



**THE LORD CHANCELLOR'S ADVISORY COUNCIL ON
NATIONAL RECORDS AND ARCHIVES**

Date: 13 February 2014
Time: 13:15 - 17:15
Venue: The Blue Room, The National Archives
Chair: Sir David Durie KCMG
Minutes: Beth Watson - Advisory Council Secretariat

Members:

Ms Else Churchill
Mr John Collins CBE
Dr Jeevan Deol
Professor Harry Dickinson
Ms Sarah Fahy
Dr Clive Field OBE
Dr Bendor Grosvenor
Mr Stephen Hawker CB
Mr Graeme Herd
Dr Elizabeth Lomas
Professor Arthur Lucas CBE
Mr Hamish Macarthur
Mr John Millen
Professor Michael Moss
Mr Ian Soutar

Non-members:

Mr Clem Brohier, Acting Chief Executive, The National Archives
Ms Carol Tullo, Director, Information Policy and Services, The National Archives
Ms Julia Jones, Head of Information Management and Practice, The National Archives
Mr Stuart Abraham, FOI Centre Manager, The National Archives
Ms Helen Potter, FOI Manager, The National Archives
Ms Trish Humphries, Secretary to the Forum on Historical Manuscripts and Research
Mr Ian Cross, Head of Records Selection, Transfer and Accession, The National Archives

1. Welcome, apologies and introductions

Apologies of absence were received from the Master of the Rolls and Ms Christine Gifford.

2. Minutes of the previous meeting

The minutes of the Advisory Council meeting on 14 November were reviewed and agreed subject to some minor amendments.

Members also requested that it be made very clear in the meeting summaries that the Advisory Council had provided a robust challenge to departments who came before them.

Following recent press coverage on the FCO's special collections, members said they would be interested in hearing how The National Archives press team on how it operated and the mechanisms for addressing factual inaccuracies in press reports. It was agreed that members of the team would be invited to a future meeting.

3. Matters arising from the previous meeting

The Advisory Council were updated on queries from the previous meeting in relation to applications for public records designated as closed and retained.

Crown Prosecution Service (CPS)

CPS was due to attend this meeting to give an update on the current situation within the department. Members were disappointed that the CPS was unable to submit its paper in time for the meeting and asked that the department be invited to the next meeting.

4. The Home Office

Members considered the paper that had been submitted by the Home Office updating the Advisory Council on its plans for the selection and transfer of records. They asked that they be invited to a future meeting to discuss its plans in more detail once these had been agreed with The National Archives.

5. Forum on Historical Manuscripts and Academic Research

Dr Field updated the Advisory Council on the Forum's recent activities.

The Forum continued to take forward the measures set out in the paper that the Advisory Council agreed at its July 2013 meeting and it would be considering a number of significant papers at its next meeting on 6 March.

The Cultural Consulting Network published its report, *A Review of The National Archives' sector leadership function* in December 2013. The review looked at The National Archives' leadership of the archive sector in the two years since it took over the responsibility from the Museum, Libraries and Archives Council. It examined what had been achieved and whether stakeholders and partners had recognised the change in The National Archives' leadership role. It also made recommendations about what could be improved or done differently to make The National Archives more effective as a sector leader. The report was mostly very positive, it made some pointed observations about the relative lack of impact and value attributed to The National Archives' leadership by universities and private archives. The report and The National Archives' response is published on The National Archives' website.

The controversy concerning the purchase of James Wolfe's letters by the University of Toronto has at the end of 2013 raised a number of generic concerns about the effectiveness of the export stop process. These had been raised with Reviewing Committee on the Export of Works of Art's Documents Working Party Committee to express the Forum's concerns.

Dr Field also highlighted the recent success of the Exploring Your Archives campaign and how it had provided useful publicity for The National Archives and the archives sector.

6. The Triennial Review and recruitment to the Forum on Historical Manuscripts and Academic Research and the Advisory Council

Mr Brohier explained that the Triennial Review report had been submitted to Ministers for final agreement. One of the recommendations states that it is for the Advisory Council to decide on how the membership of the Forum was constituted. While it would be for Ministers to make any final decision, he explained that it would be helpful to have Council's own views so that these can be reflected in any submission to Ministers on any proposed recruitment process.

Members agreed that

- a. The size of the Forum should remain unchanged at seven and the two ex-officio members (the Master of the Rolls and the Keeper).
- b. The way in which members were recruited should stay the same. As had been demonstrated under the current arrangement, there was an advantage in having some Forum members, who were not members of the Advisory Council, who brought their specific expertise and experience, especially with regard to private archives. The Forum had also proved to be effective in improving the relationship with the academic community.
- c. There were some factors in favour of appointing a permanent Deputy Chairman of the Forum who could act as its spokesperson where necessary. However, there was a risk that this could lead to confusion about the Forum's status as a sub-committee of the Advisory Council by appearing to give it a completely independent. Therefore members agreed that their preferred option would be for there to be no formal Deputy Chairman but for the current arrangement to remain whereby Forum members chaired meetings on a rotational basis if the Master of the Rolls could not attend.

