

The Public Records (Scotland) Act 2011

NHS Education for Scotland

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

16th August 2022

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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 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 (NES) is an education and training body and a national health board within NHS Scotland. They are responsible for developing and delivering healthcare education and training for the NHS, health and social care sector and other public bodies. They have a Scotland-wide role in undergraduate, postgraduate and continuing professional development.

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) Template: NHS Education for Scotland

Element	Status of elements under agreed Plan 21AUG13	Progress review status 11DEC17	Progress review status 16AUG22	Keeper's Report Comments on Authority's Plan 21AUG13	Self-assessment Update 09OCT17	Progress Review Comment 11DEC17	Self-assessment Update as submitted by the Authority since 11DEC17	Progress Review Comment 16AUG22
1. Senior Officer	G	G	G	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.	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. The Assessment Team also thank the authority for the update concerning the devolving of senior management responsibility for the Plan to Christopher	The Senior Officer for NHS Education for Scotland changed on 1 st February 2021. Karen Reid, Chief Executive, has overall accountability for NES records. Senior Management responsibility is devolved to Christopher Wroath, Director of NES Technology Service/ Senior Information Risk Officer (SIRO). Delegation of leadership for records management is formally recorded in the NES Records Management Policy. The policy is approved by the NES Partnership Forum and Staff Governance	The Assessment Team thanks you for this update on a new Senior Officer; this has been noted. Thank you also for providing a copy of the Records Management Policy document, the receipt of which has been noted with thanks.

						<p>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>	<p>Committee. The membership of the Committee includes the Chief Executive and Non-Executive Board Members.</p> <p>Supporting evidence: <i>PUR2021-001 – Records Management Policy</i></p>	
2. Records Manager	G	G	G	Update required on any change	Tracey Gill, Information Governance Manager has day-to-day operational responsibility for	The Assessment Team thanks NES for the update under this element. The Information Governance Manager is an appropriate, senior post-	Tracey Gill, Principal Lead – Information Governance & Security has operational management responsibility for	Thank you very much for updating the Assessment Team; we have listed both Tracey Gill and James McCann as our up-to-

					Information Governance, including records management.	holder to have operational responsibility for records management within this authority. 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. The Assessment Team recognises the on-going initiative being undertaken by the authority under this element.	corporate records management. Day-to-day management is delegated to James McCann, Information Governance Programme Officer. This includes responsibility as the NHS Education for Scotland representative at the NHS Scotland Records Management Forum. The Programme Officer is appropriately trained to Practitioner Level in Scottish Public Sector Records Management. Supporting evidence: <i>PUR2021-002 – NES Information Governance Roles & Responsibilities</i> <i>PUR20201-017 – Records Management Practitioner Certificate</i>	date Key Contacts. The receipt of supporting evidence is also acknowledged with thanks.
3. Policy	G	G	G	Update required on any change. The Keeper expresses his wish to be kept informed on further revisions of the	The Records Management Policy was reviewed February 2014. The policy is required to be reviewed in light of the adoption	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	No change. The Records Management Policy was reviewed and approved by the NES Partnership Forum and NES Staff Governance Committee	The Assessment Team thanks you for this update on regular Records Management Policy review. The continuing availability of all records management policies

				policy	of Microsoft SharePoint as the principle ECMS within NES since April 2016.	document which 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. 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	in November 2020. The policy is next due for review in 2022 and will be updated following adoption of the national NHS Scotland BCS. All Information Governance policies and procedures, including the Records Management Policy and Corporate Records Retention Schedule are published on the NES internal intranet and Information Governance Hub. Supporting evidence: <i>PUR2021-001 – Records Management Policy</i> <i>PUR2021-003 – Item 03 Partnership Forum Minutes 2020-10-21</i> <i>PUR2021-004 – Item 05 Staff Governance Committee Minutes 2020-11-05</i> <i>PUR2021-008 – IG&S Hub – Records Management Page</i>	on the intranet is also very positive, as this suggests these documents are readily accessible for all staff to consult. The submitted evidence is acknowledged with many thanks.
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					<p>document details 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>	<p><i>PUR2021-019 – IG&S Hub – Corporate Policies and Procedures Page</i></p>		
	A	A	A	The Keeper would be happy	Considerable effort was put	Since the Keeper's agreement of this	No change.	Thank you for

