



Good Records Management Matters

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. I urge all public bodies to access and follow the Information Commissioner's Guidance on its [website](#).

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 and how a failure to do so may lead to my office finding that there has been maladministration or service failure on the part of a public body. 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 a number of years.

Nick Bennett

Public Services Ombudsman for Wales

Why good records management matters

When good records management is embedded within the culture of an organisation it supports the delivery of high-quality public services. It is also essential to meeting statutory obligations under data protection and freedom of information legislation. The Information Commissioner's Officer highlights the wider benefits of "supporting information access, making sure that you can find information about past activities, and enabling the more effective use of resources."¹

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.

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. This guidance therefore includes details of several cases where we found evidence of poor records management and looks at our findings and recommendations in some of these cases. The case examples show 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. Whilst many of the examples relate to health and local authority services, the key messages are relevant to all public bodies in Wales. We hope you find the publication useful.

¹ [Records management and security | ICO](#)

Good records management 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.

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.

Principles of good records management

Good records management can be achieved by following a number of key principles. These include:

1. Knowing what records are held where and who is responsible for them.
2. Having effective records management systems in place.
3. Keeping records accurate and up to date.
4. Ensuring records are comprehensive, relevant but not excessive.
5. Creating reliable records.
6. Ensuring all staff know what is expected of them.
7. Storing records securely so they can be readily accessed when needed.

1. Knowing what records are held where and who is responsible for them

This includes

- Having an information asset register in place that details the types of records the organisation holds and why.
- Having controls in place to manage how records are processed on its behalf by third parties.

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. 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.

Public 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.

The National Archives² and the Information Commissioner's Office³ websites are helpful sources of information in relation to records management standards.

The importance of good records management in the health sector is also emphasised on the Digital Health and Care Wales website⁴. These sources of information should help organisations ensure legislative compliance.

In preparing their systems and guidance to staff, all bodies should have reference to the UK General Data Protection Regulation and the Data Protection Act 2018.

² Information management - The National Archives

³ Section 46 Code of Practice – Records Management, ICO

⁴ Management of Records - GMPs - Digital Health and Care Wales (nhs.wales)

These make it a statutory requirement for organisations to properly record their processing of personal information and the decisions lying behind that processing.

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.

Case study

A public body prepared their response to a complaint without reference to records as these had been mislaid between them and a third party who provided the service on their behalf. The absence of records prevented the Ombudsman from undertaking a full investigation into the complaint. The public body agreed to continue searching for the missing records and undertook to introduce a process that would prevent such a loss happening again.

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.

2. Having effective records management systems

This includes

- Managing records and information effectively and appropriately.
- Having systems in place to explain how long different types of records are held for and when they are no longer needed.
- Having processes in place to explain how they will be disposed of and staff understand this.

Information and communication technologies should be used with integrity to ensure 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.

Public 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. Records management systems should be easily understood across the organisation.

Case study

A public body took a long time to respond to a complaint and provided a partial response. The Ombudsman found that the public body had undertaken an inadequate investigation because some of the information had been lost and it was uncertain if this had been disposed of.

Key message

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

3. Keeping records accurate and up to date

This includes

- Ensuring that facts are recorded accurately and reflect what happened, when, why and how.
- Ensuring that reasonable steps are taken to check the accuracy of personal information and when it is incorrect it is corrected.

Keeping personal information up to date including information about an individual's access needs, communication and language preferences is essential to effective communications. It is also essential in order to ensure compliance with legal equality duties and other legislation, for example related to language rights.

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 understanding what happened and why.

Case study

A council failed to communicate effectively with a 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

Every day, people in the public sector make decisions which affect people's lives. Accurate and timely records are of great importance in the Ombudsman's consideration of complaints. Where a public body fails to record, at the time, its reasoning for a particular decision, **greater weight** will be given to **other** available evidence.

