

Justice Committee

Apologies (Scotland) Bill

Supplementary written submission from the General Medical Council

During the Justice Committee meeting on 23 June Margaret Mitchell MSP referenced an email the GMC sent to her regarding the Apologies (Scotland) Bill. Having spoken to her office, please find below the following statement that we provided her with.

“We would support an apology being inadmissible as evidence of legal liability in civil proceedings, but not inadmissible for other circumstances. For example within our Fitness to Practise and tribunal proceedings where an apology is a relevant factor in determining doctors insight and the risk they may pose to the public in future.

As worded it seems that the Bill would protect admissions of fault expressed as part of an apology from being used as evidence by an affected patient, whether in bringing a claim for compensation or a complaint to a relevant regulatory body. If that is the intention, this may have unintended consequences for access to justice by patients and their families.”

I hope this is helpful in your further consideration of the Bill.

Ian Somerville
Scottish Projects Officer
General Medical Council
2 July 2015