

Complying with the Records Management Code: Evaluation Workbook and Methodology

Sector specific guidance for records managers

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General

- 12.1 This chapter is provided to explain what guidance; policy or regulation exists in terms of records and information management, which is specific to each sector of public administration. It will not provide definitive guidance, as each sector will continue to develop its rules and regulations for best practice.
- 12.2 The Department for Constitutional Affairs has published the two Codes of Practice issued by the Lord Chancellor under section 45 and 46 of the Freedom of Information Act 2000 additional guidance. This and other related information can be accessed on their web-site at:
<http://www.dca.gov.uk/foi/codesprac.htm>
- 12.3 Additional guidance on the record management implications arising from the implementation of the Freedom of Information Act 2000 is provided on the web-site of the Information Commissioner at:
<http://www.informationcommissioner.gov.uk/eventual.aspx?id=77>
- 12.4 In addition to the Freedom of Information Act 2000 the Records Management Code and other statutes referenced elsewhere in this workbook a further driver is the Government Policy on Archives. This policy was issued by the Lord Chancellor as a Command Paper on 2 December 1999 [Cm 4516]. It was the first statement of government policy in this increasingly important field. This policy listed six key objectives as critical to the success of this initiative. Objective 3 is especially relevant. It requires that public institutions, at local, regional and national level, select, preserve and manage their current records and their archives, regardless of medium, in accordance with the relevant legislative requirements, guidance and agreed professional standards
- 12.5 The National Archives (TNA) has developed and published a significant amount of guidance for use by record managers within the public sector. Although some of the earlier publications were written specifically for a central government audience a lot of the guidance is generic and should assist records managers in all public authorities. The following three locations on TNA's web-site provide links to related guidance and should be referenced:
<http://www.nationalarchives.gov.uk/recordsmanagement/>
<http://www.nationalarchives.gov.uk/electronicrecords/>
<http://www.nationalarchives.gov.uk/policy/>

12.6 For more information and assistance on the range of assistance and guidance available to record managers on the TNA web-site please contact:

rmadvisory@nationalarchives.gov.uk

12.7 Links to other relevant sector specific guidance is provided below for the following areas of public administration

- Central government (includes departments, agencies and non departmental public bodies)
- Northern Ireland
- Scotland
- Local Government
- Health sector
- Education
- Police

Central government

12.8 The National Archives (TNA) is responsible for providing advice on the management and archiving of records within central government. This authority stems partially from s.3 (2) of the Public Records Act 1958 but also from a recommendation made in the Records Storage and Management scoping study commissioned in 1997 by the Prime Minister's Adviser on Efficiency and the Keeper of Public Records.

12.9 Section 3 (2) of Public Records Act 1958 requires every person responsible for public records which are not in the archive or an approved place of deposit to *"perform his duties under this section under the guidance of the Keeper of Public Records and the said Keeper shall be responsible for coordinating and supervising all action taken under this section"*

12.10 The Records Storage and Management Scoping Study 1997 recommended that TNA should adopt a more overt role in leading government departments on records management issues. This should include providing:

- Advice and guidance to departments on all stages of the records cycle including creation and selection
- Guidance on performance indicators for assessing efficiency and effectiveness in the record cycle
- Opportunities to promote good practice

12.11 In performance of its role TNA provides guidance on best practice in records management including retention standards, electronic record

management toolkits and functional requirements. Information on how to access this guidance is provided at paragraph 12.5 above.

