

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

We believe that it should be extended to all formal settings as this will help ensure a consistency of approach across all agencies and help promote partnership working.

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

Yes

This would be difficult to impose in an informal setting, particularly where this involves family members.

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 ✓

We believe in principle that it should cover children's services however further discussions may need to take place to establish how this would be implemented in practice.

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

Yes ✓

We agree in principle; however we acknowledge that it may be difficult to impose this upon an individual who may have no formal contract of employment with an organisation and that in such instances, criminal prosecution may be more expedient.

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 ✓

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

Yes ✓

We believe that this would lead to organisations being held accountable for imposing a culture or working practices that may lead to wilful ill treatment or neglect.

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

Yes ✓

This would ensure that organisations are held accountable for imposing working practices that may lead to acts of wilful neglect or ill treatment. Examples of this include providing insufficient staff cover, poor staff training, inadequate equipment and generally promoting a culture where it is acceptable for staff to “cut corners”

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 ✓

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 ✓

RCPC believes that courts should have the authority to impose the de-registration of services found guilty of the offence.

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?

RCPC believe that this would have a positive impact on people with protected characteristics .