

Policy Title: Records Management Policy	Policy Number: 039
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Lead Person: Information Governance Manager	Approved by: Board

1. Introduction

1.1 The Mental Welfare Commission for Scotland ('the Commission') has duties under the Mental Health (Care and Treatment) (Scotland) Act 2003 and the Adults with Incapacity (Scotland) Act 2000, to ensure that care, treatment and support are lawful and respect the rights and promote the welfare of individuals with mental illness, learning disability and related conditions.

1.2 The National Confidential Forum, (the NCF) was established as a Committee of the Commission in 2014 under the Victims and Witnesses (Scotland) Act 2014. This Act amends the Mental Health (Care & Treatment) (Scotland) Act 2003 to allow for the NCF to be a committee of the Mental Welfare Commission for Scotland. The NCF's core function is to receive and listen to testimony from those who were in institutional care as children.

1.3 The Commission's Records Management Policy also covers NCF records and in this policy, statements made about the management of Commission records apply equally to records managed at the NCF. There are some minor variations between the NCF and the Commission with respect to the more operational aspects of records management and these are not reflected in this policy. These differences are managed at an appropriate level within the respective organisations.

2. Purpose and scope

2.1 The purpose of this policy is to demonstrate the importance which the Commission assigns to effective records management, to outline key aims and objectives for the Commission in relation to its recordkeeping, and to provide the structure through which its records management policies, procedures and initiatives are to be delivered.

2.2 The Commission collects and uses a variety of sensitive and personal information about people in order to fulfil its statutory functions and other operational duties. This information includes data on users of mental health, learning disability and social care services and their carers; current, past and prospective employees; suppliers; clients/customers; and others with whom it communicates. The NCF collects and uses personal, sensitive data as part of the conducting of hearings. The majority of the data is then stored in a specially commissioned database in an anonymous format and the original notes from the hearings are destroyed after a predefined time.

2.3 This policy applies to all employees, whether permanent or temporary, including those who are mobile working, Board members, contractors, secondees, and any other persons who are given authorised access to data held by us.

2.4 The Commission's records are its corporate memory, providing evidence of actions and decisions and representing a vital asset to support daily functions and operations. Records support business activity, policy formation and managerial decision-making; protect the interests of the organisation; and protect the rights of users of mental health, learning disability and social care services, which includes their carers and relatives. They support consistency, continuity, efficiency and productivity across the range of the Commission's activities.

2.5 The Public Records (Scotland) Act 2011 places an obligation on named authorities to produce a records management plan, the purpose of which is to provide for effective management of all records in each of the organisations identified. The Mental Welfare Commission is a named authority as defined in the Act. The creation of a records management policy statement is a mandatory element of the plan and is necessary in order to define the procedures to be followed in managing the organisation's public records.

3. What is Records Management?

3.1 Records management can be defined as the process whereby an organisation manages its records, whether created internally or externally and in any format or media type, from their creation or receipt, through to their destruction or permanent preservation.

3.2 Records management is about placing controls around each stage of a record's lifecycle, from the point of creation (through the application of metadata, version control and naming conventions); during the maintenance and use phase (through the management of security and access classifications, facilities for access and tracking of records); at the point of review (through the application of retention and disposal criteria); and, ultimately, disposal (whether this is in the form of recycling, confidential destruction or transfer to the archive branch of NRS for permanent preservation). By placing such controls around the lifecycle of a record, we can demonstrate that the key attributes of **authenticity, reliability, integrity** and **accessibility** are integral to our records management processes, both now and in the future.

3.3 Through the effective management of the organisation's records, the Commission can provide a comprehensive and accurate account of its activities and transactions. This may be achieved through the management of effective metadata¹ as well as the maintenance of comprehensive audit trail data.

¹ Metadata can be defined in very general terms as 'data about data' and is necessary in order to understand the context, purpose, extent and location of a record. Examples of metadata can include information relating to a record's creator, creation date, receipt date, editor, access history and disposal.

3.4 We retain records that provide evidence of fulfilment of our statutory functions, assigned to the Commission under the Mental Health (Care and Treatment) (Scotland) Act 2003 and the Adults with Incapacity (Scotland) Act 2000.

4. Why is Records Management Important?

4.1 Information and records are a valuable corporate asset without which we would be unable to carry out our functions, activities and transactions, or meet the needs of our stakeholders. They are also necessary also to ensure legislative compliance.

4.2 The benefits of implementing records management systems and processes include:

- Staff, including those who participate in mobile working, have quick and easy access to the right information at the right time in an appropriate format;
- They provide the structure which enables the Commission to ensure that care, treatment and support are lawful and respect the rights and promote the welfare of individuals with mental illness, learning disability and related conditions;
- There is a common and consistent approach to records management across the organisation;
- Improved business efficiency through reduced time spent searching for information;
- Demonstration of transparency and accountability for all actions;
- The maintenance of the corporate memory;
- Effective risk management processes, in terms of ensuring and demonstrating compliance with all legal, regulatory and statutory obligations;
- Help to meet stakeholder expectations, through the provision of good quality services.