<p>4. Business Classification</p>				<p>to agree this element on an improvement plan basis and would ask to see the updated classification scheme once implemented.</p>	<p>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</p>	<p>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>	<p>NES has an information asset register which meets all current UK GDPR requirements. There are approximately 400 information assets recorded on the register and the register continues to be populated by staff. An annual review of the asset register commenced in March 2022.</p> <p>The IAR is currently stored on Microsoft lists however the Information Governance team are undertaking a review and considering whether this could be transferred to the OneTrust tool, currently used to store the NES register of data protection impact assessments. The Information Governance Compliance Tracker records and ensures that new information assets are added to the IAR.</p> <p>NES has been involved in the development of a</p>	<p>confirming that there has been no major change to NES's Business Classification Arrangements. The move to SharePoint and O365 has been a major endeavour, and it is great to see that the Information Asset Register continues to be developed, and that progress is tracked, and that the Register is annually reviewed. Thank you also for providing an extract of the IAR as evidence.</p> <p>Thank you for confirming that NES will be adopting the NHS Scotland's shared Business Classification Scheme.</p> <p>It is clear that NES is taking steps towards a Green RAG status. This Element will remain at Amber while the BCS is yet to be implemented. We look</p>
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					<p>GDPR accountability requirements. As part of this process NES will determine if the IAR will replace the need for a separate BCS.</p>	<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</p>	<p>national business classification scheme through the NHS Scotland Records Management Forum as part of the national O365 Programme. The first version was published in February 2020 and undergone further reviews since then. The national BCS will be adopted as the NES BCS. There are still ongoing discussions with regards to have the national BCS will be implemented within the SharePoint environment across all NHS Scotland Boards within the national tenancy.</p> <p>Supporting evidence: <i>PUR2021-005 – Extract of the Information Asset Register</i> <i>PUR2021-020 – Extract of the IG Compliance Tracker</i></p>	<p>forward to being updated on how this progresses in subsequent PURs.</p>
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						<p>resource (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>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 are taken at the correct time and are applied consistently to records across the</p>	<p>Following the publication of the Scottish Governance Health & Care Records Management Code of Practice 2020, a comprehensive review of the NES retention schedule was undertaken in August-September 2020.</p> <p>All record types were reviewed in collaboration with each Directorate and are retention periods are aligned to the Code of Practice.</p> <p>The revised retention schedule, which is aligned to the Code of Practice, was published</p>	<p>It is good to hear that Retention Schedule has been comprehensively reviewed and appropriately updated since the last PUR update. The alignment with the Code of Practice is also positive news. As NES shows, staff is also being kept up to date on any changes, and even have a dedicated virtual space (Information Governance Hub) to access guidance.</p> <p>Thank you also for providing the Assessment Team</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 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>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 available.</p> <p>The incremental implementation of TURAS since 2014 is</p>	<p>in late November 2020. This is available on the NES Information Governance & Security Hub. The publication was highlighted to staff in an all-staff email on 4th December 2020 and awareness of the schedule is regularly promoted through quarterly records management staff training webinars.</p> <p>Minor updates were made to the retention schedule in December 2021 to include reference to whistleblowing and Prevent records. The updated schedule was approved by the NES Partnership Forum in January 2021 and published thereafter.</p> <p>A SharePoint Communications site (Information Governance Hub) was launched to all staff in November 2021. This includes specific guidance regarding retention periods for</p>	<p>with evidence related to this Element; it has been received with thanks.</p>
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						<p>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>	<p>corporate records and Microsoft Teams recordings.</p> <p>Supporting evidence: <i>PUR2021-006 - Corporate Records Retention Schedule</i></p> <p><i>PUR2021-007 - 2020-12-04 – All Staff Email – Updated Information Governance Policies</i></p> <p><i>PUR2021-008 - IG&S Hub – Records Management Page</i></p> <p><i>PUR2021-009 - IG&S Hub – Teams Recordings & Transcription Guidance</i></p>	
6. Destruction Arrangements	G	G	G	Update required on any change. The Keeper requests that any review of the staff	No change. Records management procedural documents need to be reviewed to include best	The Assessment Team recognise that the adoption of SharePoint will greatly improve the management of electronic records and their automated	No change. Records management procedural documents need to be reviewed to include best practice for	Thank you for letting the Assessment Team know that there have been no major changes to records destruction

