

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

**NHS Education for Scotland**

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

**11 December 2017**

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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 Final 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 **NHS Education for Scotland**. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

### **4. Authority Background**

NHS Education for Scotland is a Special Health Board established in 2002 to support NHS services in Scotland by developing and delivering training and education to staff working in NHS Scotland. NHS Education for Scotland also employs Medical General Practitioners in training in Scotland but their records are not included in the submitted RMP, being the responsibility of the relevant medical practice. NHS Education for Scotland has over 700 staff based at 11 sites across Scotland.

### **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. Records Management Plan Elements: Checklist

### NHS Education for Scotland

Element	Status of elements under agreed Plan, August 2013	Status of evidence under agreed Plan, August 2013	Progress assessment status, 2017	Keeper's Report Comments on Authority's Plan, August 2013	Self-assessment Update as submitted by the Authority since August 2013	Progress Review Comment, 2017
1. Senior Officer	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change	Caroline Lamb, NHS NES Chief Executive has overall accountability for NES records. Senior Management responsibility is devolved to Christopher Wroath, Director of Digital and NES SIRO.	<p>NHS Education for Scotland have identified Caroline Lamb, Chief Executive, as the individual with overall strategic responsibility for records management. The Assessment Team consider this to be a suitable individual to be named under this element. Ms Lamb's role and responsibilities are confirmed by evidence submitted as part of the original assessment process.</p> <p>The Assessment Team also thank the authority for the</p>

						<p>update concerning the devolving of senior management responsibility for the Plan to Christopher Wroath, Director of Digital and Senior Information Risk-Owner at NES. The nature and seniority of this position makes Mr Wroath an appropriate individual to be named under this element.</p> <p>In the event of a future, formal assessment the Keeper would welcome receipt of evidence confirming the delegation of responsibilities to Mr Wroath. This could take the form of a signed covering letter from the Chief Executive assigning specific records management responsibilities to Mr Wroath.</p> <p>The Assessment Team recognises the on-going initiative being undertaken by the authority under this element.</p>
2. Records Manager	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change	Tracey Gill, Information Governance Manager has day-to-day operational	The Assessment Team thanks NES for the update under this element. The Information

					responsibility for Information Governance, including records management.	<p>Governance Manager is an appropriate, senior post-holder to have operational responsibility for records management within this authority.</p> <p>In the event of a future, formal assessment the Keeper will request sight of evidence confirming Ms Gill's appointment to this position. This could take the form of a signed letter by the Chief Executive identifying Ms Gill as the individual tasked with implementing the Records Management Plan.</p> <p>The Assessment Team recognises the on-going initiative being undertaken by the authority under this element.</p>
3. Policy	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change. The Keeper expresses his wish to be kept informed on further revisions of the policy	The Records Management Policy was reviewed February 2014. The policy is required to be reviewed in light of the adoption of Microsoft SharePoint as the principle ECMS within NES since April	Submitted as evidence under this element is the <i>Records Management Policy</i> dated February 2014 and "owned" by the individual named at Element 1. This is a robust and comprehensive document which

