

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

Public sector body (Scottish/UK Government/Government agency, local authority, NDPB)

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).

Shetland Domestic Abuse Partnership (SDAP) is a multi-agency partnership working together to tackle and address Domestic Abuse and Gender Based Violence throughout the isles by:
Developing and implementing the Shetland Domestic Abuse and Sexual Violence Strategy 2018-2023
Providing a forum for information / best practice sharing and service coordination across Shetland
Keeping abreast of national strategies and initiatives and applying them to the local situation
Organising training for people working in the field of Domestic Abuse and Gender Based Violence
Raising awareness of Domestic Abuse and Gender Based Violence and what can be done to prevent it
Partner Organisations - Current members of Shetland Domestic Abuse Partnership: Shetland Women's Aid, NHS Shetland, Police Scotland, Rape Crisis Shetland, Hjaltland Housing Association, Shetland College UHI, Shetland Islands Council
Adult and Child Protection, Housing, Criminal Justice Social Work, Community Planning and Development.
This consultation has been completed by the partnership's business administration co-ordinator with support from Shetland Women's Aid in draft and sent out to the partnership for approval and comments. All members have the opportunity on viewpoints in order to provide a collective response.

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).

Shetland Domestic Abuse Partnership

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.)

Fully supportive

Please explain the reasons for your response.

We believe more should be done to tackle domestic abuse and hold perpetrators accountable. We recognise a gap in perpetrator work in Shetland. While we do have perpetrator programme RESPECT running in Criminal Justice Social Work, these are only court mandated and restricted by capacity. There should be more scope for identifying controlling behaviours early and intervention programmes before it reaches the point of criminal justice.

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.

Safe and Together should be a statutory requirement in all local authority areas across Scotland. Legislation would also be of benefit.

Domestic Abuse Register

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

Fully 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.

what the criteria should be for someone being put on the register?

Anyone who is using coercive control, domestic abuse, or any gender-based violence in any shape or form to control, harass, stalk, or hold hostage, or any form or intimate terrorism.

what the criteria should be for remaining on the register, and for how long?

Mirroring arrangements as in sexual offences act 2003 and should be proportionate to the risk to the survivors and any new victims and delivered in the same way though judiciary for duration of the registration.

what the notification requirements should be of anyone on the register, including what information they should be required to provide initially, and what information they should be required to update where necessary;

•Notifying of full name, address, date of birth, passport details, credit card and bank account details, and National Insurance number.

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

- Notifying of any changes in these details within a set period of time.
- Notifying of a new relationship with a new partner.
- Notifying of being in or entering into a relationship with a previous partner.
- Notifying of forms of commitment to a new partner such as opening a joint bank account, signing a lease on a property, buying a property.

which public bodies should have access to the information on the register and for what purposes;
all public bodies should have access to the information to safeguard women and children where appropriate, MAPPA, police Scotland, local authorities, health boards, frontline third sector services who deliver safety and stabilisation and recovery programmes.

when a public body such as the Police should share this information with others such as a new partner;
and

in what circumstances should a new partner or certain other individuals have the right to receive details of the convictions and other relevant information about an individual on the register.

Information should be shared as soon as the perpetrator enters a new relationship, for safeguarding purposes to protect themselves and any children involved.

Rehabilitation Measures

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

Fully 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.

a)What the rehabilitation measures could consist of;

This should consist of rehabilitation and tackling the world views of women and children in the perpetrators mind. We need to take a gendered analysis lens to the complex nature of why domestic abuse happens to get to the core of the problem. We disagree with restorative justice in domestic abuse situations due to the complexity and dynamics of coercive control and abuse. It is male power and privilege which needs to be tackled.

b)Who could be required to complete rehabilitation measures

(including whether these measures could be used as a means of early intervention in some circumstances);

Anyone who receives a domestic abuse related conviction should receive court-ordered mandatory rehabilitation measures. Anyone suspected of domestic abuse crimes and coercive control should be made aware of and encouraged to attend perpetrator programmes designed to change world view and raise awareness of these crimes.

c)The mechanism for these measures to be allocated;

The Safe and Together model should be looked at to inform mechanism's for these measures.

d)Exemptions where individuals could be considered ineligible;

anyone with conditions which may mean their understanding, or they have special needs should have adapted interventions appropriate to their level of understanding.

e)The extent to which this could be an alternative to a custodial sentence;

f)When the measures should be completed by someone completing a custodial sentence;

Rehabilitation and perpetrator programmes should be available to all despite being convicted or not, or being incarcerated or not. While service a custodial sentence perpetrator's should be undertaking programmes to support their rehabilitation.

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?

Neutral (neither support nor oppose)

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 are unsure whether annual reporting would provide a regular enough, an update on incidences of domestic abuse, access to domestic abuse services, and improvements to access. We think more should be done to support existing specialist services to improve access and inclusion with funding provided to help organisations to improve their reach.

Information the report should specifically include should be what front-line workers feel they can obtain in a trauma informed way.

A barrier to collecting a full set of data on survivors is the state of mind and complex issues we immediately must deal with and often it is intrusive and inappropriate to be questioning victims for details not appropriate to their immediate support/safety plan. Time is usually restricted, and priority would be safety and stabilisation.

Education

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

Fully supportive

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

a) The amount of teaching time required; This should start as early as possible and be age appropriate from p1, annually till the end of school, the message should be conveyed annually and for a whole topic time or at least a week over the course of the year.

b) The content of education on domestic abuse; the content should include coercive control, stalking & harassment, healthy relationships, how to end unhealthy relationships and how to accept relationships have ended, what is a crime, how to protect yourself and others, how to challenge crimes and abuse.

c) Who should deliver education on domestic abuse (schools themselves or external experts); External specialist experts should always deliver this training preferably those with experience and knowledge in gendered analysis and teaching through the gendered lens. Without appropriate training, and with a teacher who brings a "gender blind" or "power dynamics blind" approach to IPV, further harm could be caused. We are fully supportive of making this mandatory education in schools, but great care and caution would have to be taken with regards to expertise of those teaching the content. Content would have to be nuanced enough to capture the patterns of domestic abuse, including perpetrator tactics such as DARVO (deny, attack, reverse victim/offender order) that are used to muddy the waters in these cases.

d) Which schools should deliver education on domestic abuse (e.g. local authority run schools or independent schools etc); all schools should provide specialist education from experts in the field as above.

e) What is the most appropriate age range for young people to begin receiving education on domestic abuse. When they are born in the home and then from primary one and age appropriately bringing this into annual topics to develop their knowledge and understanding is the only way we can make a culture shift needed to end domestic abuse.

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?

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.

We would defer to our colleagues in Police Scotland on associated costs. However, we would note that the sex offender's register is very unreflective of those perpetrating sexual harm and that a domestic abuse register is likely to highlight risk of sexual offending behaviour as well as all other GBV associated behaviours – so these should be seen as correlated.

Financial impact is not significant to the damage being done to women and children because of the lack of understanding and education in our communities and the sexist, misogynistic patriarchy we live in today.

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.

We are supportive of the measures outlined particularly re: getting a fuller picture of domestic abuse perpetrated against disabled people and BME women.

It is possible that any legislation addressing VAWG will be used as a political starting point for arguments re: transgender people. We believe it is important to stick by the principles of the equality act and not allow this important legislation to be derailed on this basis.

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?

The sustainability of the legislation will rely on the accompanying education around it to help put it in it's proper context.

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)?

Government desperately need to listen to survivors voices and frontline specialists on how to tackle gender-based violence and domestic abuse. You must protect safe spaces for trauma recovery and specialist services working to protect women and children.