

Public Records, Public Consultation: The involvement of stakeholders in the selection of records at the Public Record Office, the United Kingdom National Archive

Dr Stephen Twigge

Dr Stephen Twigge works in the Records Management Department at the National Archives, UK. He is Head of the Client Management Unit which is responsible for liaising with government departments and selecting records for permanent preservation.

The involvement of stakeholders in the selection of records for permanent preservation is a growing development in archival practice. This article discusses recent initiatives undertaken by the UK National Archives to involve stakeholders more directly in the selection process. Issues discussed include the policy framework for public consultation operating within the UK and the practicalities of undertaking a major consultation process. The article focuses on the selection and appraisal policies recently developed by the National Archives and assesses the benefits and challenges presented by stakeholder involvement.

Introduction

The British public sector is currently undergoing a profound transformation in the way it provides services and information are provided to the public. In 1993, the Government published the *Open Government White Paper*. One of the primary aims of the White Paper was to support informed policy making by making the policies, actions and decisions of government more widely available to the citizen. In 2000, the British Parliament passed the Freedom of Information Act which, when fully enacted in 2005, will provide the citizen with greater access to government information. To complement this legislation, the Government has recently published a code of practice on written consultation which applies to all consultation documents issued after January 2001. The aim of these various initiatives is twofold: to increase transparency in the administration of public affairs and to foster partnerships with relevant stakeholders.¹

The Public Record Office (PRO) has recently embarked on a major consultation exercise to involve the public more closely in the process of selecting records for permanent preservation. This article describes the main elements of the process and details how the consultation process is managed and its overall impact on the selection decisions taken by the PRO. The discussion focuses on three related areas of activity: the development of a new acquisition policy, new disposition policy and operational selection policies. The article concludes with a few observations on the benefits and challenges presented by public consultation and the PRO's future plans to increase the opportunities available to stakeholders to participate in the decision making process governing the selection of records for permanent preservation.

Policy Framework for Public Consultation

Public consultation in the United Kingdom is governed by the code of practice on written consultation issued by the Cabinet Office in November 2000. The code applies to all UK government department and agencies and is intended to make written consultations more effective by 'opening up decision making to as wide a range of people and organisations as possible.'² The code is primarily directed at national consultations where views are sought from the public on a policy issue which covers the whole area of a department's responsibility, such as the introduction of new legislation or major policy initiatives. In these cases, the code is binding on UK departments and agencies, unless Ministers conclude the exceptional circumstances require departure. In other cases, where departments seek views from professional bodies to implement policy more effectively, the code is not mandatory. Nevertheless, in conducting these limited consultations, the code should be applied 'so far as circumstances allow.'

All public consultations conducted by the PRO to date have been conducted under the terms applied to limited consultation. The basic criteria applied to each consultation is as follows:

- Timing of consultation should be built into the planning process so that sufficient time is allocated to evaluating the responses.
- It should be clear who is being consulted and for what purpose.
- The consultation document should be as simple and concise as possible. It should be as easy as possible for readers to respond, make contact or complain.
- Documents should be made widely available, with the fullest use of electronic means, and effectively drawn to the attention of all interested groups and individuals.

- Sufficient time should be allowed for considered responses from all stakeholders.
- Responses should be carefully and open-mindedly analysed, and the results made widely available, with an account of the views expressed, and reasons for decisions finally taken.

In addition to written consultation, the House of Lords Select Committee has recommended that other forms of consultation may be helpful. These include:

- meetings or seminars with, and visits to, representative groups and other interested parties;
- internet discussions; or
- qualitative research using focus groups or user committees.

The PRO is committed to operating within this framework to ensure that public consultation becomes an integral aspect in the process of selecting records for permanent preservation.

Development of the PRO's Acquisition Policy

Prior to the publication of its acquisition policy in 1999, the PRO's approach to record selection was based largely on the recommendations of the Grigg Committee which reported in 1954.³ The selection process advocated by Grigg reflected the priorities of the 1950s. Emphasis was placed on the need to document the structure and function of central government with less importance placed on selecting records which detailed how policy was implemented and its impact on the citizen. In the years following the publication of the Grigg report, academic use of the archive has diversified. The rise of social and economic history, for example, requires a broader range of documentation. The single most striking change has been the increase in the popularity of genealogy and local history. The focus of this research is not concerned with government policy or process but rather the interaction of the state with the individual or communities.