					<p>2016.</p>	<p>defines records and identifies them as a vital asset for enabling the authority to carry out its functions. Particularly commendable features include the highlighting of objectives to ensure the creation and management of secure, authentic, and reliable records, and the detailing of responsibilities across the organisation. The Team believe such a document, which is available to staff on the NES Intranet, is a valuable resource for embedding a corporate culture in which records management is recognised as an important, specialised activity.</p> <p>The requirements outlined in this document are similarly emphasised in the submitted <i>Information Governance Policy</i> dated August 2016 which identifies the authority's obligations under PRSA and legislation such as FOISA and DPA. This document details</p>
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						<p>information governance responsibilities and makes staff conscious of their requirements in complying with these expectations. This is commended by the Assessment Team.</p> <p>There is an expectation within the Keeper's Model Plan that such policies are reviewed and updated regularly to ensure they remain accurate and fit for purpose. This submission identifies the need for NES to review its <i>Records Management Policy</i> in the light of the adoption of SharePoint in April 2016. The Assessment Team commend this initiative and ask that they have sight of the updated <i>Policy</i> once this is available.</p> <p>The Assessment Team recognises the on-going initiative being undertaken by the authority under this element.</p>
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<p>4. Business Classification</p>	<p><b>A</b></p>	<p><b>G</b></p>	<p><b>A</b></p>	<p>The Keeper would be happy to agree this element on an improvement plan basis and would ask to see the updated classification scheme once implemented.</p>	<p>Considerable effort was put into structuring and developing the BCS in Alfresco the incumbent ECMS from 2013 to 2016. NES moved to Microsoft SharePoint as the principle ECMS in April 2016. Records Management functionality for SharePoint is to be considered in phase two of the implementation. Records management requirements will be identified and scoped by March 2017, ensuring that the BCS forms a fundamental aspect of the underlying information architecture of the ECMS in the future. NES is currently updating and aligning its information asset register (IAR) to meet GDPR accountability requirements. As part of this process NES will determine if the IAR will replace the need for a separate BCS.</p>	<p>Since the Keeper's agreement of this authority's Plan there has been a significant change with the move from the Alfresco Enterprise Content Management System to the SharePoint system in April 2016. Whilst this must remain a business decision for the authority, the Team note that SharePoint is a widely-recognised, appropriate records management tool.</p> <p>Despite this significant organisational change, it is clear from the submission that NES are working to bring this element into full compliance in the near future. The Team commend the project underway to ensure that an accurate, comprehensive BCS will inform the structure of the new records management system, especially as this is an expectation in the Keeper's Model Plan. The Team would welcome updates in future PUR submissions as work in this area progresses.</p>
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						<p>NES have also created an Information Asset Register (IAR) and are reviewing this document to ensure they meet GDPR accountability requirements. The <i>Information Governance Policy</i> states that all information assets will be accounted for and have nominated owners. Whilst there is no expectation for authorities to produce an IAR under PRSA, the Assessment Team applaud this initiative as an example of good practice.</p> <p>The Team are equally pleased to hear that this authority is adopting a proactive approach to the forthcoming GDPR legislation by reviewing their relevant policies. This is recommended as likely to enhance an authority's GDPR readiness and compliance.</p> <p>As part of this review the authority is considering the necessity of operating with a separate BCS and IAR or instead using a single resource</p>
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						<p>(the IAR). As such, the Team would like to receive updates on any decisions taken, particularly if this affects the development of the SharePoint structure.</p> <p>The Assessment Team consider that progress is being made and that this element should remain under improvement.</p>
5. Retention Schedule	A	G	G	<p>The Keeper has agreed this element on an Improvement Model Basis and has asked to see the new schedule, which will cover vital records, once it has been implemented</p>	<p>Comprehensive review of the NES retention schedule was undertaken in 2015. The schedule was condensed, and does not include identification of vital records. The NES information asset register (IAR) is currently being reviewed to incorporate legislative changes due to GDPR. The reviewed (IAR) will record vital information assets.</p> <p>TURAS, a single unified digital online learning and CPD platform for Health and Social Care professionals, has been incrementally implemented since 2014. TURAS as a core</p>	<p>NES have submitted their <i>Records Retention Schedule</i> dated October 2015 which appears to comprehensively cover the various record types created by the authority. This document assigns pre-determined disposal decision deadlines for all records, regardless of format, and identifies the trigger for decisions to be taken as to their retention, disposal, or transfer to an archive.</p> <p>The Assessment Team commend the creation of this document and believe it will help ensure that retention decisions</p>

