

# Proposed Domestic Abuse (Prevention) (Scotland) Bill

## Introduction

A proposal for a Bill to make provision for the prevention of domestic abuse and improve support for those affected, including by requiring: those convicted of offences related to domestic abuse to provide information for a register; use of this information to prevent further harm; use of rehabilitation measures in relation to offences related to domestic abuse; collation and reporting of data related to domestic abuse; and domestic abuse education in schools.

The consultation runs from 29 August 2022 to 20 November 2022

All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document.

Questions marked with an asterisk (\*) require an answer.

All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response.

Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded.

Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here:

[Consultation Document](#)

[Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice which explains how my personal data will be used.

On the previous page we asked you if you are UNDER 12 YEARS old, and you responded Yes to this question.

If this is the case, we will have to contact your parent or guardian for consent.

If you are under 12 years of age, please put your contact details into the textbox. This can be your email address or phone number. We will then contact you and your parents to receive consent.

Otherwise please confirm that you are or are not under 12 years old.

*No Response*

## About you

Please choose whether you are responding as an individual or on behalf of an organisation.  
Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

on behalf of an organisation

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".)

*No Response*

Please select the category which best describes your organisation

Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)

**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).**

Committed to Ending Abuse (CEA) is an inclusive service committed to ending all forms of abuse. We provide support and advice to anyone regardless of age, beliefs, ethnicity, faith, gender, sexual orientation and race. We offer individual support as well as group work. We also provide support networks, creative and expressive arts workshops, parenting workshops and training for other organisations. In addition, we offer support for children and young people who've been affected by abuse, through professionally trained support workers. Our confidential service includes keeping people safe, helping them to make decisions and supporting them with accommodation, legal advice and access to benefits. All our staff are professionally qualified and trained to work in these areas. We are accredited by Safe Lives and staff are registered with the SSSC (Scottish Social Services Council). People may self-refer but equally we accept referrals from all other agencies including the Police, Housing, Health, Social Work services and voluntary organisations.

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

Please provide your Full Name or the name of your organisation. (Only give the name of your organisation if you are submitting a response on its behalf).

(Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

Committed to Ending Abuse (CEA)

Please provide details of 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.

We will not publish these details.

[REDACTED]

## Aim and approach - Note: All answers to the questions in this section may be published (unless your response is "not for publication").

Q1. Which of the following best expresses your view of the proposed Bill? (Please note that this question is compulsory.)

Partially supportive

**Please explain the reasons for your response.**

As a service we feel that the proposed Register Bill could be a deterrent to perpetrators of domestic abuse. Some members of the staff felt that the proposed Register Bill perpetuate punitive justice but serves a necessary role. Other members have shared their reservations of the restorative justice part – could this lead to people reliving their trauma?

It was also recognised that as a specialist accredited domestic abuse organisation we would need to answer as partially supportive in order to ask for some reframing and adding amendments to the proposed Register Bill.

Q2. Do you think legislation is required, or are there other ways in which the proposed Bill's aims could be achieved more effectively? Please explain the reasons for your response.

The service agreed that this definitely needs to have legislation attached, otherwise it can be open to misinterpretation and manipulation by individuals.

## Domestic Abuse Register

Q3. Which of the following best expresses your view on creating a register of those convicted of domestic abuse related offences?

Partially supportive

**Please explain the reasons for your response. Please include any views you have on the list of policy details set out in bold on pages 23 and 24 of the consultation document.**

The service had mixed views around this response. Examples being, a 17-year-old (first offender) would he/she/they would they be on the Register for 5 years? It was also recognised that an individual may have additional disabilities, and if they could be less aware of their abusive actions.

It was also identified that Criminal Justice Systems minimise coercive control and it was felt that the Criminal Justice System needs more training around domestic abuse. The lack of cohesion within the Criminal Justice System and the lack of coordination in individual cases which put the victims at serious risk of physical harm/homicide. The lack of trust from the public and the misuse of power and trust has been highlighted especially in the last few years.

## Rehabilitation Measures

Q4. Which of the following best expresses your view of introducing mandatory rehabilitation measures for those convicted of domestic abuse?