				<p>guidance documents be sent to him once implemented</p>	<p>practice for retention management in SharePoint.</p>	<p>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>	<p>retention management in SharePoint.</p> <p>Consideration is being given to the implementation of the national BCS through SharePoint labelling functionality and will be linked to retention periods. This will allow for a level of automation of retention and disposal of records, subject to review by staff and the Information Governance team. This will be implemented in line with the national O365 programme of work. We expect this to be implemented in 2022.</p> <p>It is hoped that the O365 programme will allow NES to utilise disposition reporting functionality.</p> <p>NES has arrangements in place for the disposal and destruction of paper records.</p> <p>Supporting evidence: <i>PUR2021-021 – Confidential Waste</i></p>	<p>arrangements within NES. The implementation of the national NHS BCS is a sensible move, and it looks like SharePoint enabled automation will improve processes in the long run.</p> <p>The update on paper records, and the attached Confidential Waste Contract, are also noted with thanks.</p>
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							<i>Contract</i>	
7. Archiving and Transfer	G	G	G	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</p>	The Memorandum of Understanding with NRS is currently in the process of being updated. A draft copy of the MoU was sent to NRS on 25 th March 2022.	The Assessment Team is grateful for this update. It is good to hear that the Memorandum of Understanding is being reviewed on a regular basis, and that this process is currently under way with National Records of Scotland.

						<p>document, the Team would welcome receipt of updates in future PUR 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</p>	<p>NES continues to work towards ISO27001 accreditation however work on this has been delayed due to the pandemic response. In November 2020, an Information Security Manager, and a Specialist Analyst responsible for Cyber Security arrangements were appointed and will support this programme of work.</p> <p>In November 2020 the Scottish Government undertook a desktop NIS audit. A progress audit was undertaken on 1st December 2021.</p>	<p>It is entirely understandable that the pandemic has caused delays in some initiatives. While the work towards achieving ISO27001 accreditation has been delayed, it is great to hear that this is now underway again.</p> <p>Thank you for letting us know of the relevant audits undertaken. These can be a useful tool for determining weaknesses that require action to address.</p>

						<p>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 Information Security Policy was reviewed in October 2021. This was approved by the NES Partnership Forum in January 2022.</p> <p>The NES Information Security Manual was updated in June 2021 and includes procedures for the backup of NES records and information, protection of records and disposal of media holding NES information.</p> <p>The Information Governance & Security team launched a rolling programme of Information Security webinars in September 2020. 165 staff have completed the training to date.</p> <p>Supporting evidence: <i>PUR2021-010 - Corporate Information Security Policy</i> <i>PUR2021-011 - Information Security Manual</i></p>	<p>Thank you for letting the Team know that the Information Security Policy has undergone a regular review. It is also very good to hear that a NES Information Security Manual and Information Security Webinars have been established to support staff competencies in these areas.</p> <p>The receipt of supporting evidence is acknowledged with thanks.</p>
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						The Assessment Team recognises the on-going initiative being undertaken by the authority under this element.	<i>PUR2021-022 – Information Security Webinar Slides</i>	
9. Data Protection	G	G	G	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>	<p>NES Information Governance Policies and Data Protection Procedures were reviewed in November 2020 and were updated to incorporate all legislative requirements under UK GDPR.</p> <p>The organisation has privacy notices in place for both the public and members of staff.</p> <p>There are robust processes in place for responding to Subject Access Requests.</p> <p>The Information Governance Hub, launched to all staff in November 2021, contains guidance with regards to aspects of data protection.</p> <p>The Information</p>	<p>The Assessment Team is grateful for this update on Information Governance Policy and Data Protection Procedure review. Privacy notices, and readiness to address SARs, are also noted with thanks.</p> <p>The Information Governance Hub also sounds like a worthwhile development in terms of providing easy-to-access data protection guidance, and the webinars undoubtedly support this.</p> <p>The Team has no concerns about this Element. We look forward to being updated if any</p>

