

## Annex C — Summary of Consultation Questions

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

### Comments

It should include all who are paid for providing care and all employed, together with their supervisors.

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

Yes

## Comments

Family members need support not punishment. It would be all too easy for those paid to do the job to "pass the buck" to family members.

There is present safeguarding legislation which should cover families and friends.

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

## Comments

The difficulty is when frontline professionals in a service which is understaffed or badly managed have to bear the brunt of allegations.

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

Not sure. It is difficult to give lines of responsibility

## Comments

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?

## Comments

Yes - the harm is often delayed, although sometimes obvious immediately.

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

Yes - of course (see above).

Comments

I understand the misgivings of individual nurses who may be over-stretched. Their supervisors and managers should share responsibility.

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

Yes

Comments - Organisational policies, management and supervision are often responsible for poor care (as in the Francis report).

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?

Not sure

Comments

I have not heard of any prosecutions under the 2003 Act.

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

Comments

Organisations should be closed down if found wanting as in England.

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?

## Comments

I am worried that organisations and professionals will find a way of blaming the individual complainant - for example that they "didn't accept help" or "didn't engage".

Present services are not flexible enough to respond to users' personal needs and preferences. The complaints systems are very poor and often result in the complainant being victimised or punished.

There is no adequate service users' feedback or having to give response to feedback. There is no online facility (as even the Police Service have).