

**Impact of the Shaw Report on Public Record-keeping**  
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**Part of proposed panel session with Sassoon and Olsen**

In December 2004 the Scottish Parliament debated institutional child abuse in residential schools. It later appointed a former chief inspector of education and social care from Northern Ireland, Tom Shaw, to carry out a systemic review.

Shaw's 2007 report found poor record keeping throughout the looked after children sector and identified difficulties for former residents in tracing records for identity, family or medical reasons. It recommended the Scottish Government to: *commission a review of public records legislation which should lead to new legislation being drafted to meet records and information needs in Scotland.*"

In February 2008, Scottish Ministers asked the Keeper of the Records of Scotland to conduct such a review. He found that the record keeping failures uncovered by Shaw did not end with the passing of the Children (Scotland) Act in 1995. He concluded that the existing public records legislation, which dated back to 1937, was no longer fit for purpose to meet either the requirements of the child care sector, or wider public record needs.

The Shaw Report was a catalyst for new legislation on public records in Scotland. Despite concerns from the local authority and voluntary sector about additional burdens in difficult economic times, the Scottish Parliament approved new legislation and the Public Records Scotland Act received royal assent in 2011. It requires named public bodies to draw up a records management plan and have it agreed by the Keeper. Staff of National Records of Scotland are now working on the implementation. The Keeper will publish a model records management plan and guidance for public consultation in January 2012, with full commencement of the legislation expected from 2013.

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