

**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

The new offence needs to be inclusive to protect the public. Wilful neglect and intentional harm are unacceptable in health and social care settings.

**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 is a difficult area and where there are mixed views.

**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 of the offence and explain your view.**

Yes  No

All vulnerable individuals should be included irrespective of age. All services and areas should be treated equally whether private or public.

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

Yes  No

All volunteers should have an understanding of their responsibilities and voluntary organisations should ensure that they provide induction and ongoing support for volunteers including clear details of expectations related to behaviours and values.

**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

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

Yes  No

Organisational culture and environment are crucial to good care and organisations have a responsibility to create, influence, monitor and maintain these to protect the people in their care.

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

Yes  No

Where measures to protect people in their care and staff support are not in place and where deficiencies, recommendations or complaints have not been addressed.

**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

Penalties should be the same for all vulnerable individuals to ensure equity and consistency. It might be useful to consider how many people have been prosecuted using these sections and any lessons learned

**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

Penalties should include the option to close the facility.

**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?**

Consistent person centred care for all adhering to equality legislation.

#### **Additional Comments**

Consideration should be given to inclusion of paramedics, and support workers who do not appear to be included in the list of professionals to whom the offence would apply.