

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).

AMIS (Abused Men In Scotland) is Scotland's only domestic abuse support service dedicated to male victims of partner abuse. The organisation was founded in 2010 and supports male victims in every local authority in Scotland. Police Scotland statistics reveal that annually between 16% and 20% (or up to 1 in 5) of reported domestic abuse incidents identify a male victim. This means that there are more than 12,000 male victims in Scotland in need of support each year. At current full capacity AMIS can support around 600 men per year. We respond to all callers. We refer those who identify as female to specialist's services in their area. We offer a confidential non-judgmental listening ear to anyone who identifies as other than female. Support is client led and helps callers make sense of their suffering and recognise partner abuse. We help clients to find a way forward leaving the partner abuse they have suffered behind.

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).

AMIS (Abused Men In Scotland)

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.

This Bill offers to formalise measures for gaps in the current framework of protection for those who suffer domestic and intimate partner abuse.

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.

Legislation is required. The creation of a register in law will put legal obligations on public bodies to manage and minimise the risk of reoffending by a domestic abuse offender. Mandatory rehabilitation measures will force convicted offenders into a position where they must engage with taking ownership of their behaviour, explore the reasons for it and the impact of it. This will be the most effective method of minimise repeat offending. A legal obligation on the Government to gather and share data on the prevalence of domestic abuse, wider demographic data on those affected and the actions it is taking to improve access to domestic abuse services for individuals from underrepresented communities is absolutely essential to this legislation. We need to be able to see the full picture to be able to deal in the most effective way with the issues involved. Cultural change is required. Cultural change comes from education and awareness raising. A legal obligation on the Government to lead this education and awareness raising as part of the school curriculum will give the required culture change its best chance of success.

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.

Conviction should result in being put on the register. Ignoring or failing to avail oneself of an invitation offered by a Children's Hearing or a local authority to further investigate the rehabilitation options should be worthy of consideration as a reason for registration in some circumstances (see discussion at 'Rehabilitation Measures' in relation to Children's Hearings etc.).

AMIS would support notification requirements as listed in the consultation information.

The discussion on who should have access to this register and who can share or who the information can be shared with is an enormous discussion which should be guided by data protection legislation which is currently in force and informed by the current framework of the Disclosure Scheme for Domestic Abuse Scotland and the Sex Offenders Register.

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.

AMIS offers services to domestic abuse victims who identify as male. the overwhelming number of the perpetrators we are aware of are female. If the number victims of who identify as male is 20% of the known total, then we would estimate that the number of female perpetrators is around 18% of the known total. Bearing in mind that this figure does not allow for repeat callouts by Police Scotland, this allows for a known perpetrator cohort of around 12,000 women and 3,000 men whose victims identified as male. We are unaware of any services in Scotland which provide support for female perpetrators. The numbers of women convicted of domestic abuse related offences is under 3% of total convictions. Programmes must be developed to support female perpetrators of domestic abuse. Because of the low conviction rates amongst female perpetrators, AMIS would welcome more voluntary opportunities being made available to female perpetrators who want to change their behaviour.

The rehabilitation measures should include all of the rehabilitation options open to and appropriate for perpetrators of domestic abuse. Appropriate options should be open to all perpetrators of domestic abuse. As an early intervention measure, prior to a conviction, it may not be possible to compel someone to engage but, they could perhaps be compelled to find out more about what options are available to them in the hope that those who discover there is a realistic prospect of behaviour change, and who then want to change their behaviour, may be motivated to seriously consider and engage with the option which they feel may work for them.

This power or duty, pre-conviction, could be put in the hands of Children's Hearings, local authorities or other appropriate public bodies. Post-conviction, the power should rest with the courts.

When someone is completing a custodial sentence, the measures should be initiated during the custodial sentence. Waiting until the sentence has been served may prove too long a period. Momentum may be lost and willingness to engage will certainly be reduced.

The principle of the offender paying for these measures (at least in part) is something worthy of further exploration.

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.

Who are 'the underrepresented communities' in terms of access to domestic abuse support services? Equalities legislation, to a great extent, probably reflects the communities the Bill intends to address. Although it seems that very little of the available data is acknowledged or acted on in terms of improving population wide access to domestic abuse services. That is why this is an absolutely essential element of the proposed Bill and an issue which requires legislation to remedy it.

In terms of AMIS' community, which includes anyone who identifies as male in terms of sex or whose gender means they live their life within the social construct of a man, we work hard to continually evolve our service to serve that group. Within our community there are intersections with people whose individual support needs arise from the fact that they are from a BAME community or from a disabled or LGBTQ+ community. Effective support acknowledges and provides for these needs.