In 1997 the PRO initiated a review of its selection policy. From the outset, the PRO's approach to the selection of records for permanent preservation was based on the twin themes of partnership and transparency. To satisfy these objectives it was first necessary to identify and consult with all major stakeholders. These included government departments, local archives, history societies, genealogical associations and grant-giving bodies. A copy of the draft policy was sent for comment to every history teacher at a British university. To encourage members of the public to participate, a number of seminars were held at Kew and at universities.

The seminars were intended to get across the general policy rather than communicate complex decisions on appraisal or selection.⁴ The results were mixed. While most people welcomed the need for change, others, who appeared not to believe in any form of selection, contended that the archive should take every record available irrespective of resource implications. To address these latter concerns, it was made clear that there were no plans to reduce expenditure on storage and selection and that the PRO, like the rest of government, was required to make the most efficient use of its resources. It was emphasised that the new policy was prompted by the need to ensure that public money spent on the selection of records occurred in an effective and accountable manner and was not being introduced in order to reduce costs.

The results of the written consultation were encouraging. The majority of the responses (over 150 written submissions) were supportive with only a small minority (3 per cent) critical of the main thrust of the policy. A number of the responses suggested additional collection themes, while others called for greater clarity on the administrative and statutory context. Where possible the responses and suggestions were incorporated into the policy. Two of the most significant amendments were the incorporation of additional collection themes relating to the impact of the state on the physical environment and cultural policy. The final policy agreed to in 1999 identifies eight themes that will govern future selection policy.⁵ These themes are grouped under two headings:

- *Policy and administrative processes of the state*, covering the following themes: formulation of policy and the management of public resources; management of the economy; external relations and defence policy; administration of justice and the maintenance of security; formulation and delivery of social policies; cultural policy.
- *Interaction of the state with its citizens*, which covers the social and demographic condition of the UK, as documented by the state's dealings with individuals, communities and organisations outside its own formal boundaries; and the impact of the state on the physical environment.

In addition to defining themes to guide selection, the policy also provides four principles that should apply to the selection process itself:

- The PRO would consult interested parties when the acquisition was reviewed and implemented.
- The policy would be reviewed every ten years.

- The cost of selection and storage must be an explicit element in appraisal decisions.
- To apply the collection themes outlined in the acquisition policy, a series of operational selection policies would be developed in consultation with stakeholders.

A New Disposition Policy

The acquisition policy published by the PRO in 1999 did not seek to deal directly with the selection of public records to be held in places of deposit, nor did it consider the presentation of public records not selected for permanent preservation at the PRO to other repositories. To address these issues, it was decided to produce a new disposition policy to complement the selection criteria detailed in the acquisition policy. The methodology used to produce the disposition policy was similar to that employed for the acquisition policy with public consultation an integral aspect of the process. In August 1999 copies of the draft policy were sent for comment to learned and research societies, places of deposit, genealogical societies, professional bodies, specialist archives, government departments and everyone who had commented on the acquisition policy.⁶ The draft was also placed on the PRO's web-site and has been the subject of discussion at meetings of all nine Regional Archives Councils within the United Kingdom.

Once again, the results of the exercise were encouraging. The written submissions (which numbered 62) demonstrated widespread support for the principles laid out in the draft: only 2 of the responses were critical of the main thrust of the policy. A number of those who commented asked for further information on the places of deposit system and on the basis on which disposition decisions were taken. In light of the comments received, the draft policy was revised. Two of the most important modifications were the incorporation of criteria to identify which repository should receive records and clarification of the approach to be adopted covering the disposition of regional records to local archives.

The PRO's disposition policy was formally approved in 2000. It identifies the circumstances in which public records should be deposited in an archive other than the PRO. It is expected that deposited records will usually fall into one of the following categories: local and regional records; national specialist records; records in specialist media; records of research value required for continuing administrative purposes; and presentations (ie: records not meeting the acquisition policy criteria but offered to *bona fide* institutions). The general principle applied to all dispositions of public records is that the series is not split between different local archives or between the PRO and a place of deposit. Moreover, once a

particular institution has agreed to preserve a particular class of record it will be offered those records in their entirety.

Operational Selection Policies

The acquisition and disposition policies developed by the PRO are, by their very nature, statements of principle designed to guide the future direction of the PRO, soon to be renamed the National Archives of the United Kingdom. Implementation of the policy is to be mediated through Operational Selection Policies (OSPs).⁷ These are detailed policies that apply the particular criteria outlined in the acquisition and disposition policies to specific departments or categories of records found in more than one department. The OSPs govern which public records are selected and whether they should be transferred to the PRO or other places of deposit.

