



# Good Records Management Matters

Draft Guidance

Mae'r ddogfen yma hefyd ar gael yn Gymraeg  
This document is also available in Welsh

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## Foreword

We know that the job of delivering services to members of the public is a busy and challenging one. However, we are aware that for many organisations the practice of good record keeping is not given the priority it deserves. The importance of good record keeping cannot be overstated. Records provide evidence of activity; they can help explain why a decision was made, who made it and when. They are necessary to create confidence in any decision-making process, to promote accountability and transparency, and to enable others to verify what has been done. Good record keeping is therefore vital for corporate memory.

Good records management also assists public authorities in fully complying with their obligations under information rights legislation.

This publication does not give detailed guidance on how to create records – this should be contained within the policies and procedures of organisations. The aim of this guide is to demonstrate the importance of keeping good quality records. It aims to show why a culture of good record keeping is vital for a responsive public sector. Its content is formed from our experience of complaint handling and investigations carried out over many years.

**Nick Bennett**

**Public Services Ombudsman for Wales**

## Good record keeping means

- Complying with legal, regulatory, business, and accountability requirements.
- Creating a written record of decisions and key matters discussed in meetings, conversations, emails and other communication formats.
- Documenting the reasons for decisions.
- Saving records in a structured or managed way so they can be easily retrieved.
- Following any relevant policies and procedures.

We often come across some excellent examples of good record keeping during our work. We also see the consequences of poor record keeping practices. For example, our [Thematic Report: Justice Mislaid, Lost records and lost opportunities](#) highlighted significant issues with the quality of record keeping, including a lack of records on who took key decisions, how these decisions were made, and what was actually agreed.

Making timely, complete and accurate records is central to good records management, but it is also important that records are ordered and accessible, and that they are not excessive or retained longer than is needed. Common sense must be exercised to ensure that sensible, accurate, open and proportionate records are maintained. We expect organisations to have proper records management systems and processes in place, including their own mechanisms for reviewing and monitoring their own compliance with regulations, good practice and their procedures.

This publication looks at our findings and recommendations in several cases. It is split into two sections – **Creating Records** and **Managing Records**.

Our powers enable us to:

- Issue reports, highlighting where problems have occurred.
- Recommend changes to existing practices.
- Secure redress for individuals.

We recognise that our reports may lead to wider public criticism of public bodies, potentially leading to reputational damage. However, our priority is to secure improvement in public services in Wales, and our reports are intended to support that aim. We believe that by highlighting these cases, organisations can see that often only a small amount of attention to the discipline of good record keeping is needed to prevent similar mistakes being made in the future.

This publication includes details of several cases where we have found poor records management. They give examples of what can go wrong and serve as a reminder to us all, of the need for careful attention to good records management as an integral part of the provision of public services. We hope you find the publication useful.

## Section One – Creating Records

In a work context, information is constantly being created. When someone sends an email, drafts a brief, writes a report, adds data to a spreadsheet, or makes notes of a meeting, information is created for a specific business purpose.

It is not necessary to save every single piece of information as a business record. However, the cases highlighted here help to demonstrate how important it is for public bodies to make formal records of their actions, and in relation to their decision-making.

At its most basic, the simple act of recording what has been decided, and why, could save a considerable amount of time and effort in the future. For example, it is not unusual for people to leave a meeting with different interpretations of the outcome of discussions. An agreed record helps everyone have a common understanding of what has been decided, as well as remind people of who is responsible for undertaking an action or task and by when.

Recording decisions accurately and at the time can also help a public body defend its actions, and those of its staff, when challenged. For example, it will be able to show how its decisions were reached and that it has properly thought through the consequences of its actions.

A lack of proper records also makes it more difficult to convince others that a body has behaved properly. In an audit, investigation, or in the event of legal challenge, it may be difficult to prove that due process was followed if a body is unable to provide the relevant documents.

Finally, given the need for public services to be citizen-focused, it is important to acknowledge that poor record keeping can have a devastating effect on service users, particularly within areas such as health or social care. If something has gone wrong, accurate information is crucial to an understanding of what happened and why.

From our perspective, if there is good record keeping, it is possible to get the full story from the documentary record, often without the need for supplementary questioning of the people that have been involved.

However, it is important to note that this does not mean excessive documentation is required - it means maintaining sensible, necessary, accurate, open and proportionate records.

### **Key message**

Every day, people in the public sector make decisions about how to spend public money. Good record keeping can help to show that the money has been spent wisely.

### **Case study**

The Ombudsman received a complaint that a Council had failed to communicate effectively with the family and plan for their son's move from children to adult's services. The Ombudsman found that there was no record of contact with the family for the 6 months leading up to a crisis point when the education funding ended but no alternative provision had been put in place to meet the young person's social care needs. The Council's record keeping was found to be inadequate to enable staff to communicate clearly and consistently with the family about the situation.

## Key message

Giving reasons for decisions is a key tenet of good administration and is essential for fairness and transparency. Records can act as a 'shield' for a public body to defend its actions when challenged.