					<p>line business system for education records has significantly reduced the risk of records being retained for longer than required, through the replacement of a range of legacy systems without retention and disposal functionality.</p>	<p>are taken at the correct time and are applied consistently to records across the authority. The Team are especially pleased to see that references to relevant legislation are included to demonstrate the reasons why certain decisions are taken. The decision taken to transfer high-level records created by the Board such as minutes and reports to National Records of Scotland is considered appropriate by the Assessment Team.</p> <p>Although not obligatory to include within a retention schedule, the authority's Plan noted a commitment to identify vital records within the retention schedule. However this submission makes clear that vital records will instead be included within the IAR currently being reviewed. The Assessment Team consider this a suitable approach but ask that they have sight of the updated IAR once this becomes</p>
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						<p>available.</p> <p>The incremental implementation of TURAS since 2014 is further evidence of this authority's commitment to bring this element into full compliance. This submission details how the use of this platform has reduced the risk of records being retained for longer than required through replacement of legacy systems lacking retention and disposal functionality. Not only is the disposal of such records useful from the point of view of business efficiency but it should also prove invaluable for compliance under the new General Data Protection Regulation legislation coming into force in May 2018.</p> <p>The Assessment Team recognises the significant progress made in this area and the on-going initiative being undertaken by the authority under this element.</p>
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<p>6. Destruction Arrangements</p>	<p><b>G</b></p>	<p><b>G</b></p>	<p><b>G</b></p>	<p>Update required on any change. The Keeper requests that any review of the staff guidance documents be sent to him once implemented</p>	<p>No change. Records management procedural documents need to be reviewed to include best practice for retention management in SharePoint.</p>	<p>The Assessment Team recognise that the adoption of SharePoint will greatly improve the management of electronic records and their automated destruction. However, as a relatively new development within NES, it is important that staff are issued with guidance to ensure that destruction arrangements are applied correctly and consistently. The Team therefore welcome the decision by NES to review their procedural documents to align them with current best practice for retention/destruction management within SharePoint. The Team ask that they are updated as work in this area proceeds and would welcome having sight of any updated staff guidance.</p> <p>The Assessment Team recognises the on-going initiative being undertaken by the authority under this element.</p>
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7. Archiving and Transfer	<b>G</b>	<b>A</b>	<b>G</b>	Update required on any change. Submission of the finalised MoU with the NRS would be welcomed by the Keeper	MoU signed with NRS 28 January 2014, and is due for review in 2017.	<p>This submission demonstrates that since agreement of their Plan by the Keeper, NES have undertaken further work to ensure they are in full compliance under this element. A formal process of transfer in the form of a Memorandum of Understanding has been submitted showing that records of enduring value are deposited for permanent preservation at National Records of Scotland. The Assessment Team consider NRS a suitable place of deposit for records created by this authority.</p> <p>The MoU, signed off on 28 January 2014, explains the statutory and regulatory framework in which these bodies operate and outlines the transfer process in place. This is commended by the Assessment Team. Should significant changes occur following the review of this document, the Team would welcome receipt of updates in future PUR</p>
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						<p>submissions.</p> <p>The Assessment Team recognises the significant progress made in this area and the on-going initiative being undertaken by the authority under this element.</p>
8. Information Security	G	G	G	<p>Update required on any change. The Keeper would welcome an update on the introduction and success of the MetaCompliance software</p>	<p>The Information Security Policy was revised January 2016. A comprehensive Information Security Management System (ISMS) is being developed in support of SG DL(2015)17, and the current programme of work to obtain ISO27001 accreditation.</p> <p>MetaCompliance software was not deployed in NES.</p>	<p>Although NES opted not to deploy the MetaCompliance software, it is clear from the submission that this authority continues to work hard to maintain compliance under this element. An <i>Information Security Policy</i> dated November 2016 has been submitted which outlines the importance of information security and describes the measures to be taken to prevent the unauthorised access, alteration, or removal of records. Particularly commendable is the outlining and delegation of staff responsibilities, which should help embed a culture of good records management across the authority.</p>

						<p>The Assessment Team are also pleased to see that the Policy references the regulatory environment in which NES operates and identifies the approaches required to ensure compliance with the information security standard ISO27001. The development of a comprehensive Information Security Management System (ISMS) will likewise aid NES in obtaining accreditation under this standard. The Team would welcome updates as work progresses on the ISMS.</p> <p>Both the development of the ISMS and commitments in the Policy to review and improve their information security arrangements reflects a spirit of continual improvement expected in the Keeper's Model Plan. The Assessment Team therefore commend the authority's on-going work under this element.</p> <p>The Assessment Team</p>
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						recognises the on-going initiative being undertaken by the authority under this element.
9. Data Protection	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change	No change. Information Governance Policy and Data Protection procedures will be reviewed to incorporate new legislative requirements under GDPR.	<p>The Team commend NES for its proactive approach under this element towards the upcoming General Data Protection Regulation. Reviewing key policies and procedures will help ensure GDPR readiness and will lessen the likelihood of failings or breaches. As the Information Governance Policy and Data Protection procedures will be reviewed, the Team would welcome sight of the updated versions once approved.</p> <p>The Assessment Team recognises the on-going initiative being undertaken by the authority under this element.</p>
10. Business Continuity and Vital Records	<b>G</b>	<b>G</b>	<b>G</b>	The Keeper requests sight of those documents concerning the incorporation of vital	No change. The implementation of Microsoft Office 365 and Azura as the principle ECMS for NES in	The original submission in 2013 demonstrated that NES have robust Business Continuity Plans in place across their sites

				<p>records into the retention schedule and business continuity plan once implemented.</p>	<p>April 2016, has significantly reduced the risk to core business as information/data is not hosted on NES servers, but by Microsoft and subject to full redundancy and resilience controls.</p>	<p>and that vital records are identified and backed-up on NES systems. The Assessment Team agrees that the implementation of Office 365 and Azura as the principal ECMS in April 2016 will further reduce the risk of interruption to core business activities by ensuring that information, including vital records, are no longer hosted on the authority's own servers.</p> <p>Although vital records have not been identified within the retention schedule and BCS, the authority is committed to including vital records within the Information Asset Register being developed in readiness for GDPR. The Team commend this initiative and believe that a comprehensive IAR will act as a valuable tool for staff engaged in records management within NES. The Team would be pleased to receive updates in future PUR submissions on the work being done to update and</p>
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						<p>implement the IAR.</p> <p>The Assessment Team recognises the on-going initiative being undertaken by the authority under this element.</p>
11. Audit Trail	<b>A</b>	<b>G</b>	<b>A</b>	<p>The Keeper would be happy to receive updates on the implementation of the Alfresco ECMS for covering the audit trail requirements for their electronic records and the application of audit facilities to databases and unstructured information</p>	<p>Although records management functionality has not been implemented with SharePoint, it does still place NES in a much more robust position for document management than the use of shared drives. SharePoint provide audit functionality and version history on all documents as standard. In addition, the site permission controls support highly granular and transparent permission settings. As the core line of business system, TURAS offers more robust audit trails than legacy training systems.</p>	<p>It is clear from the submission that NES recognise the difficulties arising from the lack of audit trail functionality within shared drives and are working towards implementing a comprehensive SharePoint system. This is commended by the Assessment Team. Although this must remain a business decision for authorities, the use of SharePoint is considered an appropriate tool under this element as it provides automated version control and audit trail functionality. This, together with the use of permission settings, will lessen the risk of unauthorised changes or deletions of records.</p> <p>As the rolling out of SharePoint is an on-going project, with</p>