Northern Ireland

12.12 Records management in the Northern Ireland departments has been governed since 1923 by the Public Records Act (NI). The Public Record Office for Northern Ireland (PRONI) has published a records management standard together with other relevant guidance for use by Northern Ireland departments and public authorities. More information can be found on PRONI's web-site at:

<http://www.proni.gov.uk/NIRMS/edrm.htm>

Scotland

12.13 The National Archives of Scotland (NAS) advises Scottish government departments, institutions, businesses and private individuals on the care of their records. NAS has published guidance on its website for record keepers, record depositors and record professionals working in Scottish central government departments, agencies and non-departmental public bodies, whether or not those organisations deposit records with NAS. It is also aimed at people who work in the few UK central government departments which deposit records with NAS. More information is provided on the NAS website at:

<http://www.nas.gov.uk/reckkeep/>

Local Government

12.14 The website for the Office of the Deputy Prime Minister (ODPM) provides Guidance on '*proper arrangements*' for archives and it provides a reference to section 224 of the Local Government Act 1972 which states:

Without prejudice to the powers of the custos rotularum to give directions as to the documents of any county, a principal council shall make proper arrangements with respect to any documents that belong to or are in the custody of the council or any of their officers.

The section applies to principal councils as defined in the Act itself, the London Government Act 1963, the Local Government Acts 1985 and 1992 and the Local Government (Wales) Act 1994

12.15 The ODPM guidance note defines the term "records" for section 224 as "*..any documents which belong to or are in the custody of the council or any of their officers*".

12.16 It goes on to state that records represent information, one of the most important resources of any organisation. Local authorities should make arrangements for the cost-effective management of these records in the interests of the efficient transaction of their business. Local authorities also need to preserve certain classes of records for the legal protection of their own property or other interests.

12.17 It also stress the need for evidential value by stating that:

In an increasingly litigious environment the importance of making and keeping adequate records is proportionately obvious. Cases about children in care and about the quality of education given can only be defended where relevant records can be readily accessed.

Further information on this guidance can be accessed at the following web address

<http://www.odpm.gov.uk/index.asp?id=1133760>

Impact on local government of the Social Care Information Governance Project

12.18 A project has been set up by the Department of Health in conjunction with the Association of Directors of Social Services Information Management Group (ADSS IMG) and the NHS Information Authority (NHSIA) to develop a Social Care Information Governance toolkit¹ and a Social Care Confidentiality Code of Practice. The longer-term aim is to begin the process of setting common standards in information governance across local government.

12.19 A project board of major stakeholders in central and local government, the Local Government Association (LGA) and the Society of IT Managers (SOCITM) oversees and manages the work undertaken as part of the project. The successor to the NHSIA, the Health and Social Care Information Centre (HSCIC) will take responsibility for taking the work forward, supported by a Reference Group of social care information specialists and practitioners. It is examining the first version of the NHS toolkit to identify what is relevant to Social Care and what needs to be adapted.

12.20 It is envisaged that the Social Care part of the Information Governance toolkit will be issued as a draft for consultation. Further information concerning the Information for Social Care Project can be accessed at:

<http://www.dh.gov.uk/PolicyAndGuidance/InformationPolicy/InformationForSocialCare/fs/en>

and also at:

¹ More information on the information governance toolkit see paragraph 12.24 below

<http://www.dh.gov.uk/assetRoot/04/08/29/57/04082957.doc>

- 12.21 Professional advice on records management within local government is provided by the Records Management Society Local Government Group at:

<http://www.rms-gb.org.uk/index.cfm?SECTION=HOME>

and also at:

<http://www.rms-gb.org.uk/uploads/informationauditguidelines03.pdf>

And also the Society of Archivists Record Management Group at:

<http://www.archives.org.uk/groups/recordsmanagementgroup.html>

Health sector

- 12.22 The Department of Health has provided sector specific guidance in the form of a Health Service circular which provides relevant advice on this topic, which should be consulted by NHS Trusts and health authorities. This is

Health Service Circular HSC 1999/053, For the Record

This publication can be accessed at the following location

<http://www.dh.gov.uk/assetRoot/04/01/20/36/04012036.pdf>

- 12.23 The Commission for Healthcare Audit and Inspection (CHAI) promotes improvement in the quality of the NHS and independent healthcare. It has a wide range of responsibilities, all aimed at improving the quality of healthcare. It has a statutory duty to assess the performance of healthcare organisations, award annual performance ratings for the NHS and coordinate reviews of healthcare by others. As part of this role the CHAI is promoting information governance.