### Case study

A family member made a complaint to the Ombudsman on behalf of their elderly relative about the way a council had considered their relative's housing application. The Ombudsman found the council had failed to properly document its re-assessment of the relative's medical needs or to record a telephone conversation that was considered during the re-assessment. The Ombudsman was therefore unable to determine whether the re-assessment had been properly conducted. It was also unclear which council officer reached the decision to place the relative in their current housing band.

## Key message

Accountability of public sector bodies is crucial. Bodies must take a comprehensive view of how they are documenting information. They need to recognise that information has a value, particularly personal data, and that failing to demonstrate care and attention can lead to risks to individuals' rights and freedoms as well as repercussions, such as reputational damage.

### Case study

A relative complained to the Ombudsman that a Health Board lost their late father's medical records, which denied them the opportunity to have his care reviewed. This left his family with enduring uncertainty about whether he received appropriate treatment. In the absence of the relevant medical records, the Ombudsman was unable to consider the adequacy of the clinical treatment provided. This represented a significant injustice to the family. The Health Board agreed to apologise to the family for the loss of medical records, to confirm to the family that an investigation would be expedited should the records materialise in the future and provide financial redress to the family in recognition of the loss of opportunity to have the care complained about independently considered.

## Section Two – Managing Records

Managing records in the public sector should be viewed as a core corporate function, as well as a statutory obligation. The most senior official within a public body has overall responsibility for its records management compliance. It is therefore important that they engrain a culture of accountability within their organisation. It also means ensuring staff are properly trained and resourced to carry out these vital functions.

Describing information and records accurately allows users to understand what they are, where they came from, what has happened to them and the relationships they have with other information assets.

Making information easy to find and use also has a significant impact on the efficiency of an organisation. It is vital to ensure information is discoverable, accessible and usable. This is important for business reasons but also to comply with the Freedom of Information Act 2000, the Environmental Information Regulations 2004, the UK General Data Protection Regulation and the Data Protection Act 2018.

Developments in technology have resulted in a change in how decisions are made and recorded, leading to a blurring of the lines between personal and business communications. This presents challenges in documenting decisions, alongside complications for the retention and accessibility of records. However, it is worth noting here that changes in technology do not change the statutory information rights obligations of public authorities. If a phone call, messaging app, email or social media exchange relates to a key business discussion or decision, the information needs to be captured and managed appropriately. This applies to personal as well as business accounts.

Information security is also an important issue for the public sector. Organisations need to ensure that the information and records they create are secured so they cannot be:

- Tampered with or inappropriately altered.
- Inappropriately deleted or misplaced.
- Accessed by unauthorised personnel.

## Key message

Policies and procedures for effective record keeping are essential but only when they are supported by regular training and guidance for staff. All staff handling records should be provided with mandatory training on commencement of employment regardless of their grade or role and refresher training should be provided at regular intervals.

## Case study

A Health Board was asked to provide the Ombudsman with information for a 5-day period relevant to the complaint. However, it sent over 400 pages of medical records for the patient. The Ombudsman asked the Health Board to resend as it did not need the full medical records and had therefore securely disposed of it.

## Key message

Where third parties, are involved in public administration, it is essential that the public body retains the control over the documentation. Public bodies should ensure that records are kept and managed in a way that safeguards the integrity of staff and maximises public confidence in the organisation's ability to deliver public services properly. Documentary evidence is needed to provide assurance that things have been done properly.

## Case study

A relative complained about the care and treatment their Mother received during and after a surgical procedure. The Ombudsman requested access to the Mother's medical records but were told that the records had been mislaid. The Health Board revealed that they had prepared their complaint response without reference to the records. Their complaint response suggested that there was no evidence of a breach of duty. The absence of records prevented the Ombudsman from undertaking a full investigation into the complaint. The Health Board agreed to continue its search for the missing records and undertook to introduce a process that would prevent such a loss happening again.

## **Key message**

Incomplete records can lead to suspicions of wrongdoing or a sense that the body has something to hide.

## **Case study**

The Ombudsman considered a complaint from a wife about the care and treatment her late husband received during his admission to a Care Home. The complaint experience was long and protracted as the Care Home provided only a partial response to her complaint and failed to explain why it had not addressed the outstanding matters she had raised. Only later did it become apparent that this was because the records had been lost. It was clear that the service provider had undertaken a partial and inadequate investigation of the complaint.

## **Key message**

Information security is essential to good record keeping. Maintaining the confidentiality, availability and integrity of information is vital to ensuring that the citizen can be confident that public bodies are looking after their data.

## **Case study**

A patient complained to a Health Board about the care and treatment they received. As part of the complaint they requested access to their medical records. However, the Health Board sent them records relating to a different patient and they did this on more than one occasion.

## The essentials of good record keeping

Good record keeping practice in organisations is dependent on individual members of staff knowing when to create and save records. However, staff making these judgments need to be supported by appropriate policies and procedures.