4. Ensuring records are comprehensive, relevant but not excessive

This includes

- Having enough information within the record to tell the story that provides context and transparency around decision making.
- Having policies, procedures or guidance in place that explain what information is required for a record, including what personal information is needed.

Information is constantly being created for specific business purposes. For example, emails received and sent, reports written, data added to spreadsheets and meeting notes drafted. It is not necessary to save every single piece of information as a business record. However, it is important that a formal record is created to show what actions were taken, decisions reached and why. 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.

From our perspective, it is possible to get the full story from the documentary record if it has been well maintained and we may not need to ask for more information. However, this does not mean excessive documentation is required - it means maintaining sensible, necessary, accurate, open and proportionate records.

Case study

A council failed to properly document its re-assessment of a housing applicant's medical needs and there was no record of a telephone conversation that was considered during the re-assessment. The Ombudsman was unable to determine whether the re-assessment had been properly conducted or which council officer reached the decision to place the person in their current housing band.

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.

5. Creating reliable records

This includes

- Having clear audit trails in place that show when a record was created or updated.
- Being confident that the content of a record can be relied upon because it accurately documents what happened at the time.

Creating records that can be relied upon can 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 understand what has been decided and reminds people of who is responsible for undertaking an action or task and by when.

Records that are reliable, comprehensive and accurate can help a public body defend its actions, and those of its staff, when challenged. A lack of reliable records makes it more difficult to convince others that a body has behaved properly. It may be difficult to prove that due process was followed if a public body is unable to rely on the relevant documents.

Case study

A Health Board lost a deceased patient's medical records and were unable to tell his family whether appropriate care and treatment had been provided to him. The Ombudsman asked the Health Board to apologise to the family and confirm that an investigation would be expedited should the records materialise. Financial redress was also offered to the family in recognition of the loss of opportunity to have the care complained about considered.

Key message

Public bodies need to be accountable. They must take a comprehensive view of how they document information and recognise that information, including personal information, has a value. Failing to demonstrate care and attention can lead to risks to individuals' rights and freedoms as well as repercussions, such as reputational damage and injustice to individuals.

6. Ensuring all staff know what is expected of them

This includes

- Providing regular training and guidance to staff and specialised training for those with specific records management roles.
- Developing training and communication plans that support policies, procedures and guidance and that staff are aware of these.

Good records management 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. All staff should receive appropriate training to understand their record keeping responsibilities. They need to be aware of all relevant policies and practices within their organisation.

Public bodies need to ensure that their staff are properly trained and resourced according to their role and the information they handle. Training should be regularly reviewed and updated according to differing business needs as well as individual training and communication needs.

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

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.

7. Storing records securely so they can be readily accessed when needed

This includes

- Having measures in place so that records can easily be retrieved when needed.
- Ensuring that records are appropriately and securely accessed by those who are authorised to do so, and this is well documented and understood.

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 information rights legislation.

Public bodies need to ensure that the information and records they process are secured so they cannot be:

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

There should be processes in place for reporting information security incidents in accordance with the ICO's Guidance and these should be understood by staff.

Case study

As part of their complaint to a Health Board a patient 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.

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.

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, how individuals may be denied access to justice as a result 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 Services Ombudsman (Wales) Act 2019.
- Public Records Act 1958 (as amended by the Government of Wales Act 2006).
- Access to Medical Records Act 1990.
- The Freedom of Information Act 2000.
- Environmental Information Regulations 2004
- The National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011.
- UK General Data Protection Regulation 2018 and Data Protection Act 2018.

Guidance

- [Section 46 Code of Practice – Records Management, ICO](#)
- 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).
- Principles of Good Administration, Public Services Ombudsman for Wales, January 2022.

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.
- [Management of Records - GMPs - Digital Health and Care Wales \(nhs.wales\)](#)
- [Records management and security | ICO](#)
- [Information management - The National Archives](#)
- Welsh Language Standards, Welsh Language Commissioner: [Welsh language standards \(welshlanguagecommissioner.wales\)](#)

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