- 12.24 Information governance allows organisations and individuals to ensure that personal information is dealt with legally, securely, efficiently and effectively, in order to deliver the best possible care. It provides a framework to bring together all of the requirements, standards and best practice that apply to the handling of personal information. The information governance toolkit has been produced jointly by the Department of Health and the NHS Information Authority (recently succeeded by the Health and Social Care Information Centre (HSCIC) – see also paragraph 12.18 above for further information on the related Social Care Information Governance Project) and represents Department of Health policy as at 31st October 2003. More information on this work can be accessed at:

http://ratings.healthcarecommission.org.uk/Indicators_2005/Trust/Indicator/indicatorDescriptionShort.asp?indicatorId=2161

- 12.25 The Information Governance Toolkit, an online self-assessment package, has been produced jointly by the Department of Health and the NHS Information Authority. It scores the Trust on how it Holds, Obtains, Records, Uses and Shares (HORUS principles) data and information. A Trust is required to complete the self-assessment annually and to continually improve against the standards it contains.
- 12.26 Information Governance currently encompasses the following initiatives or work areas.
- Data Protection
 - Freedom of Information
 - Confidentiality Code of Practice
 - Caldicott Guardians
 - Information Security
 - Health Records Management
 - Information Quality Assurance
 - Controls Assurance – Information Management & Technology
 - Controls Assurance – Records Management
 - Overall Information Governance Management

Police

- 12.27 A key recommendation of Sir Michael Bichard's Independent Inquiry arising from the Soham Murders was that a statutory Code of Practice on police information handling should be implemented under the Police Reform Act 2002. This Code should enshrine the key principles of good information handling in respect of the collection, use and sharing of personal information by police forces.
- 12.28 As part of the government response to this recommendation a draft code of practice on police information management has been introduced and is currently out for consultation
- 12.29 As part of this exercise the current framework of guidance to the police on the handling, storing and using of information has been completely overhauled and standardised based around the new statutory Code of Practice on Police Information Management. The Code of Practice is due to come into force by May 2005. It will be supported by detailed operational guidance to police forces and will help to ensure that decisions about reviewing, retaining, deleting and sharing information are taken on a consistent basis.
- 12.30 The purpose of this Code is to ensure that there is broad consistency between forces in the way information is managed within the law, to

ensure effective use of available information within and between individual police forces and other agencies, and to provide fair treatment to members of the public. The draft Code is available on the Home Office web-site at the following location:

http://www.homeoffice.gov.uk/docs4/consultation_cop.html

- 12.31 The Association of Chief Police Officers (ACPO) is responsible for developing policing policies on behalf of the Service as a whole and provides professional advice to Government, police authorities, and other appropriate organisations and individuals. Information on the policies can be located at:

<http://www.acpo.police.uk/asp/policies/policieslist.asp>

Education

- 12.32 The Joint Information Systems Committee (JISC) supports further and higher education by providing strategic guidance, advice and opportunities to use Information and Communications Technology (ICT) to support teaching, learning, research and administration. JISC is funded by all the UK post-16 and higher education funding councils.

- 12.33 JISC seeks to promote the development of good institutional records management across the FE and HE sectors. It aims to achieve this by raising awareness of the importance of the effective management of records within organisations both for ensuring legal compliance and as a vital element of a digital preservation strategy. More information is provided on their web-site at the following address

http://www.jisc.ac.uk/index.cfm?name=recordsman_home

- 12.34 The Communications Unit (Children, Young People, Families and Schools) of the Department for Education and Skills provides guidance for education professionals on Freedom of Information for Schools and the need for schools to put in place a records management system. It is published on TeacherNet and can be accessed at

<http://www.teachernet.gov.uk/management/atoz/f/freedomofinformationforschools/>

- 12.35 Additional guidance on retention guidelines for schools are available on the Records Management Society of Great Britain website at

http://www.rms-gb.org.uk/uploads/schoolsretentionschedulefinal_v1.doc

Professional Bodies

- 12.36 A number of professional bodies some of which are sector specific are active in the area of records and information management. Some of these

provide additional resources, which should be referenced where appropriate. A brief description of these bodies together with appropriate links is provided below.