In preparing their guidance to staff, all bodies should have reference to the UK General Data Protection Regulation and the Data Protection Act 2018. These make it a statutory requirement for organisations to properly record their processing of personal information and the decisions lying behind that processing.

Bodies should also consider their wider records management responsibilities in line with the Section 46 Code of Practice of the Freedom of Information Act 2000. These include having in place arrangements that support records management, having efficient and effective storage systems for records, and knowing what records they hold and where they are.

As general good practice, all bodies should strive to keep accurate official records and handle all information as openly and transparently as possible. They should also consider, as a matter of good practice, adopting a 'duty to document' – an obligation on staff to create full, accurate and complete records documenting their decision-making processes, procedures and actions. This would assist public authorities in complying fully with their obligations under information rights legislation.

Good record keeping can be achieved by following a number of key principles. These include:

**Capturing all key decisions and actions, as well as the rationale behind them**

This can often be with just a short file note, but should be done throughout the decision-making process, and as close as possible to when key decisions are made.

**Managing records and information effectively and appropriately**

Bodies should identify what should be kept and follow structured record retention systems which allow them to show that any records destroyed were done so as part of normal business practice.

**Obtaining buy-in from all staff, especially senior management**

Leadership from the top helps to create a culture of good record keeping in organisations, leading to greater business efficiency, reduced risk and improved corporate knowledge.

**Appropriate training**

All staff should understand their record keeping responsibilities and be aware of all relevant policies and practices within their organisation.

**Using information and communication technologies with integrity**

This means ensuring that all communications undertaken in the course of business, using all methods or technologies, are sympathetically integrated into the work of public bodies and a proper record of discussions and decision making is preserved.

## Conclusion

Our investigations help us shine a light on the issue of record keeping in public bodies. The case studies chosen for this publication demonstrate the impact of poor practice in this area and show how vital it is to embed good quality record keeping throughout organisations.

Put simply, the examples from this publication and our wider experience of complaint handling demonstrate the fact that, for all organisations and citizens, **good records management matters**.

## About us

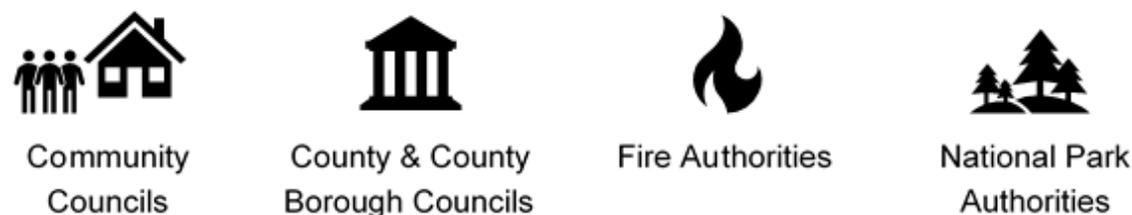
We serve the people of Wales in 3 different ways.

Our first role is to handle complaints about maladministration, service failure, or failure to provide a service by most public service providers in Wales, such as:



More information on our process for handling complaints about public bodies in Wales can be found on our website.

Our second role is to consider complaints that elected members of local authorities have breached their Codes of Conduct, which set out the recognised principles of behaviour that members should follow in public life. In this role, we can consider complaints about:



More information on our process for handling complaints about a local authority member's conduct can be found on [our website](#).

Our third role is to drive systemic improvement of public services. Traditionally, we have done this mainly by publicising our findings, for example in public interest and thematic reports, annual letters to bodies in our jurisdiction and casebooks. However, in 2019 the Act establishing our office was reformed. As part of the reform, we were given new powers to drive systemic improvement. We can now undertake investigations on our own initiative, even when we have not received a complaint. We can also set complaints standards for public bodies in Wales and monitor their performance in complaint handling.

## Further Reading

### Legislation

- Public Records Act 1958 (as amended by the Government of Wales Act 2006).
- Access to Medical Records Act 1990.

### Regulation

- The National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011.
- General Data Protection Regulation 2018.

### Guidance

- Putting Things Right: Guidance on dealing with concerns about the NHS from 1 April 2011. Version 3 (November 2013).
- NHS Wales: [Governance e-manual Standard 20](#) Version 8.8 (August 2005).
- Nursing and Midwifery Council: [The Code – Professional standards of practice and behaviour for nurses, midwives and nursing associates](#) Paragraph 10.
- General Medical Council: [Ethical Guidance for Doctors](#) Paragraph 52 & 58.
- Welsh Assembly Government: [Confidentiality: Code of Practice for Health and Social Care in Wales](#). Welsh Assembly Government Guidance on Sharing Information and Confidentiality (August 2005).

## Reports

- Auditor General for Wales: [Informatics systems in NHS Wales](#) (January 2018)
- Dame Fiona Caldicott: [Information: To share or not to share? The Information Governance Review](#) (March 2013).

## Online Resources

- [Information Governance](#): Online Support for NHS Providers.
- British Medical Association: [Priorities for Health: Protecting and Safeguarding Patient Information](#) – Online toolkit.

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