

**Proposals for the creation of an Offence of Wilful Neglect or Ill-treatment with regard to services for Children under the age of 18 – Further Engagement (October 2015)**

**1. Do you agree that the definition of a child set out a paragraph 9 should be used to determine who is a victim of the new offence?**

Yes, we agree.

**2. Do you agree with the definition of Care Worker, as outlined in the provisions of the Bill, as per paragraph 15?**

Yes, we agree.

**3. Do you think there are any workers missing from the definition at paragraph 15 who should be included?**

No.

**4. Do you agree that the offence should apply not only to individuals, but also to organisations providing services for children?**

We agree. We believe that the offence should apply to individuals and to organisations providing services for adults for reasons which also apply to services for children.

- Organisations are responsible for establishing an appropriate and supportive environment for their staff.
- Regulatory and inspection processes focus on the roles of the organisation and the individual – for example, the Codes of Practice for Social Service Workers and Employers.

We have published resources which employers can use to help develop a supportive culture and environment, such as the Continuous Learning Framework (CLF).

**5. Do you agree that the new offence should concentrate on the act of wilfully neglecting, or ill-treating a child rather than any harm suffered as a result of that behaviour?**

Yes, we agree.

**6. Do you have a view on how 'wilful neglect' should be defined?**

We have no comment on this question.

**7. Do you agree that the offence should include all services which are delivered within a social care setting for children?**

Yes. We have previously noted our support for extending the offence to children's services.

We would suggest that there is a need to explore which services are and are not covered by the proposed offence. The list of services which the offence would apply to does not include nurseries. Nor does it include other day care of children services such as playgroups, crèches, or out-of-school care services.

**8. Are there any services listed at paragraph 19 which you believe should be excluded from the scope of the offence? Please provide a list below.**

No.

**9. Why do you think these services should not be covered by the offence?**

N/A

**10. Are there any additional services which are not listed at paragraph 19 which you think should be included in the scope of the offence? Please provide a list below.**

No.

**11. Why do you think these services should be covered by the offence?**

N/A

**12. Do you agree that the proposed offence should cover all children's healthcare services, including those which are specific to children's healthcare?**

We have no comment on this question.

**13. Do you agree that the scope of the offence should not extend to informal care arrangements?**

We agree that the offence should not cover individuals who provide informal care. Some individuals will have multiple roles – for example, some will have a paid care role and will also provide unpaid care. There will be a need to consider the particular circumstances for these people.

**14. Do you agree that the penalties for individuals laid out at paragraph 24 should be applied to the new offence?**

Yes. See our response to question 15.

**15. Do you agree that the penalties for organisations laid out at paragraph 25 should be applied to the new offence? Please explain your view.**

Yes, we agree. We welcome the proposal for penalties for organisations as well as penalties for individuals. The existing regulatory and inspection processes focus on the role of the organisation and the individual. For example, there is a Code of Practice for Social Services Workers and Employers.

**16. Do you think that extending the adult provision on wilful neglect and ill-treatment in the Bill to children will interface effectively with existing legislation?**

Yes.

**17. Do you have any other comments which you wish to make?**

No.

Scottish Social Services Council  
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