



THE NATIONAL
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DEFINING MOMENTS IN HISTORY

**Report to Scottish Ministers
on the Recommendations of
'The Report into the Historical Abuse Systemic
Review of Residential Schools and Children's Homes
in Scotland, between 1950 and 1995' by Tom Shaw,
as submitted by
the Keeper of the Records of Scotland**

October 2009

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- ¹⁸ Public Services Reform (Scotland) Bill (SP Bill 26) (introduced on 28 May 2009)
“A Bill to make provision for the purpose of simplifying public bodies, including the transfer and delegation of certain functions, the dissolution of certain bodies and provision in relation to the regulation of officers of court; to enable provision to be made for the purpose of improving the exercise of public functions and for removing and reducing burdens resulting from legislation.”.
- ¹⁹ *Lord Chancellor’s Code of Practice on the management of records issued under section 46 of the Freedom of Information Act 2000*, presented to Parliament by the Lord Chancellor in 2009.
- ²⁰ Data Protection Act, 1998 ch.29 (Schedule 1, The Data Protection Principles).
- ²¹ *Ibid*, Principle 5.
- ²² Freedom of Information (Scotland) Act 2002, 2002 ASP 13, Code of Practice on Records Management, November 2003.
- ²³ The Public Records NZ Act 2005 (Public Act 2005 No.40).
- ²⁴ Scoop.co.nz. 27 August 2008 (online report from New Zealand Parliament, (ministerial statements)).
- ²⁵ Hon. Marian Hobbs, Minister Responsible for National Library and National Archives NZ. Media Statement 14 April 2005.
- ²⁶ Patrick Power, Manager, Government Recordkeeping Programme, Archives New Zealand - Te Rua Mahara o te Kawanatanga. 01.05.2009.
- ²⁷ Archival Legislation for Commonwealth Countries. Dagmar Parer, 2001, pp. 46-56.
- ²⁸ *Ibid*, p. 31.
- ²⁹ Independent Inquiry Into Abuse at Kerelaw Residential School and Secure Unit, Scottish Government 2009, available at <http://www.scotland.gov.uk/Publications/2009/05/08090356/0>.
- ³⁰ Commission to Inquire Into Child Abuse Act 2000, number 7 of 2000.
- ³¹ Report of the Commission to Inquire Into Child Abuse, 2009, available at <http://www.childabusecommission.com/rpt/>.
- ³² Rules and Regulations for the Certified Industrial Schools in Saorstát Éireann, 1933.
- ³³ Remember I’m Still Me: Care Commission and Mental Welfare Commission joint report on the quality of care for people with dementia living in care homes in Scotland available at http://www.mwscot.org.uk/web/FILES/Publications/CC_MWC_joint_report.pdf.
- ³⁴ Between April 2005 and May 2008 abandoned records containing detailed patient information were discovered at the decommissioned Strathmartine Hospital site in Dundee. A report into the incident found that NHS Tayside had been repeatedly warned about clearing records but had failed to act. In July 2008 NHS Quality Improvement Scotland issued a report containing a number of recommendations, and in November 2008 the Information Commissioner found the board guilty of breaching the Data Protection Act. In a similar incident NHS Lanarkshire were also found guilty of breaches of the Act in 2008 after x-rays, photographs and other documents marked “confidential” were found by an amateur photographer in the former Law Hospital in Carluke.
- ³⁵ HASR, chapter 6, Former Residents’ Experiences.
- ³⁶ <http://www.incaresurvivors.org.uk/>.
- ³⁷ HASR, p.103.
- ³⁸ National Care Standards: Care Homes for Children and Young People, 2005; National Care Standards: School Care Accommodation Services, 2005.
- ³⁹ The Regulation of Care (Requirements as to Care Services) (Scotland) Regulations 2002.
- ⁴⁰ Data Protection Principle 5: Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.

⁴¹ Parker, E. *Managing Your Organisation's Records*. London: Library Association, 1999. p22.