

The Public Records (Scotland) Act 2011

Independent Living Fund Scotland

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

27th October 2023

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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 Independent Living Fund Scotland. The outcome of the assessment and relevant feedback can be found under sections 6 – 8.

4. Authority Background

Following the closure of the UK Independent Living Fund (ILF) on 30th June 2015, the Scottish Government established a new organisation, Independent Living Fund (ILF) Scotland, to administer ILF for existing recipients of the fund in Scotland.

ILF Scotland is a public body, governed by a Board of Directors, appointed by and accountable to Scottish Ministers. It operates as a discretionary fund providing financial awards to over 3,000 disabled people in Scotland and Northern Ireland to help them live independently. Their funding enables individuals to pay for care so that they can be supported in their homes and within their local communities.

ILF Scotland Limited is a company limited by guarantee registered in Scotland Company Number SC500075.

5. Assessment Process

A PUR submission is evaluated by the Act's Assessment Team. The self-assessment process invites authorities to complete a template and send it to the Assessment Team one year after the date of agreement of its RMP and every year thereafter. The self-assessment template highlights where an authority's plan achieved agreement on an improvement basis and invites updates under those 'Amber' elements. However, it also provides an opportunity for authorities not simply to report on progress against improvements, but to comment on any new initiatives, highlight innovations, or record changes to existing arrangements under those elements that had attracted an initial 'Green' score in their original RMP submission.

The assessment report considers statements made by an authority under the elements of its agreed Plan that included improvement models. It reflects any changes and/or progress made towards achieving full compliance in those areas where agreement under improvement was made in the Keeper's Assessment Report of their RMP. The PUR assessment report also considers statements of further progress made in elements already compliant under the Act.

Engagement with the PUR mechanism for assessment cannot alter the Keeper's Assessment Report of an authority's agreed RMP or any RAG assessment within it. Instead the PUR Final Report records the Assessment Team's evaluation of the submission and its opinion on the progress being made by the authority since agreeing its RMP. The team's assessment provides an informal indication of what marking an authority could expect should it submit a revised RMP to the Keeper under the Act, although such assessment is made without prejudice to the Keeper's right to adopt a different marking at that stage.

Key:

G	The Assessment Team agrees this element of an authority's plan.	A	The Assessment Team agrees this element of an authority's progress update submission as an 'improvement model'. This means that they are convinced of the authority's commitment to closing a gap in provision. They will request that they are updated as work on this element progresses.	R	There is a serious gap in provision for this element with no clear explanation of how this will be addressed. The Assessment Team may choose to notify the Keeper on this basis.
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6. Progress Update Review (PUR): Independent Living Fund Scotland

Element	Status under agreed Plan 08OCT19	Progress review status 29MAR21	Progress review status 27OCT23	Keeper's Report Comments on Authority's Plan 08OCT19	Self-assessment Update 29JAN21	Progress Review Comment 29MAR21	Self-assessment Update as submitted by the Authority since 29MAR21	Progress Review Comment 27OCT23
1. Senior Officer	G	G	G	Update required on any change.	Senior Officer has changed from Harvey Tilley (Chief Operating Officer) to Paul Hayllor (Director of Digital and Information Services), who has also taken on the Senior Information Risk Officer role previously undertaken by Harvey.	The Keeper's Assessment Team thanks for this update on named senior officer which has been noted.	No update.	Update required on any change.
2. Records Manager	G	G	G	Update required on any change.	No update.	The Assessment Team note there have been no updates to this Element.	No update.	Update required on any change.
3. Policy	G	G	G	Update required on any change.	No update.	The Assessment Team note there have been no updates to this Element.	No update.	Update required on any change.

4. Business Classification	G	G	G	<p>The <i>Plan</i> explains that ILF intend to migrate their shared drives to Objective EDRM. The Keeper is familiar with this system and agrees that, if appropriately implemented, this solution should work well for ILF. Clearly, until full details are available, the effect of this migration on the IAR, and therefore the agreed <i>Plan</i>, is not known. The Keeper looks forward to future updates on this move. He notes that ILF intend to use the PUR process to provide annual updates (see element 13) and welcomes this.</p>	<p>There is no change to ILF Scotland's planned future development in this area. However, it is worth noting to the assessment team that due to COVID-19 and pressures on our frontline teams, the project to migrate to eRDM Objective has incurred significant delays. It is now intended that the eRDM will be functional at ILF Scotland by summer 2021.</p>	<p>The Assessment Team welcomes this update on understandable eRDM Objective migration delays, and looks forward to more detailed updates in future PUR submissions.</p>	<p>ILF Scotland have added a worksheet to the Information Asset Register which is our detailed Record of Processing activity. This is kept up to date by the Records Manager in consultation with all functions within the organisation.</p>	<p>Thank you for this update which has been noted. It is great to hear that ILF Scotland continues to keep its IAR and related procedures up to date.</p> <p>Update required on any change.</p>
5. Retention Schedule	G	G	G	<p>For comments regarding the migration to Objective EDRM, see element 4. It is possible that retention decisions will have to be revisited as part of this work.</p>	<p>The project to migrate to eRDM Objective has incurred significant delays. It is now intended that eRDM will be functional at ILF Scotland by summer 2021.</p>	<p>The Assessment Team notes retention schedules cannot be fully assessed until the implementation of eRDM Objective migration is completed. Updates on the progress in consecutive PUR submissions are welcomed.</p>	<p>ILF Scotland have modified the Information Asset Register to include a data retention schedule which is managed as part of our overall records governance</p>	<p>Thank you for this update indicating that ILF Scotland continues to maintain its up-to-date retention schedule arrangements within its IAR framework. It is also good to hear</p>

