

# 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

Representative organisation (trade union, professional association)

**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).**

The Scottish Association of Social Work (SASW) is part of the British Association of Social Work (BASW) the largest professional body for social workers in the UK. BASW UK has 22,000 members employed in frontline, management, academic and research positions in all care settings. There are over 10,000 registered social workers in Scotland around 1,500 of whom are SASW members. This comprises staff working in local government and the independent sector, across health and social care, education, children and families, justice services, as well as a growing number of independent practitioners. SASW's key aims are:

- Improved professional support, recognition and rights at work for social workers.
- Better social work for the benefit of people who need our services.
- A fairer society.

Domestic abuse affects many people whom social workers support. SASW has long campaigned for increased awareness of the impact of domestic abuse on individuals and families and has worked together with organisations such as Scottish Women's Aid to deliver conferences and webinars which have promoted safe and effective ways of providing support. In 2020 we produced 'Domestic Abuse and Child Welfare: A practice guide for social workers' together with Scottish Women's Aid and Safer Families Edinburgh. The guide can be downloaded from our website.

SASW, as part of BASW UK, currently offers training in the Safe & Together™ Model. The Model offers a framework and tools for social workers and other professionals to support those who experience domestic abuse using a child-centred, survivor strengths-focused, perpetrator pattern-based approach.

This response has been written by SASW staff with experience and knowledge in domestic abuse, taking into account views commonly expressed by our members.

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).

Scottish Association of Social Work (SASW)

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 opposed

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

SASW is generally in support of any move to seek to reduce the incidence of domestic abuse and improve the experiences of those who are exposed to it. We are aware of the far-reaching impacts of this crime on those who experience it, and social workers encounter domestic abuse across all spectrums of their work. The ambition in this proposed Bill, to reduce and prevent domestic abuse, is laudable, and we welcome the opportunity to provide comment at this stage. However, we have some concerns about the efficacy of the measures outlined in the proposed Bill. These concerns include a lack of evidence to support the introduction of some of the proposed measures, along with a significant increase in resource and pressure on the workforce. Such increases, particularly in the current financial climate, must be based on clear evidence that they will lead to significant improvement. We are not confident that there is strong enough evidence for each proposal to create such assurance. In addition, we have concern that some of the measures might risk endangering existing arrangements which provide some measure of safety and creating false reassurance for victim-survivors of domestic abuse. More detail will be provided below.

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 introduction of legislation does not necessarily induce practice change. Legislation already exists which should promote good practice, and a full assessment of all of this should be undertaken before a decision is taken on the introduction of further measures, including whether it is being used to its full capacity, and whether there is scope for it to be strengthened. Practice change requires clear guidance, engagement with the workforce and adequate resource.

## **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 opposed

**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.**

There does not appear to be a body of evidence that supports the notion that a domestic abuse register would be an effective means of protecting potential victims or a deterrent to those who abuse. In Scotland we have a Sex Offenders Register but we cannot be confident that it has reduced numbers of offences. Research carried out in other parts of the world suggests that sex offender registration neither reduces recidivism nor increases public safety. In fact, there is concern that registers risk creating a false sense of security, through offering reassurance to victims that the presence of a register will offer them protection.

A domestic abuse register would only contain details of those who have been convicted of offences. We know that a large proportion of domestic abuse goes unreported and even when reported is not guaranteed to result in conviction. In addition, registration would not address behaviours. Domestic abuse encompasses a whole range of behaviours, including coercive control, which can be difficult to evidence. It exists because we live in a society where men and women are not treated equally. While, as the proposed Bill states, it might add to the stigma associated with perpetrators, registering those who are convicted of domestic abuse offences is unlikely to reduce its incidence and create safety for those who experience it.

In addition, there would need to be consideration of the system of communication around those on the register, and support for those who are affected. Issues of GDPR and human rights would need careful consideration in planning such an approach to registering offenders.

Police Scotland already have measures in place for gathering intelligence about domestic abuse perpetrators and sharing it with those at risk. This is a less formal arrangement than a register and it appears to contribute to safety. Creating a register of domestic abuse offenders might risk endangering current systems. SASW is not confident that a register would create additional safety for those at risk of domestic abuse and would risk a situation where false reassurance is offered. When we add to this the enormous expense of creating and maintaining a register, it appears that resource would be better allocated to rehabilitation and preventative services which would address the causes of gender equality and domestic abuse.

Before SASW could support a move to create a register for those convicted of domestic abuse, we would welcome thorough consideration of whether there might be merit in exploring how existing systems, such as MAPPA, MARAC and DSDAS might be strengthened and aligned to create better safety for victim-survivors. In addition, we would welcome a detailed plan for support for all those who would be affected by a register.

## Rehabilitation Measures

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

Fully opposed

**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.**

SASW has concerns about the introduction of mandatory rehabilitation measures for those convicted of domestic abuse. We are not aware of any evidence to suggest that mandatory rehabilitation would be effective. The exception to this is the Caledonian System, and our suggestion would be that consideration should be given to rolling this out across all of Scotland, as a means of addressing perpetrator behaviour when there has been a conviction.

