

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

n/a

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

Because there exist already a number of mechanisms that aim to protect children from harm, it will be important to ensure that any new offence contributes usefully/meaningfully to the existing frameworks, that there is clarity about the application of it, and it does not duplicate or complicate the landscape.

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

Yes No

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?

Yes No

Comments

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

Yes No

Organisations will already be held responsible by the Care Inspectorate and/or Healthcare Improvement Scotland for deficits in standards and monitoring through inspection processes, with consequences for ongoing registration. If, regardless of the adequacy of these it is evident that individuals in management positions have failed to take action on any indication of abuse, wilful or otherwise, they must be individually held to account with legal consequences.

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

Yes No

As above.

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

Comments

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

n/a

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