In developing OSPs, the PRO works in close consultation with government departments. Once a final draft has been agreed, the OSP is brought before the PRO's Record Review Panel, chaired at Management Board level by the Head of Records Management Department. The purpose of the panel is to ensure decisions are consistent and meet the principles outlined in the acquisition and disposition policies. After the panel has given its approval, the draft OSP is circulated to academics and specialist interest groups for further comment.⁸ This is sometimes easier said than done. The names and contact details may be difficult to locate and there is always the possibility of inadvertently overlooking groups or individuals who believe themselves (rightly or wrongly) to be experts in the field and whose opinions must be taken into consideration. In developing the OSP programme a number of strategies have been evolved to lessen this eventuality. These include contacting historical societies with a list of forthcoming OSPs and requesting the names of individuals who would be best placed to give an informed response. Browsing the web also throws up a number of names that have an interest in a specific subject. Finally, getting in touch with former senior civil servants who were involved in the development of a particular policy has often proved useful in obtaining insights and tacit knowledge. In all instances, a copy of each draft OSP is sent to the Association of Chief Archivists in Local Government, the Association of Local History Tutors and the Institute of Contemporary British History. The draft OSP is also placed on the PRO's web-site.

The length of the consultation period varies depending on the particular OSP in question. In the case of non-contentious or specialised OSPs the period is usually six to eight weeks. However, when dealing with those OSPs that are considered likely to generate significant public interest, the consultation period is always three

months. The decision as to whether a particular OSP is likely to be contentious is often difficult to determine in advance. Consequently, at the start of the programme, all OSPs were subject to a consultation period of three months. After conducting several consultations, however, a number of themes have emerged. The most apparent is that issues relating to family history and genealogy generate a large correspondence, usually between 80–100 responses. In one instance, the OSP covering records of registration of births, deaths and marriages of UK citizens occurring overseas generated over 400 responses. These responses tend to be short and are usually critical of any recommendation not to select a particular run of case papers. In contrast, the responses generated by specialised OSPs are usually less in number, on average 10–20 responses, but contain more detailed comments and suggestions. To date 22 OSPs have been produced covering the following subject areas:

- OSP 1: The Department of the Environment 1970–79
- OSP 2: The Crown Estate 1975–85
- OSP 3: Industrial Policy 1974–79
- OSP 4: The Use and Conservation of the Countryside for Recreational Purposes 1974–83
- OSP 5: The Administration of Social Security 1979–91
- OSP 6: Records Created by and Relating to Coroners 1970–2000
- OSP 7: The Welsh Office 1979–97
- OSP 8: The Security Service
- OSP 9: Fiscal Policy 1971–79
- OSP 10: Nature Conservation in Great Britain 1973–91
- OSP 11: Nuclear Weapons Policy 1967–98
- OSP 12: Central Direction and Oversight of Policy 1970–2000
- OSP 13: Britain's Diplomatic Relations 1973–96
- OSP 14: Home Defence and Emergency Planning 1972–2001
- OSP 15: Control of Central Government Expenditure 1969–97
- OSP 16: Probation Records 1965–2001
- OSP 17: Preservation of the Built Environment 1970–99
- OSP 18: Records of Registration of Births, Deaths and Marriages of UK Citizens Occurring Overseas
- OSP 19: School Age Education (3–16-year-olds) 1974–88
- OSP 20: Records of the Central Office of Information
- OSP 21: Records of the Criminal Case review Commission (CCRC)
- OSP 22: Records of the Royal Mint 1975–2002

Once the consultation period has elapsed, responses are collated and evaluated. The draft is then revised and brought before the Record Review Panel for final approval. In some cases not all suggestions can be acted upon. This is particularly

the case when responses contain conflicting views on the same issue. In these instances the merits of each suggestion are judged against the acquisition policy and other precedents. The decision not to select particular records often generates criticism. If the original decision is confirmed, despite adverse reaction, all effort is made to find an institution to which the records can be offered under the terms of a presentation. This is usually successful and, in the case of genealogical records, is often undertaken in collaboration with family history societies. In all cases, every effort is taken to explain how and why the panel arrived at its decision. To achieve this transparency each correspondent is contacted and informed of the decisions taken. If suggestions are not acted upon, care is taken to explain to correspondents why the particular course of action was not considered appropriate. The minutes of the panel's meetings are regularly posted on the PRO's web-site. In many cases, however, suggestions generated through public consultation are incorporated into the final policy document. The majority of comments result in a clarification of the selection criteria or, in some instances, additions to the collection themes. On rare occasions major policy statements are reversed or amended. For example, the original decision to take a representative sample of case files from local coroner's offices was amended with the result that all files will now be selected and deposited at local record offices.

