcomed.

Back-Ups

The RMP states (page 17-18) "All our networked digital assets are backed-up daily and our manual records for Registration and Fitness to Practice are also held on the Sequence hosted system". SSSC data is backed up to shared tapes. Data retention on tapes is 13 weeks. The Keeper has been provided with an e-mail confirming destruction arrangements for back-ups.
SSSC have provided the following statement separately:
We utilise two types of backup:
Full backup –only folders/files we specify are backed up, i.e. the SQL database backup folders.
Differential backup – only the folders/files which have changed since the last full backup job.

The production databases (CRM, SharePoint, SQL Server) are backed up to tape nightly, weekly, monthly & yearly.
Daily tape back-ups are retained for 13 weeks
Weekly tape back-ups are retained for 13 weeks.
Monthly tape back-ups are retained for 2 years.

Yearly tape back-ups are retained for 7 years.
If the Monthly and Yearly backup tape occurs on a Friday, this backup will take precedence over the weekly backup and the relevant retention period adhered to. The monthly and yearly replace the weekly on the Friday

The Keeper understands that SSSC is currently reviewing the destruction of back-up tapes. To some extent this must remain a business decision for the Council. He accepts that there may be particular issues in any authority that must be addressed by that authority (statutory requirements for example). The Keeper looks forward to seeing the results of the Council's review when they are available.

Action Plan

As it makes up part of the whole *Records Management Strategy and Plan* document (section 7) the Keeper can be assured that the action plan has been approved by the Council.
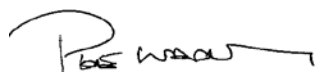
6. Keeper's Summary

Elements 1 - 14 that the Keeper considers should be in a public authority records management plan have been properly considered by the Scottish Social Services Council. Policies and governance structures are in place to implement the actions required by the plan.

7. Keeper's Determination

Based on the assessment process detailed above, the Keeper **agrees** the RMP of the **Scottish Social Services Council**.

- The Keeper recommends that the Scottish Social Services Council should publish its agreed RMP as an example of good practice within the authority and the sector.

This report follows the Keeper's assessment carried out by,

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Pete Wadley   **Robert Fotheringham**
Public Records Officer   Public Records Officer

8. Endorsement of Report by the Keeper of the Records of Scotland

The report has been examined and is endorsed under the signature of the Keeper of the Records of Scotland as proof of compliance under section 1 of the Public Records (Scotland) Act 2011, and confirms formal agreement by the Keeper of the RMP as submitted by the Scottish Social Services Council In agreeing this RMP, the Keeper expects the Scottish Social Services Council to fully implement the agreed RMP and meet its obligations under the Act.

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Tim Ellis
Keeper of the Records of Scotland