							<p>Governance & Security team launched a rolling programme of data protection webinars in May 2021. 99 staff have completed the training to date.</p> <p>Supporting evidence: <i>PUR2021-012 - Data Protection, Confidentiality and Privacy Procedures</i></p> <p><i>PUR2021-013 - NES Privacy Notice</i></p> <p><i>PUR2021-014 - IG&S Hub – Data Protection Page</i></p> <p><i>PUR2022-023 – Data Protection Webinar Slides</i></p>	<p>changes occur.</p> <p>The supporting evidence is noted with thanks.</p>
10. Business Continuity and Vital Records	G	G	G	The Keeper requests sight of those documents concerning the incorporation of vital records into the retention schedule and business continuity plan	No change. The implementation of Microsoft Office 365 and Azura as the principle ECMS for NES in April 2016, has significantly reduced the risk to core business as	The original submission in 2013 demonstrated that NES have robust Business Continuity Plans in place across their sites and that vital records are identified and backed-up on NES systems. The Assessment Team agrees that the implementation of Office	<p>No change. The implementation of Microsoft Office 365 and Azure as the principle ECMS for NES in April 2016, has significantly reduced the risk to core business as information/data is not hosted on NES servers, but by Microsoft and</p>	<p>Thank you for letting us know that there have not been major changes to this element.</p> <p>The reduced risk to core business due to external hosting of this data (by Microsoft) is noted</p>

				<p>once implemented.</p>	<p>information/data is not hosted on NES servers, but by Microsoft and subject to full redundancy and resilience controls.</p>	<p>365 and Azure 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 implement the IAR.</p> <p>The Assessment Team recognises the on-going initiative being undertaken by the authority under this element.</p>	<p>subject to full redundancy and resilience controls.</p> <p>The IAR has been implemented across NES and has approximately 400 assets. This continues to be added to and updated by staff.</p>	<p>with thanks. It is also positive news that the Information Asset Register has been implemented and continues to be added to.</p>
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11. Audit Trail	A	A	A	<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 records management functionality not yet fully operational, the Assessment Team request that they are kept informed of progress under this element.</p>	<p>No change. 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>Thank you for this update. The Assessment Team acknowledges that robust audit trail arrangements remain work-in-progress while full SharePoint records management functionality implementation is ongoing. It is good to hear that the line-of-business system used by NES has also proved an improvement.</p> <p>This Element will remain at Amber while SharePoint implementation is ongoing. We look forward to updates on the progress of this in consequent PURs.</p>

						The Assessment Team consider that progress is being made and that this element should remain under improvement.		
12. Competency Framework	G	G	G	Update required on any change	No change.	No immediate action required. Update required on any future change.	<p>The Information Governance Programme Officer with day-to-day operational responsibility for records management is appropriately trained to Practitioner Level in Scottish Public Sector Records Management.</p> <p>An updated Safe Information Handling e-module was launched in July 2021. This is a mandatory module which all staff are required to complete, focusing handling records containing personal data.</p> <p>In June 2021 a rolling programme of records management training webinars was implemented. A series of webinars run every 3 months. This is supplementary to the Safe Information Handling e-module and</p>	<p>The Team is grateful for this update on staff records management competencies within NES. It is clear from updates given under other elements that NES has invested in this Element.</p> <p>It is very good to hear that staff at all levels are continuing to be supported to carry out records management activities through a number of training and engagement initiatives.</p> <p>The imminent adoption of a national NHS Scotland Records Management Forum competency framework for records management staff, operational staff and senior management is also commendable.</p>

							<p>94 staff have attended the webinars to date. Completion of the training is recorded on staff learning records.</p> <p>The Information Governance & Security team has developed a communications site which will make it easier for staff to access records management resources and provide a dedicated space to promote best practice guidance and learning.</p> <p>In February 2022, the national NHS Scotland Records Management Forum approved a competency framework for records management staff, operational staff and senior management. NES will be adopting the framework later this year.</p> <p>Supporting evidence: <i>PUR2021-015 - Records Management & Information Requests Webinar Slides</i> <i>PUR2021-016 - Safe</i></p>	<p>The Team also acknowledges the receipt of evidence which amply supports the positive update given.</p>
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							<p><i>Information Handling eModule</i></p> <p><i>PUR2021-017 - Records Management Practitioner Certificate</i></p> <p><i>PUR2021-024 – NHSS Records Management Competency Framework</i></p>	
13. Assessment and Review	G	G	G	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 most effective support to Health & Social Care integration,</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 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</p>	<p>Work has been delayed due to the Covid-19 pandemic as Information Governance resource was diverted to support Covid projects. Work has also been impacted by the national O365 programme.</p> <p>NES now has a Programme Officer in post will day-to-day responsibility for records management so it expected this work will now progress over the next year. This expected timescale will be dependent on the records management functionality within O365 for some of the elements.</p>	<p>It is clear from updates under other Elements that Policy documents are being regularly reviewed. The participation in the PUR process is also relevant under this Element, and shows commitment to continuous improvement. Any delays caused by the pandemic and national initiatives (O365 implementation is a major overhaul) are completely understandable.</p> <p>It is good to hear that NES now has a RM programme officer in place. The planned voluntary submission</p>

