

Public Records (Scotland) Act 2011

Fife NHS Board Assessment Report

The Keeper of the Records of Scotland

27 September 2013

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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 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 Historic 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 **Fife NHS Board (hereafter NHS Fife)** by the Public Records (Scotland) Act 2011 Assessment Team following its submission to the Keeper on 22 July 2013

The assessment considered whether the RMP of **NHS Fife** 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 **NHS Fife** complies with the Act can be found under section 7 of this report with relevant recommendations.

3. Authority Background

Current provision of healthcare in Scotland is the responsibility of 14 geographically-based local NHS Boards and a number of National Special Health Boards. NHS Fife is one of the fourteen regions of NHS Scotland. It provides healthcare services in the Fife area. NHS Fife is headquartered in Hayfield House, Kirkcaldy.

Their website is: www.nhsfife.org

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 **NHS Fife'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.

5. Model Plan Elements: Checklist

Element	Present	Evidence	Notes
1. Senior Officer <i>Compulsory element</i>	✓	✓	John Wilson, Chief Executive, NHS Fife nominates himself as the senior individual for element one. He has signed the introduction to the submitted records management plan (page 4). Mr Wilson is an entirely appropriate individual to undertake this role and therefore the Keeper agrees that there is clear evidence that a Senior Responsible Officer has been allocated.
2. Records Manager <i>Compulsory element</i>	✓	✓	<p>NHS Fife has nominated Ann Allan Corporate Records Manager in this element. This is evidenced by a covering letter from CEO John Wilson.</p> <p>The Corporate Records Manager’s responsibilities are set out as a public facing PDF under 2.1 of the Evidence Summary. This also provides part of the evidence for element 12.</p> <p>The Keeper agrees that an appropriate person has been named to the records management role.</p> <p>(See records manager below)</p>
3. Policy <i>Compulsory element</i>	✓	✓	<p>NHS Fife has two records management policies: One for clinical records, one for business/corporate. These have both been supplied as has evidence that these policies have been circulated to all staff.</p> <p>These policies are published on the NHS Fife Website (for example at http://www.nhsfife.org/nhs/index.cfm?fuseaction=nhs.policydisplay&p2sid=2C34D240-5056-8C6F-C0179C1B913FA66B&themeid=E44C37C3-5056-8C6F-C003CD63C15D8FF0&objectid=45183079-EE51-B328-5EFB3A81B8C70073).</p>

			<p>The policies clearly set out the authority’s commitment to creating and managing authentic, reliable and useable records, capable of supporting business functions and activities for as long as they are required. It defines the records management roles and responsibilities of staff in the authority and the importance of managing their own records.</p> <p>Therefore, the Keeper agrees NHS Fife has fulfilled this compulsory requirement under PRSA.</p>
<p>4. Business Classification</p>	<p>✓</p>	<p>✓</p>	<p>NHS Fife does not yet have a fully functioning BCS. It is however clearly in the process of developing a BCS for all of its business areas, health and corporate, and proposes to pilot the scheme in October 2013. The scheme is that developed by NHS National Services Scotland and modelled to reflect the business and record creating areas of NHS Fife. NHS Fife cannot yet provide evidence of operational efficiency, but its commitment to compliance is evidenced by creation of a project team. The role and remit of this body, with a list of members has been supplied. NHS Fife has further developed a ‘BCS Awareness and Training Plan’ to support the implementation of the finalised BCS across all business areas. The training plan claims it is designed to help NHS Fife to manage its electronic and paper records appropriately and is regarded as a “core element” of the NHS Fife Record Management Plan. Progress on implementation of the training plan will be regularly monitored and reviewed by the Public Records Project Board. This document, supplied to the Keeper as evidence of the authority’s commitment to comply, is signed by the David Kerr, Head of Learning and Development, for NHS Fife and is dated 08 March 2013.</p> <p>There would therefore appear to be a strong commitment from NHS Fife to develop and implement a fully functioning BCS. It is anticipated however that it may be 3-5 years before this is fully operational. However, the commitment to this process is obvious by the tone of the statements under element 4: This will then be piloted within eHealth. An implementation plan is to be developed for full roll-out throughout NHS Fife. This will be added to the published RMP when ready.</p> <p>The signature of NHS Fife Chief Executive to the RMP can be taken to reflect his authorisation of these statements.</p>

