

## The State Hospital

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Enquiries to: Jean Wade  
Extension: 2009



The State Hospitals Board for Scotland  
Carstairs, Lanark ML11 8RP

Chair: Terry Currie  
Interim Chief Executive: George Brechin

Dear Joanne

Proposals for an offence of Wilful Neglect or Ill-treatment.

I am replying to this consultation on behalf of the State Hospital.

We very much welcome the approach being taken in relation to the offence of Wilful Neglect or Ill Treatment. In particular we support the proposal that all forms of health and adult social care (both private and public) should be covered and that any such offence should apply to organisations as well as individuals.

We would however draw specific attention to the broadly similar offences already enshrined in section 315 of the Mental Health (Care & Treatment) (Scotland) Act 2003 and section 83 of the Adults with Incapacity (Scotland) Act 2000. We believe that any new and broader legislation has to be compatible with that which already exists – whether in relation to definitions or to penalties. This consistency will be essential in order to minimise conflict or confusion.

We believe the proposal, if progressed, will support us as a Special Health Board delivering patient facing services, in making progress in further developing a culture where patient safety and transparency are key building blocks.

If you require any further information, please do not hesitate to get back to me.

Yours sincerely

**GEORGE J BRECHIN**  
Interim Chief Executive



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