Health Archivists Group (HAG)

- 12.37 HAG was founded in the late 1980s by a group of archivists working in health authorities in London as an informal forum for the discussion of issues of common interest. Over time it gained a wider focus to include the whole health sector, and the group now includes archivists and records managers working not only in NHS Trusts and Health Authorities, but also in the Royal Medical Colleges, professional organisations for health professionals and higher education and local authority repositories holding health archives. It aims to encourage and support the professional management of archives and records throughout the health sector and to provide a network for those working with health archives to exchange ideas, experiences and expertise. More information is provided on the Society of Archivists website at:

Health Archives Group HAG

<http://www.archives.org.uk/content.asp?id=230>

Institute of Health Record and Information Management (IHRIM)

- 12.38 IHRIM was established in 1948, primarily as an educational body. Its objectives, then as now, were to provide qualifications at different levels, as well as career and professional assistance for members working in the field of health records, information, clinical coding and related professions. More information is provided on their website at:

<http://www.ihrim.co.uk/index.php>

Records Management Society of Great Britain (RMS)

- 12.39 This society is intended for the ever-increasing number of people working in the fields of records and information management. All those concerned with records and information, regardless of their professional or organisational status or qualifications, can join the Society. The society produces resources in the form of reports surveys and guidance. Current products include guidance on a classification scheme and retention guidelines for local government and retention guidelines for schools. More information is provided on their website at:

<http://www.rms-gb.org.uk/index.cfm?SECTION=HOME>

Society of Archivists Record Management Group

- 12.40 The Society of Archivists supports a number of special interest groups. One of these is the Record Management Group, which aims to promote

records management and to undertake outreach work to those outside the Society who are responsible for records management. Its web pages currently provide a link to the Draft National Retention Policy for Local Authority Records, which will of particular interest to record managers within local government. More information on the work of this group is provided on the Society of Archivists' website at:

<http://www.archives.org.uk/groups/recordsmanagementgroup/aimsandservices.html>

International and national standards and codes of practice

12.41 Standards and codes of practice are still evolving and where these do exist are often the subject of revision and care must be taken to ensure that the latest version is used.

12.42 The current international and British standard for records management is *BS ISO 15489-1:2001 Information and documentation. Records management. General*

12.43 To obtain a copy of this standard contact the British Standards Institution (BSi) at:

BSI Group HQ
389 Chiswick High Road
London
W4 4AL
United Kingdom

Alternatively a copy can be purchased on-line from their web-site at:

<http://www.bsi-global.com/Global/BuyStandards.xalter>

12.44 There are other British standards, which may be relevant for assessing the effectiveness of an organisation's record management storage facilities. These are:

BS ISO/IEC 17799:2000 Information technology. Code of practice for information security management

BS 4783-1:1988 Storage, transportation and maintenance of media for use in data processing and information storage

BS 5454:2000 Recommendations for the storage and exhibition of archival documents

12.45 The BSi has also published other relevant guidance and codes of practice. The following are pertinent:

PD ISO/TR 15489-2:2001 Information and documentation. Records management Guidelines

BIP 0025-1:2002 Effective records management. A management guide to the value of BS ISO 15489-1

BIP 0001-2:2003 Freedom of information. A practical guide. Using records management techniques to simplify compliance

BIP 0008:2004 Code of practice for legal admissibility and evidential weight of information stored electronically

BIP 0009:2004 Legal admissibility and evidential weight of information stored electronically. Compliance workbook

PD 0010:1997 The principles of good practice for information management

PD 0016:2001 Document scanning. Guide to scanning business documents