5. Policy Statement and Commitment

5.1 The Commission is committed to the creation and maintenance of authentic, reliable and useable records which are capable of supporting business functions and activities for as long as they are required. This will be achieved through the consolidation and establishment of effective records management policies and procedures, including:

- The development of a business classification scheme to reflect the functions, activities and transactions of the Commission.
- The review and consolidation of the retention and disposal schedule to provide clear guidance for the management of Commission records.
- The review and consolidation of destruction arrangements to detail the correct procedures to follow when disposing of business information.
- The review and consolidation of information security policies and procedures in order to protect records and systems from unauthorised access, use, disclosure, disruption, modification, or destruction.
- The review and consolidation of the data protection policy in order to demonstrate the Commission's commitment to compliance with the General Data Protection Regulation (GDPR) and Data Protection Act 2018 and the safeguarding and fair processing of all personal data held.

- The establishment of a business continuity plan, encompassing strategies to ensure that vital records held by the Commission remain accessible over time and that there are processes in place to monitor the integrity and usability of records.
- The review of audit trail mechanisms, the potential of existing systems, and the gap which exists between current provision and best practice, in order to produce a clear strategy for improving the capture and management of key events in a record's lifecycle (e.g. creation, access, editing, destruction or preservation).
- The identification of records management as a distinct stream within the organisation's training portfolio, with dedicated training provided to all staff.
- The completion of a self assessment review following implementation of the records management plan, in order to ensure that our records management practices remain fit for purpose.

6. Roles and Responsibilities

6.1 The Commission has assigned roles and responsibilities to individual staff to ensure that the Commission's obligation to manage its records effectively is carried out.

6.2 The lead responsible officer for records management in the Commission is the Head of Corporate Services, who is fully supported by the Information Governance Manager

6.3 *Head of Corporate Services* – has overall responsibility for ensuring records management principles are implemented and adopted by all staff, Board members, contractors, secondees, and any other persons who are given authorised access to data held by us. This responsibility extends to all records held by the Commission, in whatever format and for whichever purpose. The Head of Corporate Services is also responsible for the oversight of a corporate approach to the management of records as defined within this policy. This extends to the promotion of sound recordkeeping principles and practices in order to support business efficiency and effectiveness.

6.4 *Information Governance Manager* – is responsible for the development, updating and communication of this policy and for creating, maintaining and implementing records management standards, procedures and guidance. The Information Governance Manager is also responsible for ensuring that the Commission's record keeping systems adhere to agreed records keeping principles and are managed and maintained in accordance with this policy and associated guidance. The post holder will also ensure that appropriate arrangements are in place for the disposal of records and will provide advice and guidance to colleagues on record management issues.

6.5 *Line managers* – will ensure that all records created within their area of responsibility are maintained in a way that enables them to be easily retrieved, and provide advice and guidance to their staff on records management issues.

6.6 *Our staff* – have a responsibility to ensure that they create, manage and dispose of records in accordance with relevant policies and procedures. All Commission

employees must follow this policy and associated procedures at decision making stages.

6.7 *NCF Manager* –has devolved responsibility for the day to day, operational aspects of records management at the NCF with support from the Commission’s Information Governance Manager.

7. Legislative framework

The management of the Commission’s records will be carried out within the following legislative, statutory and regulatory framework.

- Public Records (Scotland) Act 2011
- The Environmental Information (Scotland) Regulations 2004
- Freedom of Information (Scotland) Act 2002
- Management of Health and Safety at Work Regulations 1999
- Human Rights Act 1998
- General Data Protection Regulation (EU) 2016/679 (GDPR)
- Data Protection Act 2018

8. Relationship to other Commission policies and guidance

- No. 5. IT Security Policy
- No.29. Data Protection Policy
- No.57. I.T Information Risk Management Policy
- No.42. Agile Working Policy
- No.65. Secure handling use storage retention and disclosure of Disclosure information
- Business Continuity Management Policy
- MWC naming conventions
- Retention schedules

9. Training

9.1 Training will be provided to all new staff on data protection, freedom of information and records management, to ensure that they are aware of their responsibilities in each of these overlapping areas and to establish effective records management procedures across the organisation.

9.2 The Commission has a specific module on Record Management in the LearnPro e-learning platform. It is mandatory for all staff to undertake this module every two years.

10. Monitoring and review

10.1 The Information Governance Manager will provide updates to the Operational Management Group as required. Where non-compliance with this policy is discovered,

appropriate action will be taken to put a solution in place and the matter reported to the OMG.

10.2 This policy will be reviewed annually by the Commission's Board.