							structure in consultation with all functions within the organisation. This register is owned by the Senior Information Risk Officer.	that the SIRO has ownership (and oversight) of the Information Asset Register. Update required on any change.
6. Destruction Arrangements	G	G	G	Update required on any change.	No update.	The Assessment Team note there have been no updates to this Element.	No update.	Update required on any change.
7. Archiving and Transfer	A	A	A	The Keeper can agree this element of the ILF Plan under 'improvement model' terms. This mean that the authority has identified a suitable repository for records selected for permanent preservation and have put processes in place to formalise transfer arrangements. The Keeper's agreement is conditional on the MOU, between NRS and ILF being created, signed and forwarded to the PRSA Assessment Team.	We have met with colleagues at NRS and continue to communicate regarding the MoU between ILF Scotland and NRS. We are awaiting confirmation of the Crown to Crown agreement between the Scottish Government and the Northern Irish Executive which	The Assessment Team is grateful for this progress update on arrangements between ILF Scotland and the NRS, as well as the Crown-to-Crown agreement required for the MoU formalisation process. The Assessment Team welcomes updates on this process in consecutive PUR submissions. Subsequent to the original PUR submission, the ILF Scotland has sent the	Due to ongoing issues within the Northern Irish political landscape, we have only been able to work to an extension of the existing Crown to Crown memorandum of understanding. We continue to review this situation on an annual basis and are working with our NRS account	The Assessment Team thanks you for this update on ongoing MoU negotiations with PRONI. It is reassuring to hear that discussions regarding the completion of an Archive Transfer Agreement with NRS are ongoing. This Element will remain at Amber while a formal

					is necessary for us to formalise the MoU with NRS and PRONI. We will continue to work on this and understand that Element 7. Archiving and Transfer will remain amber until the MoU is in place.	following positive update: 'ILF Scotland have worked with the Scottish Government and Northern Irish Executive to finalise a new Memorandum of Understanding for the Crown to Crown Agreement and this will be used to update our archive and transfer protocols with PRONI.'	manager to complete the Archive Transfer Agreement. The form has been completed and we are due to have a follow-up meeting with our account manager in Quarter 1 of 2023/24.	Agreement is still being finalised. The Assessment Team welcomes updates on this process in subsequent PUR submissions.
8. Information Security	G	G	G	Update required on any change.	No update.	The Assessment Team note there have been no updates to this Element.	No update.	Update required on any change.
9. Data Protection	G	G	G	Update required on any change.	No update.	The Assessment Team note there have been no updates to this Element.	We have introduced an in-depth data protection induction for new staff. We have put in place an internal reporting framework for data incidents which enables us to better investigate and reach decisions on the	Thank you for letting the Assessment Team know that data protection induction for new staff at Independent living Fund Scotland has been updated and extended, and that IG Officer has also completed additional data protection

							<p>seriousness of data incidents. As part of this we have added a learning log which captures organisational lessons learned from incidents experienced by staff.</p> <p>Our information Governance Officer has completed formal data protection training to enable the team to be more agile.</p>	<p>training. A more centralised approach to capturing (and learning from) internal 'data incidents' is also noted with thanks.</p> <p>Update required on any change.</p>
10. Business Continuity and Vital Records	G	G	G	Update required on any change.	No update.	The Assessment Team note there have been no updates to this Element.	<p>ILF Scotland has completed a large-scale project to enable all functional areas to set their teams' cyber security risk and resilience thresholds. The outcome of this work has been the creation of a crisis</p>	<p>Thank you for this positive update on the creation of a crisis management and crisis support team, resulting from focus on cyber security risk and resilience thresholds and renewed focus on business continuity. It is</p>