7. Government Security Classifications 2014

Members considered the new guidance on the classification level of records which can be transferred to The National Archives. The introduction of the new government security classifications in April 2014 had provided The National Archives with a good opportunity to clarify the existing process. It was stressed that decisions on access at transfer would be based upon the sensitivity of the material at the time of transfer, although the original classification could often prove useful as a starting point for sensitivity reviewers.

8. Record Transfer Report and the transition to the 20-year rule

The National Archives updated the Advisory Council on the results of the Records Transfer Report (RTR) published in January 2014. Departments were monitored through bi-monthly RTRs and they worked with The National Archives to agree Series Level Time Plans (SLTPs) which set out the single uniform transfer process for all records from the point of selection to the point of accession. The rate of accessions can be monitored through The National Archives' accessions database, which is also an integral tool in ensuring that all records are accounted for and that the catalogue information is loaded onto Discovery (The National Archives' catalogue).

Members thought that there may be a benefit in the sharing of more details of the RTRs across departments to allow effective comparisons to be made, and that this may assist struggling departments to obtain more resources. The National Archives noted that it can also make use of cross-government meetings to raise such issues.

On the question of outsourcing, members asked if departments shared information on contractors and, given the small number of contractors in this area, if there was sufficient depth in quality. The National Archives confirmed that the Crown Commercial Services' Shared Services team was currently looking at this issue and that it was assisting in establishing uniformity of contracts. As the use of third parties matured it was becoming possible to get a better overview and feedback on the effectiveness of their delivery.

The Chairman asked that the Advisory Council be given another update in 12 months time.

9. International Referrals

Members noted the response rate had greatly improved and asked that FCO be thanked for its efforts in obtaining speedy replies

10. Update from the Chief Executive of The National Archives

Clem Brohier updated members on:

- **Appointment of a new Minister**

Lord McNally stepped down as Minister of State in the autumn to take up post as Chairman of the Youth Justice Board. He has been replaced by Simon Hughes MP (previously Deputy Leader of the Liberal Democrats). Mr Hughes will be visiting in the next few months.

- **Lord Chancellor's Visit**

Mr Brohier explained that, by custom, there is an annual meeting between the Lord Chancellor and the Chief Executive and Keeper. Usually this would be a matter of 20-30 minutes at the Ministry of Justice. However, just before Christmas it became clear that there was a gap in the Lord Chancellor's diary early in the New Year and The National Archives were able to secure the time for a visit to Kew. The main purpose of the meeting was to update the Lord Chancellor on the progress of government departments during the transition to the new 20-year rule, as reported through the Record Transfer Report (RTR). They also covered The National Archives financial position over the current Comprehensive Spending Review period and beyond and how The National Archives was coping with the recent budget cuts.

After the meeting Mr Brohier took the Lord Chancellor around the building, to view the repositories, the Robot Room, the Reading Rooms, and the Keeper's Gallery. He also updated him on TNA's role as official publisher and gave him a demonstration of legislation.gov.uk. The tour concluded with a display of records, including some of the recently released files from 1984, with specialists hand to provide information and context. Mr Grayling was genuinely interested, asking questions throughout his visit. He was surprised by the range and ambition of TNA's work and particularly by the variety of its records.

- **The National Archives' Chief Executive recruitment**

Interviews for the post were expected to take place shortly.

- **Record Transfer Report (RTR)**

The most recent RTR was published in January. The publication of the RTR, and the public scrutiny it receives, has been an important step towards transparency and has helped to focus departments' attention on selection and transfer.

- **Fees Order**

The proposed changes to the costs charged by The National Archives had been agreed by the Lord Chancellor. The changes would come into effect on 1 April 2014.

- **Employment Tribunal Records**

Following a recent letter to *The Times* regarding the proposed shredding of Employment Tribunal records, Mr Brohier explained that there is a statutory instrument (SI) in place which says that employment tribunal records should be destroyed after 6 years. To date, the records have not been destroyed and discussions on their future were on-going.

- **The Cabinet Office and Sri Harmandir Sahib (the Golden Temple) Amritsar**

Members had been alerted to the Foreign Secretary statement in the House of Commons on 4 February concerning the Cabinet Secretary's report into British involvement in events at Amritsar in 1984. At the end of his statement Mr Hague announced that the Prime Minister has asked Sir Alex Allan to conduct a review to establish the position across government on the annual release of papers and the ability and readiness of departments to meet the requirements of moving from a 30 to 20 year rule, including the processes for withholding information. Mr Brohier explained that Sir Alex's precise terms of reference have not yet been agreed.

11. Annual Report 2013/14

Members considered the draft Annual Report. They asked that it be amended to include a clearer definition of the Advisory Council's remit and more detail on the way in which it approached its work, in particular its interactions with departments.

12. Access to Public Records

12.1 Applications for closure – 13 February 2014

The Advisory Council considered the applications for the closure of records. Those not subject to queries were approved.

12.2 Access to public records; application for retention – 13 February 2014

The Advisory Council considered the applications for the retention of records. Those not subject to queries were approved.

13. Any Other Business

13.1 Date of Next Meeting

The next meeting of the Advisory Council will be held on 15 May 2014. Location: The National Archives, Kew.

There being no further business, the meeting was closed.