

## About You

### Q1: Are you responding as:

- an individual – in which case go to Q2A
- on behalf of an organisation? – in which case go to Q2B

### Q2A: Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose “Member of the public”.)

- Politician (MSP/MP/peer/MEP/Councillor)
- Professional with experience in a relevant subject
- Academic with expertise in a relevant subject
- Member of the public

Optional: You may wish to explain briefly what expertise or experience you have that is relevant to the subject-matter of the consultation:

My dad John Woods was killed at work in 2002, my family were badly let down by the HSE and the legal establishment at the time and we have lived with the injustice ever since

### Q2B. Please select the category which best describes your organisation:

- Public sector body (Scottish/UK Government or agency, local authority, NDPB)
- Commercial organisation (company, business)
- Representative organisation (trade union, professional association)
- Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)
- Other (e.g. clubs, local groups, groups of individuals, etc.)

Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole).

[Click or tap here to enter text.](#)

### Q3. Please choose one of the following:

- I am content for this response to be published and attributed to me or my organisation
- I would like this response to be published anonymously
- I would like this response to be considered, but not published (“not for publication”)

If you have requested anonymity or asked for your response not to be published, please give a reason.  
**(Note: your reason will not be published.)**

Reason [Click or tap here to enter text.](#)

**Q4. Please provide your name or the name of your organisation.**

(Note: The name will not be published if you have asked for the response to be anonymous or “not for publication”.)

Name:

Please provide a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number.

Contact Details:

(Note: We will not publish these contact details.)

**Q5. Data protection declaration**

I confirm that I have read and understood the privacy notice attached to this consultation which explains how my personal data will be used.

**Aim and approach**

**Q6. Which of the following best expresses your view of the proposed Bill?**

- Fully Supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response.

Nearly 17 years after the death of my dad I welcome these proposals, no family should have to suffers as mine has had to, no one was held to account for my dad’s death and there was no prosecution whatsoever and I was not informed why. I hope this attempt ti change the law succeeds to help ensure justice is achieved for others suffering the loss of a loved one as a result of work.

**Q7. What do you think would be the main practical advantages and disadvantages of the proposed Bill?**

The advantage of the proposed Bill is that incidents that resulted in the death of my dad could be investigated for culpable homicide with a chance of prosecution of individuals and companies, to this day I am convinced it was unsafe working practice that killed my dad when he was entrapped in a road planing machine, unsafe working practices that someone knew could have serious consequences. Unfortunately the HSE investigation did not agree with me apparently or his employers, Hamilton Tarmac should have been prosecuted. In what appears to have been a similar incident in 2009 there was a prosecution and a substantial fine imposed on the employer when a workers was killed.  
<http://bit.ly/2TOZ1TP>

**Q8. Do you have any further comment to make on the need for legislation of this type as detailed in this consultation?**

Only that anything that reduces the chances of other families suffering as other have done should be done, too many workers lose their families and do not receive justice, I feel let down in so many ways as these proposals, if they become law would comfort me that others will be treated with more respect and have a greater chance of getting justice for their loved ones.

**Q9. Do you have any comments to make on the proposals outlined which suggest that there be two different statutory kinds of culpable homicide – culpable homicide by causing death recklessly and by gross negligence?**

No comment to make

**Q10. Do you have any comments on the range of organisations and office holders who should be defined by the Bill?**

No comment to make

**Q11. Do you have any comment to make on the provisions applying the new offences to Ministers, civil servants and Crown bodies in the same way as they apply to natural persons and organisations?**

These proposals should apply to everybody and every organisation.

**Culpable homicide by causing death recklessly**

**Q12. Do you have any comment to make on the way in which causing death recklessly is defined in the proposal.**

No comment to make

**Q13. Do you have any comment to make on the proposal that organisations would be responsible for the actions of their employees for this offence?**

If this means that an employers could be held liable for the errors of their managers who place workers at risk of death than I am fully supportive.

