



The Scottish Parliament  
Pàrlamaid na h-Alba

Annabelle Ewing  
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St Andrew's House  
Regent Road  
Edinburgh  
EH1 3DG



Margaret Mitchell BA LLB MSP  
*Member for Central Scotland*

3<sup>rd</sup> May 2017

*Dear Annabelle*

**Apologies (Scotland) Act (Excepted Proceedings) Regulations 2017 [draft]**

I write regarding the above draft affirmative instrument, laid on 18 April 2017, which lists ten professional regulatory bodies whose proceedings are to be exempted from the provisions of the Apologies (Scotland) Act 2016.

Eight of these proposed exempted proceedings relate to health regulatory bodies. As previously discussed, exempting these health regulatory bodies' proceedings from the Act was agreed at Stage 3 with the then Minister for Community Safety and Legal Affairs, Paul Wheelhouse, on the basis that the Act would not interfere with the duty of candour regime for health professionals.

As you know, I have previously raised concerns about the proposed exemption of the regulatory proceedings for the General Teaching Council for Scotland (GTCS) and the Scottish Social Services Council (SSSC) being included. This is because they are not health bodies and their addition, therefore, seems to be an illogical addition to this list.

However, it has only now occurred to me, as I receive more and more correspondence from survivors of childhood sexual abuse regarding the current Limitation (Scotland) Bill, that exempting these two bodies will seriously disadvantage survivors who are seeking an apology for child sexual abuse. In particular, it would disadvantage those where the abuse occurred in settings including boarding schools, other private schools and other institutional settings where social services were involved in the child's case.

My purpose in writing therefore is to ask whether you had considered that by exempting the GTCS and SSSC, survivors of child sexual abuse would be disadvantaged by this instrument. Given that the instigation for this Act came about through the Cross Party Group on Adult Survivors of Child Sexual Abuse, with the support of the then Chair of the Scottish Human Rights Commission, Alan Miller, it would be a tragedy if this Act ceases to be effective for those who originally inspired its provisions and purpose.

I look forward to your response.

*Bart ...*  
*Margaret*  
Margaret Mitchell MSP

cc. First Minister  
Justice Committee Clerks