

Do you agree with our proposal that the new offence should cover all formal health and adult social care settings, both in the private and public sectors? Please explain your views.

Yes No

Comments

Do you agree with our proposal that the offence should not cover informal arrangements, for example, one family member caring for another?

Yes No

This should be dealt with through existing criminal procedures

Should the new offence cover social care services for children, and if so which services should it cover? Please list any children's services that you think should be excluded from the scope the offence and explain your view.

Yes No

All health and social care settings

Should the offence apply to people who are providing care or treatment on a voluntary basis on behalf of a voluntary organisation?

Yes No

The organisation should ensure they have suitable governance arrangements in place for all volunteers whether paid or unpaid allied to that service

Do you agree with our proposal that the new offence should concentrate on the act of wilfully neglecting, or ill-treating an individual rather than any harm suffered as a result of that behaviour?

Yes No

Comments

Do you agree with our proposal that the offence should apply to organisations as well as individuals?

Yes No

Organisations should have governance arrangements in place to safeguard and protect service users. E.g where an individual staff member has highlighted concerns to their line manager in relation to meeting all service users needs due to staffing or other issues, then the organisation should be the one held accountable.

How, and in what circumstances, do you think the offence should apply to organisations?

Yes No

Where this is lacking organisations should face prosecution

Do you agree that the penalties for this offence should be the same as those for the offences in section 315 of the Mental Health (Care and Treatment) (Scotland) Act 2003 and section 83 of the Adults with Incapacity (Scotland) Act 2000?

Yes No

Agreed in principle, however clarity would be required with regards to variation from MHA. E.g. 6 (MHA) or 12 months (Consultation paper) and there is no specified amount of fine within MHA. This probably needs some wider thinking and clarification

Should the courts have any additional penalty options in respect of organisations? If so, please provide details of any other penalty options that you think would be appropriate.

Yes No

However, the comments within the group were: unsure as to what penalties could be imposed and by which court. They did however feel that additional penalties would be of benefit i.e. temporary closure of premises pending further investigation, fines of CEO of organisations (corporate accountability). The group were unsure of the courts ability to order a public enquiry.

What issues or opportunities do the proposed changes raise for people with protected characteristics (age; disability; gender reassignment; race; religion or belief; sex; pregnancy and maternity; and sexual orientation) and what action could be taken to mitigate the impact of any negative issues?

The group felt that this question was ambiguous and therefore could not be answered. Needs some clarity as could be interpreted in several different ways. Some case examples would be helpful to enable the group to further explore this issue. Perhaps this question would have benefited from being broken down into potentially 3 or 4 questions.