**Q14. Do you have any comments on the inclusion of aggregation and how it will work in practice?**

No comment to make

### **Culpable homicide by gross negligence**

**Q15. Do you have any comment to make on proposals to re-introduce culpable homicide by gross negligence into the law in Scotland?**

No comment to make

**Q16. Do you have any comment to make on the proposals to define what is meant by that offence where it is committed by a natural person?**

No comment to make

**Q17. Do you have any comment to make on the definitions of “duty of care” and “gross breach”?**

No comment to make

### **Sanctions**

**Q18. Do you have any comment to make on the penalties which may be imposed if a conviction is successful under a new law?**

No comment to make

## Financial implications

**Q19. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:**

**(a) Government and the public sector**

- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost
- Unsure

**(b) Businesses**

- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost
- Unsure

**(c) Individuals**

- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost
- Unsure

Please explain the reasons for your response.

**Q20. Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)?**

No comment to make

## Equalities

**Q21. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, race, religion and belief, sex, sexual orientation?**

- Positive
- Slightly positive
- Neutral (neither positive nor negative)
- Slightly negative
- Negative
- Unsure

Please explain the reasons for your response.

No comment to make

**Q22. In what ways could any negative impact of the Bill on equality be minimised or avoided?**

No comment to make

### **Sustainability**

**Q23. Do you consider that the proposed bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?**

- Yes
- No

**Unsure**

Please explain the reasons for your response.

[Click or tap here to enter text.](#)

### **General**

Q24. Do you have any other comments or suggestions on the proposal?

On April 16th, 2002 our dad John Woods went to work and never came home, at the time I was 18 years of age and Dionne was due to turn 13 the following month.

Our world came crashing down that day, we both idolised our dad, he was only 37 years of age had more than half of his life to live, sadly this was not to be and his life was tragically cut short on that fateful day in circumstances we still find hard to talk about.

Dad worked for a local road surfacing company and, on that day, was working at the former ICI plant at Ardeer, near Stevenston in Ayrshire.

In the early part of the afternoon he was operating a road planing machine on his own, he was both driver and second man with his only other colleague driving a reversing tipper truck collecting the spoil from the planing operation.

The process was nearly finished when dad put the machine into crawl and dismounted to clear debris from the machine, we do not know what happened next, but dad became entangled in the rotating drum of the machine and was killed instantly.

Our dad was our life and our lives changed forever on that April afternoon, our family's grief was compounded by a complete lack of compassion shown by the HSE and others, no one from the HSE contacted our family during, or after the investigation. Furthermore, our lawyer advised us that the Fatal Accident Inquiry would be held in a closed court so we were very much kept in the as far as we were concerned. His employers were never charged with any offence and we were never given an explanation why this was.

The impact of my loss and the way we were treated resulted me having a nervous breakdown and we both still live with the consequences of my dad's death. By the time I was mentally fit enough to consider litigation for our loss the case was time barred. We were not motivated by the prospect of compensation, but this may have provided a forum to challenge the approach taken by his employers to health and safety and perhaps prevented other families having to suffer as we have had to suffer.

His former employers have had other incidents since where workers and members of the public have been put at risk. I raised my concerns in a letter to the HSE in Scotland, that too was ignored.

I still struggle when I see one of these machines knowing the damage they can do particularly when, only recently, I witnessed the very same company carrying out the very same practices that resulted in the death of our dad.

I am now married with two sons who will never know their grandfather, Dionne will be having a baby in April and getting married later this year, a family celebration that he should have been here to see and be part of, one of many family celebrations that will forever be tinged with sadness because he is not.

Nearly 17 years later I miss our dad each and every day, I must live with the injustice of losing a loving dad with very little understanding of what happened and why no one was held to account.

This is why I am supporting these proposals for Claire Baker to reform the law of culpable homicide to ensure other families do not feel let down by the justice system as I have done.