			<p>The assessment team considers that this element of the RMP should be agreed on ‘improvement model’ terms.</p> <p>Some functions of NHS Fife are contracted out to third parties or arms length legal entities. The RMP states ‘Private healthcare providers commissioned by NHS Fife are expected to keep appropriate records in line the Scottish Government Records Management Code of Practice (Scotland)’. A sample contract with a private healthcare provider has been provided as evidence. This shows that procedures have been put in place to ensure any contractor carrying out a function on behalf of the Council has appropriate records management procedures in place.</p> <p>As with all the evidence submitted, this document is publically available on the NHS Fife website. The Keeper commends the publication of the evidence package as good practice and as a useful tool for other public authorities. (See publication, below) (See functions, below)</p>
5. Retention schedule	✓	✓	<p>Separate retention and disposal schedules covering all the record types created by NHS Fife, including health and corporate records, have been supplied in evidence. The health schedule is accompanied by a NHS Fife Health Records Retention and Destruction Equalities Impact Assessment. The EQUIA ensures that all NHS Fife’s Health Records are retained and destroyed in accordance with the recommendations of the Scottish Government Records Management NHS Code of Practice (Scotland) and NHS Fife’s Health Records Policy.</p> <p>This is robust provision and meets with the Keeper’s agreement.</p>
6. Destruction Arrangements <i>Compulsory element</i>	✓	✓	<p>Sample destruction certificates, operational agreements and contracts supplied as evidence. Standard operating procedure documents were also submitted as evidence of guidance to staff regarding the destruction of health records was also supplied. Evidence was also supplied of a new regime that will routinely destroy information stored to staff</p>

			<p>'recycle bins' on a weekly basis and starting 1 September 2013.</p> <p>The Keeper has also been supplied with Condemnation of I.T. Equipment procedure document. Available to NHS Fife staff, it explains the proper procedure for destroying IT equipment.</p> <p>Instructions regarding the disposal of confidential waste appear on the Fife NHS website at http://www.nhsfife.org/nhs/index.cfm?fuseaction=nhs.policydisplay&objectid=F2EA8BC7-015D-1561-AD47862664871338</p>
7. Archiving and Transfer <i>Compulsory element</i>	✓	✓	<p>NHS Fife submitted evidence, including an SLA with Fife Cultural Trust, routine archive arrangements and evidence of previous deposits, including receipts and archive catalogue entries. All of this shows that records identified as having enduring value or of historic interest have been and can continue to be deposited with the Archivist at Fife Cultural Trust (formerly Fife Council) in accordance with NHS Fife disposal policy. This includes patient records otherwise stored at specific NHS hospital properties, including Stratheden and Cameron hospitals.</p> <p>The Keeper agrees that NHS Fife has arrangements in place to transfer records to an appropriate archive.</p> <p>It is noted that some more recent health records appear to be dealt with differently and are transferred to secure offsite storage under the care of Dundee City Council. A new SLA is currently being developed between the parties and will be supplied in evidence in due course. This is welcome, but it is in relation to off-site storage and does not constitute archival provision as envisaged by the Act. That remains the arrangement with Fife Cultural Trust described above.</p>
8. Information Security <i>Compulsory</i>	✓	✓	<p>NHS Fife submitted evidence showing that it maintains systems supporting robust security and integrity for all data and physical storage. This level of provision is in line with NHS Scotland Information Assurance Strategy. Evidence includes, NHS Fife security policies,</p>