Appraising the Appraisal Process

The Grigg report not only recommended which types of records should be selected for permanent preservation, it also advocated a procedure detailing how the selection process itself should be managed. The appraisal methodology favoured by Grigg was based on the concept of the records life cycle. This concept envisaged a two stage selection process: a first review at five to seven years after the creation of the record to dispose of those records not required for administrative need and a second review, conducted at 25 years after creation, to consider long term historical value. This traditional approach has recently come under question. The file-by-file review process is highly resource intensive and is not suitable for dealing with the vast quantities of records generated by government since the 1970s. The traditional method is also unsuitable for electronic records. These records cannot be kept for 25 years before selection decisions are made. The procedures favoured by Grigg are also bottom up and do not readily support a strategic overview of the appraisal process across different government departments. To address these perceived shortcomings, the PRO has recently appointed an Appraisal Policy Project Manager to consider how the Grigg system can be modernised to take account of electronic records and the increase in paper records from the 1970s onwards and to develop a new appraisal methodology. The

involvement of stakeholders is an integral part of the project. A number of government departments have agreed to participate in pilot projects with the project itself overseen by a Management Board containing representatives from a government department and the Institute of Contemporary British History. The first meeting of departmental representatives has now been held and resulted in an exchange of views on the most efficient and effective review methodology. The various alternatives discussed included review at series level, file title review, thinning out by review of title (TOBROT), and merging of first and second review. A number of pilot projects are now underway using these various methodologies and it is expected that a draft paper on appraisal policy will be circulated for public consultation in February 2004.

Conclusion

The inclusion of stakeholders in the process of selecting records for permanent preservation presents both benefits and challenges. On the positive side, public consultation militates against hasty or ill-informed decisions, provides a forum for the exchange of views and allows the organisation to manage the expectations of stakeholders. Effective consultation ensures that everyone concerned feels they had had their say and their interests taken into account. The process also ensures that innovative and creative options are considered and that new arrangements are workable.

A significant challenge is the difficulty of explaining complex appraisal and selection decisions to lay audiences. To address this issue, the National Archives is holding a series of open days at which members of the public can ask questions on how records are selected for permanent preservation. The process of consultation is by its very nature time consuming and can divert staff from other projects in order to answer correspondence and explain why a decision was reached. Communicating selection decisions to departments also presents challenges in that some departments may be unprepared to put their review processes to public scrutiny. On balance, the involvement of stakeholders is a welcome development and is now an integral aspect of the PRO's agenda.

The next step is to consolidate and deepen the process. To this end, the PRO will soon be appointing a member of staff to take forward the PRO's policy on the selection of case files relating to individuals currently held by government departments. It is anticipated that this will result in a series of workshops and seminars with relevant stakeholders. The seminars will attempt to explain the challenges in reviewing case files and solicit views on which file series, out of the many held within government, should be tackled first. The aim is to reach a

position whereby records are appraised across government rather than in isolation within each government department. The outcome will be a policy document outlining the PRO's future strategy covering the interaction of the state with the individual. The process of public consultation is now fully integrated into the National Archives' future strategy and will be a key element in enabling us to meet our vision of enhancing the quality and effectiveness of our public services and promoting the value and use of public records.

ENDNOTES

- 1 *Open Government*, Cm 2290, HSMO, 1993; *Freedom of Information Act 2000*, HSMO, 2000.
- 2 *Code of practice on written consultation*, Cabinet Office, November 2000.
- 3 *Report of the Committee on Departmental Records* (Grigg Committee), Cmd 9163, HMSO, 1954.
- 4 For a discussion on the challenges presented in conveying complex ideas to the users of archives, see Wendy Duff and Penka Stoyanova, 'Transforming the Crazy Quilt: Archival Displays from a Users Point of View', *Archivaria*, No. 45 (Spring, 1998), pp. 44-79
- 5 PRO Acquisition Policy, 2000.
- 6 This is discussed more fully in Elizabeth Honer and Susan Graham, 'Should Users have a Role in Determining the Future Archive? The Approach Adopted by the Public Record Office, the UK National Archive, to the Selection of Records for Permanent Preservation', *Liber Quarterly*, Vol. 11, pp. 382-399
- 7 The text of both the acquisition policy and disposition policy and the function of OSPs are available at the PRO website at www.pro.gov.uk/recordsmanagement.
- 8 For a discussion on the effectiveness of user groups, see David Morgan, *Focus Groups as Qualitative Research*, (Newbury Parke, 1988)