					<p>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>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 news of the on-going work being undertaken in this field.</p> <p>The Assessment Team recognises the on-going initiative being</p>	<p>We are currently working on development of an updated records management plan and will voluntarily submit this to the Keeper by the end of the year.</p>	<p>of the updated Records Management Plan under PRSA, especially highlights NES’ commitment to maintain high standards in the management of its records.</p>
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						undertaken by the authority under this element.		
14. Shared Information	G	G	G	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> <p>The Assessment Team recognises the on-going initiative being undertaken by the authority under this</p>	<p>No change.</p> <p>NES adheres to the NHS Scotland Information Sharing protocols and utilises the national NHS Scotland information sharing template. Data sharing agreements are completed for sharing of personal identifiable information between data controller to data controller.</p> <p>NES implemented a register of data processing and sharing agreements, impact assessments and systems security policies earlier this year.</p> <p>Data Sharing Agreements are completed before any such sharing with other organisations occurs.</p>	<p>Thank you for letting us know there have been no major changes to this Element.</p> <p>It is reassuring to find that NHS NES adheres to the shared NHS Scotland Information Sharing Protocols. The implementation of a data processing and sharing agreement register is also positive.</p>

						element.		
15. Public Records Created or Held by Third Parties	N/A	N/A	A			<p>All data sharing with third-parties is subject to an appropriate level of risk assessment. NES requires a data protection impact assessment to be completed whenever data sharing or processing occurs with a third party. Data sharing and processing agreements must also be completed and signed by all parties.</p> <p>This is further supported by the creation of an Information Security Management System Procedure in June 2021 to manage third party supplier relationships, and the adoption of the Scottish Government's Cyber Security Procurement Support Tool, allowing NES to understand the cyber-risk profile of our suppliers.</p> <p>Supporting evidence: <i>PUR2021-018 - ISMS</i></p>	<p>Thank you for this update on Element 15. The Public Records (Scotland) Act (PRSA) makes it clear that records created by a contractor in carrying out a scheduled authority's functions are public records (Part 1 section 3.1 (b)). The Assessment Team reminds NES that this element only applies when a contractor, or other third party, is carrying out a <u>function</u> of NES, not when it is simply providing a service.</p> <p>The receipt of Draft Information Security Management System Supplier Relationship Procedure document is noted with thanks. This addresses information legislation compliance, including data protection legislation and FOISA requirements, but the</p>	

							<p><i>Supplier Relationship Procedure</i></p> <p>Team notes that a document with more robust commitment to PRSA and robust records management processes indicated in the Act as a whole would be more helpful here. In addition, as a draft version, this document would not be considered suitable evidence in the case of formal resubmission.</p> <p>In the formal assessment process, further evidence would also be required, such as an example of a third-party contract with strong contractual clauses relating to records management processes.</p> <p>Scottish Council on Archives has published a helpful guidance document which may be beneficial when considering PRSA compliance under</p>
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Element 15: [PRSA-Contractors-Guidelines-ARMS-2018.pdf](#) ([scottisharchives.org.uk](#)). The PRSA Team is also happy to help should any further guidance be required.

This is a new Element, and it is very positive that NES has voluntarily submitted a PUR update. This Element has been given an Amber status as it is clear that NES has begun to seriously consider its requirements. This RAG status is specific to the PURs only, but will hopefully provide a good starting point for NES with the planned voluntary resubmission of RMP in mind.

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 27 April 2022. The progress update was submitted by James McCann, Information Governance Programme Officer.

The progress update submission makes it clear that it is a submission for **NHS Education for Scotland**.

The Assessment Team has reviewed NHS Education for 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

NHS Education for 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 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

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 Support Officer