

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)

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 Women's Aid

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

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

Please explain the reasons for your response.

We are happy to support the intent of the Bill but have concerns about the impact of some of the proposed elements.

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 overall desired outcome of the Bill--and one we support--is to reduce reoffending by domestic abuse perpetrators. In our view, the power to deliver this outcome is for the most part in the hands of the police, courts, and judiciary. A wholesale review of use of community disposals and sentencing policy and practice is needed--then we could answer the question about whether new legislation is necessary.

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.

We fully support the intention of holding offenders responsible and reducing reoffending. However, as far as SWA knows, there is no evidence base indicating that a register will have a deterrent effect. We worry that such a register might offer false reassurance to policy makers and survivors that being placed on a register would offer additional protection and safety, when we have no evidence to support that assumption.

We would be interested in a procedure following conviction that would ensure that professional bodies such as political parties and football clubs would be notified about a potential candidate or employee had been convicted of domestic abuse, but given the tiny number of convictions compared to the 60,000 police reports per year, that will have only a very small effect.

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.

SWA cannot support mandatory rehabilitation. Scotland's Caledonian programme of work with DA offenders offers the best option for rehabilitation and should be rolled out across all local authorities. However, even in the best-case scenarios, the intervention works with some convicted offenders.

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

Requiring rehabilitation will just ensure that ineffective interventions will be used, at significant cost and increased risk to child and adult survivors.

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.

SWA and other women's sector organisations have urged for reform to the Public Sector Equality Duty to ensure enforcement of duty to collect disaggregated data. The failure across the public sector to do so and to report progress on improving access for those with protected characteristics must be addressed robustly and effectively. We consider an annual report to Parliament just one of the actions that Parliament could take to improve data collection.

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.

SWA supports across-the-curriculum work that supports staff and students to understand the gendered aspects of inequality. We are concerned however that schools not tick a box of delivering a session on domestic abuse as part of a healthy relationships course and ignore the sexism, harassment, and assaults that happen when the lessons are over. A whole-school approach is necessary, and changing attitudes and behaviours is highly unlikely without such an approach.

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

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?

cost-effectively.
See previous answers.

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.

Prevention of domestic abuse--particularly primary prevention--requires interventions that address the cause (and consequence) of domestic abuse--women's and children's inequality. Domestic abuse is a highly gendered crime, and women and children are not homogenous populations. Disabled children and women, those with no recourse to public funds, trans-gendered women, Roma women and children--all these and more will experience increased abuse and decreased access to safety and to support services. We have obligations under UNCRC, CEDAW, the Istanbul Convention, ICESCR to address these wholesale human rights violations experienced by so many of Scotland's people. The potential benefits of the proposed law would disproportionately affect those with protected characteristics and the potential unintended negative consequences would also disproportionately affect the same populations.

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)?

We wholeheartedly support the intention of the bill to reduce reoffending, improve data collection, and prevent secondary victimisation. We are not confident that the actions proposed are the best ways to deliver the intentions.