							<p>management and crisis support team to ensure business continuity in this area. One outcome of this has been to repurpose Huddle as an 'off SCOTS' repository for vital documents.</p> <p>In the final quarter of 2022/23 we completed a total overhaul of our shared G:Drive during which all documents and records have been reviewed, marked for deletion or placed in a more logical location and renamed.</p> <p>The product of this project has been a new file plan and comprehensive staff guidance on</p>	<p>particularly great to hear of the completion of G: Drive review exercise while ILF Scotland pursues a full transition to a single eDRMs (Objective), including a new file plan and staff guidance on naming conventions.</p> <p>Update required on any change.</p>
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							naming conventions and file locations.	
11. Audit Trail	A	A	A	<p>The Keeper can agree this element of the Independent Living Fund Scotland <i>Records Management Plan</i> under ‘improvement model’ terms. This means that the authority has identified a gap in provision (in this case that naming convention guidance is not fully developed and rolled-out), but have put process in place to close that gap. The Keeper’s agreement is conditional on the work suggested in the Plan progressing and on him being updated when appropriate.</p>	<p>It had been planned that element 11, Audit Trail, would be addressed by the move to eRDM Objective. The project to migrate to eRDM Objective has incurred significant delays. It is now intended that eRDM will be functional at ILF Scotland by summer 2021.</p> <p>We will continue to work on this and understand that Element 11 will remain amber until naming conventions guidance is addressed through the course of the</p>	<p>The Assessment team acknowledges the challenges incurred in the implementation of eRDM Objective migration, and welcomes updates on this important matter in subsequent PUR submissions.</p> <p>Subsequent to the original PUR submission, the ILF Scotland has sent the following positive update: ‘We are [...] completing the guidance on naming conventions which will be rolled out prior to the migration to Objective eRDM this summer.’</p>	<p>The Digital and Information Services Team has rolled out and internal audit template to all teams to be managed by the Information Management Support Officer for each team. This will be run as a pilot for Q1 of 2023/24 with the view to commencing the annual audit in October 2023 in line with the annual review of our Records Management Plan.</p> <p>The outcome of the audits will be viewed by the Information Management Team before a</p>	<p>Under Element 10, ILF Scotland reported that naming convention guidance has now been rolled out. This is excellent news. While the ERDMs project is still ongoing, alongside a file plan, a consistently-applied file naming practices can immediately improve the discoverability of records. The Assessment Team thanks ILF Scotland for informing us of the upcoming audit which may be able to clarify how successful the</p>

					<p>eRDM migration project.</p>		<p>formal report on organisational health in this area is sent to the Senior Management Team.</p>	<p>implementation has been.</p> <p>While the main gap identified by the Keeper in 2019 has now been closed (development and implementation of naming convention guidance), the move to new ERDM system (Objective) will likely continue to complicate digital records' audit trail arrangements for some time. This Element will remain at Amber until ILF Scotland has completed its move to this new system. It is, however, clear that positive progress on this Element continues to be made. This is commendable.</p>
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12. Competency Framework	G	G	G	Update required on any change.	No update.	<p>The Assessment Team note there have been no updates to this Element.</p> <p>Subsequent to the PUR submission, the ILF 'report that 2 staff members have undertaken formal records management training during this particularly challenging period and are increasing the collective competence and capability of ILF Scotland to manage its records appropriately'. This news is welcomed by the Assessment Team.</p>	No update.	Update required on any change.
13. Assessment and Review	G	G	G	<p>ILF have provided the Keeper with their <i>Policy Review Schedule</i>. This shows that:</p> <p>The <i>Information Governance Policy (see element 3)</i>, the <i>Retention Policy (see element 5)</i> and the <i>Data Protection Policy (see element 9)</i> are all due for review by July 2020</p> <p>Also, the Data Protection – TF13 statement was due to</p>	The RMP and all associated documents have been reviewed within their agreed review cycles and no significant changes have been required.	Thank you for the confirmation that agreed review cycles are being adhered to; this has been noted by the Assessment Team.	We have put in place two levels of governance around assessment and review which formalises the internal process. Firstly we have put in place Information Management Support Officers who meet as a	This is a welcome update on the formalisation of Records Management Plan (and its attending assets') regular review process. It is also clear than ILF Scotland has put in place structures (IMSOs and an

				<p>be reviewed at the time of this assessment.</p> <p>The ILF Scotland Patch Management Policy should be reviewed at least annually (PM Policy section 5).</p> <p>The <i>Information Asset Register</i> is reviewed annually.</p> <p>The <i>Business Continuity Plan (see element 10)</i> provides for regular testing (section 8 of <i>Business Continuity Plan</i> and page 15 of <i>Handbook</i>).</p> <p><i>Data Sharing Agreements (see element 14)</i> are reviewed annually (<i>Plan</i> under Element 14).</p>			<p>group monthly to share best practice and ask questions of the Records Management Team.</p> <p>Added to that we have created the Information Management Group which meets quarterly to address any issues raised by the IMSOs, and to manage the review of the RMP and its attending assets.</p>	<p>Information Management Group) to keep testing the continuing implementation of the Records Management Plan and adjacent plans, policies and procedures.</p> <p>Update required on any change.</p>
14. Shared Information	G	G	G	Update required on any change.	No update.	The Assessment Team note there have been no updates to this Element.	No update.	Update required on any change.

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

Version

The progress update submission which has been assessed is the one received by the Assessment Team on 23rd of March 2023. The progress update was submitted by Marianne Craig, Business Information and Data Protection Officer.

The progress update submission makes it clear that it is a submission for **Independent Living Fund Scotland**.

The Assessment Team has reviewed Independent Living Fund Scotland'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

Independent Living Fund Scotland 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 Independent Living Fund 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

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