

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

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

Yes No

It would be difficult to prove in a home situation and many factors exist out with control of agencies providing the service

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

Residential children's homes, secure accommodation and all hospital settings including specialist services such as those for children with complex needs and hospice settings.
I wondered if independent / private boarding schools should also be included as the child resides with them do they have responsibility to see their health needs are met?

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

Yes No

Yes as children and young people who receive support from voluntary sector can be very vulnerable, Doesn't matter who provides the service care should be delivered to same standards whatever the care setting within statutory or voluntary agencies

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

Its appropriate to focus on the act of wilful neglect. A person may have been harmed but there may have been the intention to do harm by wilfully neglecting the

duty of care. Services would wish to deal with any alleged wilful neglect incident at an early stage before harm has occurred, The level of wilful neglect doesn't matter its the intent to do harm that does,

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

Yes No

This would mean responsibility does fall to the organisation to ensure their processes to provide safe and effective care are robust. A practitioner may not knowingly wilfully neglect a patient if for example the organisational culture was one where it was considered normal practice. If an organisation knows about this, doesn't actively evaluate how good their services are and doesn't act to address culture of wilful neglect they should be liable for this. Organisations may not be responsible when individuals actively hide what they are doing and choose to act in a wilful manner if they have provided adequate training, management and support for their workers.

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

Yes No

Examples I can think of where an organisation has already been made aware of issues/cultures resulting in wilful neglect of a patient and doesn't take action to address, where they know a member of staff as acted by wilfully neglecting a patient needs and allows staff member to work in other services /agencies and potentially place others at risk. Can anyone add to this

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

It would seem appropriate to keep same penalties for consistent response

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

Not sure about penalties as this could potentially make the problems worse, additional support from external inspection/advisory bodies may be a more useful

approach.

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?

Should allow for better equality of care and anti discriminatory practice