						<p>records management functionality not yet fully operational, the Assessment Team request that they are kept informed of progress under this element.</p> <p>The Assessment Team consider that progress is being made and that this element should remain under improvement.</p>
12. Competency Framework	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change	No change.	No immediate action required. Update required on any future change.
13. Assessment and Review	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change	<p>No change. It is recognised that that NES has not met all of the planned targets set in 2013, due to the impact of significant technological and staff changes over the last two years.</p> <p>It should also be noted NES is actively working with national NHSS Boards to determine how they can overtly collaborate on and deliver the</p>	<p>The Keeper's Model Plan emphasises the importance of authorities undertaking regular internal reviews of policies and the RMP itself in order to gauge organisation-wide compliance with the records management arrangements and to help identify areas requiring further work and resources. The engagement by NES in the PUR process, the highlighting of key policies reviewed since 2013</p>

					<p>most effective support to Health &amp; Social Care integration, including “Once for Scotland Information Governance” solutions. This three year programme of work also includes the identification and implementation of appropriate records management solutions to meet NHS Scotland’s legislative compliance obligations.</p>	<p>such as the Retention Schedule, and the recognition that work is still needed to attain the planned targets, is an indication of this authority’s commitment under this element. The Assessment Team commend this approach and accept that significant changes in staff personnel and the shift to SharePoint and Office 365 have prompted some delays. However, this submission makes clear the course of action being taken to bring all elements under compliance. The Team would therefore be happy to receive updates on such work in future PUR submissions.</p> <p>The Team also thank NES for the update concerning their involvement in developing solutions regarding the Health and Social Care Partnerships and Integrated Joint Boards. The participation of NHS bodies in leading policy development in these areas is welcomed. The Team would be happy to receive</p>
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						<p>news of the on-going work being undertaken in this field.</p> <p>The Assessment Team recognises the on-going initiative being undertaken by the authority under this element.</p>
14. Shared Information	<b>G</b>	<b>G</b>	<b>G</b>	Update required on any change	No change. It should be noted that Data Sharing Agreements are currently being reviewed in ensure compliance with GDPR.	<p>The Assessment Team welcome the proactive approach adopted by this authority to review its Data Sharing Agreements prior to the introduction of the General Data Protection Regulation in May 2018. As this new legislation will have a considerable impact on how authorities handle and share sensitive personal data, the Team consider early review of policies to ensure compliance an example of good practice.</p> <p>Should the reviews currently underway at NES lead to significant changes to policies such as the Data Sharing Agreements or in staff guidance the Team request that they are updated in future submissions.</p>



Similarly, this authority has committed to developing a comprehensive Information Asset Register in the light of upcoming GDPR legislation. The development of this document, which will include vital records, may replace the existing BCS. Should this be the case the Team would welcome updates as work continues in this area.

Particularly notable in this submission is the authority's efforts to be ready and compliant once the General Data Protection Regulation comes into force in 2018. This is reflected in the creation of the Information Asset Register and the review of key policies in areas such as data protection and information security. This proactive approach is commended by the Assessment Team, who would be pleased to receive future updates concerning any updated or amended policies and practices.

Sufficient progress has been made under elements 5 and 7 (Retention Schedules and Archiving and Transfer) for the Assessment Team to award improved RAG status markings. Although this is an informal marking which does not alter the statutory assessment made by the Keeper in August 2013, it provides an indication of the Assessment Team's opinion as to the current state of archival provision within the authority.

Where 'no change' has been recorded under the update on provision by the authority, the Assessment Team is happy to agree that these elements require no further action for the time being.

## 8. PRSA Assessment Team's Evaluation

Based on the progress update assessment the Assessment Team considers that **NHS Education for Scotland** 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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**Neil Adams**  
Public Records Officer