<i>element</i>			<p>Information security policy, IT and internet policies and procedural guidance to staff, including the NHS Fife Roles and Responsibility for Information Security document. Evidence further included NHS Fife's ISO 27001 Accreditation certificate for IT security infrastructure.</p> <p>This is robust provision and meets with the Keeper's agreement.</p>
9. Data Protection	✓	✓	<p>NHS Fife is responsible for large volumes of personal and sensitive personal data subject to the Data Protection Act 1998 and the Caldicott Principles. NHS Fife submitted strong evidence to show they are fully aware of their responsibilities under this element. Evidence includes, NHS Fife Data Protection Policy , Data Protection Registration Details, Privacy Notice and the NHS Fife Fairwarning' software</p> <p>NHS Fife staff receive training on Data Protection at induction and are required to attend refresher training every three years. NHS Fife also has bespoke Information Governance training available on line evidence by the NHS Information Governance e-Learning Module</p> <p>This is robust provision and meets with the Keeper's agreement.</p>
10. Business Continuity and Vital Records	✓	✓	<p>NHS Fife has a Resilience Forum which meets regularly. NHS Fife has corporate, departmental and site Business Recovery/Continuity Plans. These plans include arrangements for the recovery of both physical and digital records and data. There are regular backups of electronic systems as laid down by the eHealth Infrastructure Business Continuity and Disaster Recovery Framework Plan which is, in turn, in line with ISO 27002. Therefore the Keeper agrees that there is clear evidence that NHS Fife has properly considered business continuity from a record recovery perspective.</p> <p>Some of the evidence for the business continuity of NHS Fife is sensitive and has not been supplied or has been redacted. A covering letter from John Wilson (element 1) has been supplied explaining the reasons for this. The Keeper agrees that this is entirely appropriate.</p>

11. Audit trail	✓	✓	<p>NHS Fife is adopting naming conventions as part of the roll-out of their business classification scheme and have sent a copy of their <i>Version Control and Naming Convention Guidance</i> as evidence of this.</p> <p>Furthermore, Health Records are tracked electronically within NHS Fife Patient Administration System.</p> <p>Although the naming conventions/version control procedures have not yet been rolled out for corporate records there is a clear commitment to do this and this means there is no evidence of its operational efficiency.</p> <p>The assessment team considers that this element of the RMP should be agreed on ‘improvement model’ terms.</p>
12. Competency Framework for records management staff	✓	✓	<p>A bespoke training programme has been arranged with a professional records management consultant for the post-holder identified in element two. The Keeper welcomes it and accepts this training program as evidence of NHS Fife’s commitment to properly resource the records management role. Training certificates for the Project lead/Corporate Records Manager have been submitted in evidence.</p> <p>Ample evidence of projects to raise staff awareness of records management issues has been supplied and is welcomed as good practice by the Keeper.</p>
13. Assessment and Review	✓	✓	<p>The CEO of Fife NHS has committed the Plan to be continuously reviewed and updated. Reports will be submitted quarterly to the Information Governance Group chaired by the Director of Public Health and annually to the Strategic Management Team.</p> <p>These reviews will be carried out by NHS Fife Internal Audit Service. The Public Records Act is also a standing item on the Information Governance Group agenda. This group reports up through a governance committee to the Board.</p>

14. Shared Information	✓	✓	NHS Fife is a core member of the Fife Data Sharing Group and a pilot authority of the Scottish Accord for Sharing of Personal Information. The Keeper agrees that both FDSG and SASPI properly consider the governance of records and that, therefore NHS Fife has in turn properly considered this element.

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 **NHS Fife**. Policies and governance structures are in place to implement the actions required by the plan.

General: The entire records management plan has been signed by John Wilson, the Chief Executive Officer (see element 1).

The internal reporting structure for records issues has been demonstrated.

The records management plan and all policies are available to staff and service users (see publication below).

Publication: The entire plan and links to evidence have been published by NHS Fife at <http://www.nhsfife.org/rmp>

NHS Fife should be commended for the openness of their publication policy regarding the records management plan. The Keeper recommends that public authorities consider publishing their agreed plans. NHS Fife has not only done this, but has published their entire evidence package as well.

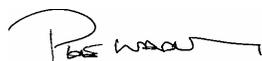
Records Manager: The Keeper acknowledges that NHS Fife has recently approved the post of Corporate Records Manager. He agrees that this makes sound business sense for an organisation the size and complexity of a territorial health board. It is the Keeper's hope that this post can be maintained permanently, however this must remain a business decision for the board.

Functions: As a territorial Health Board, NHS Fife occasionally transfers their patients into the care of other health boards. Quite correctly, the RMP indicates that the Board can be satisfied that the records management provision of these other boards is appropriate, because they too are scheduled under the Act.

7. Keeper's Determination

Based on the assessment process detailed above, the Keeper **AGREES** the RMP of *Fife NHS Board*

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



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Pete Wadley
Public Records Officer

Robert Fotheringham
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 **Fife NHS Board** In agreeing this RMP, the Keeper expects **Fife NHS Board** to fully implement the agreed RMP and meet its obligations under the Act.



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Assessment Report

Tim Ellis

Keeper of the Records of Scotland