Echoing our comment above about a register, mandatory rehabilitation would be extremely expensive and again, it risks offering false reassurance to victims that an offender has been rehabilitated and therefore

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

risk reduced. Interventions to address domestic abuse perpetration must be tailored specifically to the offence and be thoroughly tested and evaluated, for there to be public confidence in their effectiveness.

We have particular concern about the suggestion in the proposed Bill that anger management is an effective way of addressing domestic abuse. Domestic abuse is not an anger management issue. Coercive control, which is a major factor in many domestic abuse cases, is a pattern of consistent, wide-ranging behaviour which takes place over an extended period and severely restricts the freedom of those whom it is perpetrated against. It is not about a loss of control, or an angry reaction to a specific trigger. To suggest anger management might be a suitable intervention in coercive control situations would not only be ineffective it would be dangerous. It would not change the pattern of behaviour as it would not address the complexities behind it. The only situation where anger management might be considered suitable would be where there is situational couple violence (as defined on page 7 of SASW's practice guidance). SASW is concerned that the proposed Bill states that anger management "would not be as effective against perpetrators who abuse someone through more long-term coercive control". It would not only be ineffective, but it would also be dangerous, as engagement with it could imply a level of rehabilitation which is not realistic and risks further endangering victim-survivors.

We know it is the case that perpetrators of domestic abuse may have additional issues with which they require support, for example mental health or substance use. However, these must be seen as separate issues and never used as justification or excuse for abusive behaviour. We must never assume that because co-existing issues are addressed, domestic abuse behaviours will cease. Intervention on the grounds of domestic abuse must specifically address the power and control which is behind the abuse.

With regards to restorative justice in domestic abuse situations, we have concerns. It would require strict, clear guidance about ongoing risk assessment for victim-survivors, and be conducted by highly skilled practitioners, with specialist awareness of the dynamics of coercive control and the tactics abusers use. We have concern that victim-survivors risk being coerced into taking part, and if not skilfully managed, perpetrators could manipulate and use it as a means of increasing control.

While we support increased access to specialist services for those who have committed domestic abuse, these must be thoroughly specialist, evaluated services such as the Caledonian System, with individuals assessed for their suitability to take part. In planning of such services, and assessment of suitability, the needs and views of victim-survivors must be considered, regarding impact on their safety. Victim-survivors are the people who possess most information about the risk posed by perpetrators, and the likely impact of interventions on their safety and that of their families.

## 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?

Partially 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.**

SASW acknowledges the disproportionate impact of domestic abuse on victim-survivors from diverse backgrounds, and we are in support of changes which would support a better intersectional response.

We know that there are factors in people's lives which not only increase opportunities for perpetrators to assert power and control, but also add extra barriers to victim-survivors' capacity to seek help and achieve safety. These include but are not restricted to culture, religion, immigration status, socio-economic status, age, disability, sexuality, and gender. We actively promote the need to view domestic abuse through an intersectional lens, and for services to be aware of and sensitive to the ways in which domestic abuse can be exacerbated through wider societal features.

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?

We support this proposal to some extent, but we suggest that perhaps it could be reframed to take account of the fact that there are already duties on service providers through the Equalities Act, and perhaps these could be emphasised and strengthened. We would welcome a plan for how the data gleaned from any such measure would be used to optimise improved services for those affected.

## Education

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

Partially opposed

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

While SASW is in support of measures to prevent domestic abuse, we are not confident that mandatory education in schools, as outlined in the proposed Bill, would fulfil that aim. Domestic abuse is a gendered crime, and the key to preventing and ending it is addressing gender inequality. Educational input about healthy relationships is helpful but it does not hold the key to eradicating domestic abuse. Children and young people are exposed to the inequalities in our society from birth and providing education in schools is not going to mitigate the experiences and attitudes children are exposed to in other areas of their lives, including in education.

For mandatory education to be part of the solution, it would have to be a whole school approach to promoting true gender equality, integrated into the entire education system from nursery onwards. This would require all education staff to be thoroughly trained, to ensure children receive consistent messages throughout their time at school about equality and fairness. It would need to be accompanied by a concerted, ongoing nationwide campaign to address inequality and change attitudes in all areas of society.

## 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.**

The measures outlined in the proposed Bill would require significant resource, across many service areas, to initiate. In addition, extra support for victim-survivors would be necessary for some of the measures to have effect. To justify such expenditure there would need to be a detailed costing plan, and a robust evidence base to reinforce the benefit of introducing these measures.

## 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.

SASW welcomes the aim of the proposed Bill to address the needs of people from marginalised communities, and improve access to services, creating greater equality. We advocate for the close involvement of diverse groups in the planning, creation and evaluation of new legislation and processes designed to improve their situation.

## 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)?

*No Response*