Partially supportive

**Please explain the reasons for your response. Please include any views you have on the list of policy details set out in bold on page 26 of the consultation document.**

The service had a lengthy discussion around this response. If implemented properly with the correct structure from the start it could be good but, we also think of our local authority Caledonian Programme and the faults we have seen with this being a court mandated program.

We have case level evidence where this programme is clearly not working, and victims have been retraumatised time and time again. We feel if this proposed bill went ahead, it should be mandatory for all the criminal justice system to have training on domestic abuse, and not just a one-off training, the Scottish court system is unrealistic when it comes to supporting witnesses of domestic abuse, the person who has been abused needs to be the focus at all times.

We feel there are a lot of things to fix out like what if someone is charged and the offender counter charges them? We see this happen often also. I think there needs to be a specialised domestic abuse agency involved in the whole process with ongoing training once the program was implemented long term.

We suppose if the offender needs a conviction to be put on the program will this work out like the Caledonian where the offenders are on the program for a certain amount of time? How will this be regulated and monitored? To date as there are faults with both the court system in general and the mandated program already in place.

There was a majority agreement that there should be a way to let individuals know if the person they are in a relationship with is on the register. We do believe if it is implemented correctly, it may work but would need consistency and meet the needs of both professionals and individuals.

## Data

Q5. Which of the following best expresses your view of the proposals for data collection and reporting set out in the consultation document in bold on pages 30 and 31?

Fully supportive

**Please explain the reasons for your response including what information could usefully be collated and which groups in society could most benefit from improved information on their access to domestic abuse services and support.**

We fully recognise that data is key where actions and funding is required. It is impossible to identify the "full picture" without the data and evidence to support this.

## Education

Q6. Which of the following best expresses your view of introducing mandatory education in schools on domestic abuse?

Partially supportive

**Please explain the reasons for your response including any comments on the issues in bold on page 32 of the consultation document.**

Q6. Which of the following best expresses your view of introducing mandatory education in schools on domestic abuse?

As service we are fully supportive of domestic abuse being implemented in the education curriculum from primary school and upwards. There is also a need for a clear link to Children & Families Social Services and the Public Protection Unit as this could increase disclosures from children and families. We also considered that delivering the information in schools, unless done by an expert could potentially lead to an increased risk to children living in abusive households. It is also a way to educate children and families to recognise healthy relationships and identify abuse with the understanding of the support available in their area.

The domestic abuse material should be delivered in both independent and state schools. The positive impact of early intervention and if the proposed Bill is implemented could create a meaningful change. Concerns were also raised that professionals that specialise in the understanding of child development should be included.

## Financial Implications

Q7. Any new law can have a financial impact which would affect individuals, businesses, the public sector, or others. What financial impact do you think this proposal could have if it became law?

a significant increase in costs

**Please explain the reasons for your answer, including who you would expect to feel the financial impact of the proposal, and if there are any ways you think the proposal could be delivered more cost-effectively.**

It will require significant investments across all partner agencies and third sector organisations as a whole programme in order to recognise the proposed Bill's full potential.

## Equalities

Q8. Any new law can have an impact on different individuals in society, for example as a result of their age, disability, gender re-assignment, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

What impact could this proposal have on particular people if it became law? If you do not have a view skip to next question.

Please explain the reasons for your answer and if there are any ways you think the proposal could avoid negative impacts on particular people.

*No Response*

## Sustainability

Q9. Any new law can impact on work to protect and enhance the environment, achieve a sustainable economy, and create a strong, healthy, and just society for future generations.

Do you think the proposal could impact in any of these areas? (If you do not have a view then skip to next question)

Please explain the reasons for your answer, including what you think the impact of the proposal could be, and if there are any ways you think the proposal could avoid negative impacts?

*No Response*

## General

Q10. Do you have any other additional comments or suggestions on the proposed Bill (which have not already been covered in any of your responses to earlier questions)?

Currently sitting within women and equality policy area in the Scottish Government does not send an inclusive message for male and LGBTQ+ victims and funding is being skewed towards non-inclusive services as a result. The proposed Bill would help link up services around offenders who move from area-to-area to avoid further victims being targeted. Much like the Sex Offender Register the Sheriffs would need clear guidelines around the sentencing of the offender perpetuating the abuse.