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?

Police Scotland figures show that, in cases where gender was recorded, a figure of between 16% and 20% of the victims were male. This places the number of known male victims at around 12,000 to 15,000 thousand, without allowing for repeat call outs. Our data shows that around 70% of our clients have never called the police. This shows that there is a large number of male victims of which public bodies and other organisation's are completely unaware.

Over the years we have carried out work on a mapping exercise of available support for victims who identify as male. Pre-pandemic, we visited and spoke with as many as possible of the organisation's who we were aware of in Scotland who support male victims. We discovered, from the limited information available, that around 300 men were supported at that time by other organisation's. AMIS supported around 450 men at that time. So, AMIS supported 60% of the men who receive domestic abuse support services. The entire total of men supported in Scotland was 750. That is around 5% of the known male victims. Without the required detailed information on BAME, LGBTQ+ or disabled communities or any other communities, we cannot say by what proportion they are underserved. But we do not expect data from other service providers to be very different to our own.

AMIS is of the view that this data should be collected and reported on annually. Although it would be helpful for the raw numbers data to be made available on a more regular basis. Say quarterly or even monthly if possible. This is information which we and other support organisations collect and report on as a matter of course, so the numbers could easily be made available more frequently, with the analysis and Government reporting taking place annually.

The monthly/quarterly report should include a searchable database of all domestic abuse organisation's reporting on the protected characteristics of their client base, as far as they are able to discern this information. There should be a front page to show trends over the past 12 months. There should be a comparison of all service provision as against the known population of individuals with protected characteristics as well as the domestic abuse experienced population at large. There should be a record of Government funding received by each organisation.

The annual report should provide an analysis of the monthly/quarterly report. As well as the action that the Government has taken over the past year to improve the delivery of domestic abuse services for underrepresented groups. It should also set goals which it would hope to reach within the coming year and report on the outcomes as to the previous years' goals.

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.

There needs to be a complete culture shift in attitudes towards and measures to deal with domestic and intimate partner abuse. This should start in preschool education and be re-enforced and supported at every stage of that individual's education and into adult life.

The content should be overtly inclusive. Almost every member of our adult society has received their formative values and awareness's partly through their formal education. Open discussion which allows for everyone in the room to see that abusers and victims take all forms. Male, female, able bodied or not and any individual with any other protected characteristic may possibly be unfortunate enough to be an abuser or a victim.

To be either is devastating to ourselves and those around us.

Children are born into families affected by domestic abuse and suffer the impact from day one. They need support immediately. So, the education, awareness and support should be passed on to the youngest of children and be learned from the informed and mature attitude of the professional adults around them.

Older children and young people need support and education in recognising healthy and unhealthy

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

personal relationships. No individual is immune from finding themselves in the control of an abusive partner and abusive partners can be male or female.

This is AMIS' future vision for where we should stand as a society in relation to domestic abuse.

How this is to be achieved will be different for children at each age and stage in their development.

Delivery could be a co-operative project between school staff and professionals with expertise in dealing with domestic abuse. Support services, Police Scotland and some local authority staff could be involved. A possibility would be an agreed curriculum for content and delivery between these bodies, which all will deliver to the same specification. Or a train the trainer model where teachers would be taught to deliver the content. Whoever delivers the content, each child must be made to feel confident in seeking support and receiving an appropriate supportive response to their sharing. Whatever that disclosure might be.

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?

some 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.

This may be more of an exercise in using the resources we already have in a smarter way rather than investing a lot more money.

A lot of the required expertise and the required frameworks are already in place and may only need moderate adjustment.

The biggest financial impact is likely to be the chosen means by which the commitment to equality for underrepresented groups is met.

Even this may not require so much money as it does changes in attitudes and outlooks.

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.

There is a real opportunity here to make the most enormous positive impact on domestic abuse affect individuals who are not able bodied, white, females. In the context of access to support services, in terms of domestic abuse victimisation, able bodied white women are the community in our society with the least access issues. Notwithstanding the general acceptance that they are the most prevalent victims, it is beyond dispute that, of the known victims, they are the least underserved in terms of access to support services. As evidenced throughout this response, any victim who is of the male sex is more grossly underserved. AMIS thinks it likely that females and males who identify as an individual with any of the

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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.

other protected characteristics is also more grossly underserved in terms of access to support and services. This proposed Bill presents a real opportunity to gain a fuller and broader view of the impact on different and all individuals from the perspective of equality.

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