



The Scottish Parliament  
Pàrlamaid na h-Alba

## Justice Committee

Judith Robertson  
Chair  
Scottish Human Rights Commission

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### **Apologies (Scotland) Act 2016 (Excepted Proceedings) Regulations 2017**

Dear Judith,

At its meeting on 9 May 2017, the Justice Committee considered the above draft instrument. As you may be aware, the instrument adds an exception to the application of the Apologies (Scotland) Act 2016 for the proceedings of 10 regulatory bodies including the General Teaching Council for Scotland (GTCS) and the Scottish Social Services Council (SSSC).

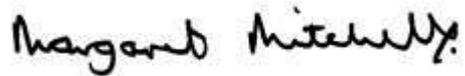
Prior to its meeting, the Committee received correspondence from Former Boys and Girls Abused in Quarriers Homes. This raised concerns about the implications of the exception for survivors seeking an apology for historical childhood abuse. A copy of that correspondence is annexed to this letter.

At the meeting the Committee took evidence from the Minister for Community Safety and Legal Affairs, Annabelle Ewing. During this evidence session, the Committee raised a number of concerns about the exception for the GTCS and SSSC. It specifically asked the Minister whether the SHRC had expressed a view on the instrument. The Minister told the Committee that the matter had been raised at a meeting with the SHRC but no comment had been made.

The Committee agreed, however, that it wanted to follow-up the matter directly with the SHRC. The Committee would be grateful to receive the SHRC's views on the instrument and what, if any, implications it might have for survivors seeking an apology.

The Official Report of the Committee's meeting on 9 May can be accessed here:  
<http://www.parliament.scot/parliamentarybusiness/report.aspx?r=10931>

The Committee is due to report to the Parliament on the instrument by 27 May 2017. If possible, it would be helpful if you could provide your response by Tuesday 23 May.

A handwritten signature in black ink that reads "Margaret Mitchell". The signature is written in a cursive style.

Margaret Mitchell MSP  
Convener, Justice Committee

### **Written submission from Former Boys and Girls Abused in Quarriers Homes**

The inclusion of GTC and Social Work in these exemptions not only makes no sense but is, in our view, in danger of denying survivors the closure an apology could provide.

FBGA are seriously concerned if the Scottish Government now starts rowing back on previous commitments made and agreed to survivors. The Minister Paul Wheelhouse stated the following at stage 3

*“My officials have been working closely with the NMC and the GMC to find a solution to their concerns. It is clear from those discussions that an exception for civil proceedings undertaken by health professional regulatory bodies is needed”*

There was no mention of GTC or Social Work throughout by any Scottish Government Minister or official that these other organisations would be included in any exemptions.

By not implementing the Apology Act whereby it benefits those who were abused such as survivors of sexual physical and emotional abuse by the inclusion of these two exemptions. The Scottish Government are undermining the very principles and intended purpose of the Apologies 2016 Bill.

1. It would appear to the Survivor Community that the Scottish Government had broken an agreed commitment-promise to implement all the elements of the Interaction plan. That it would bring real choice to all survivors agreed by all the parties which included the element of an Apology. An apology will provide many survivors with closure.

2. There would be a serious breach of Trust which as your aware is something the Survivors and the Survivor community place great emphasis on in any negotiation and subsequent agreement if this Apology Act is not implemented as originally proposed. This places survivors yet again in a disadvantaged position.

3. The organisations GTC and Social Work exempted would be placed also at a disadvantage as they may not be able to derive the full benefits of the Apology Act and offer apologies to survivors of abuse without the fear of liability. Whereby other organisations have the benefits of the Apology Act.

4. The exemptions of GTC and Social Work would create classes of discrimination whereby some survivors may receive an apology but others do not. There were serious failings by both these organisations in their duties of care in the past to victims of historical abuse and the Scottish Government is compounding this now by these exemptions

5. You are limiting the choices within the Interaction Plan agreed available to survivors who suffered harm of physical, emotional and sexual abuse by these exemptions.

6. The abuse of children such as the sexual abuse of children is one of the most serious offences and creates unique damage to the victim. An apology which is meaningful and made in the right circumstances is a very powerful way of acknowledging the harm and damage done.