

Questions

About you

(Note: Information entered in this "About You" section may be published with your response (unless it is "not for publication"), except where indicated in bold.)

1. Are you responding as:

an individual – in which case go to Q2A

on behalf of an organisation? – in which case go to Q2B

2A. 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".)

Politician (MSP/MP/peer/MEP/Councillor)

Professional with experience in a relevant subject

Academic with expertise in a relevant subject

Member of the public

Optional: You may wish to explain briefly what expertise or experience you have that is relevant to the subject-matter of the consultation:

2B. Please select the category which best describes your organisation:

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

Commercial organisation (company, business)

Representative organisation (trade union, professional association)

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

Other (e.g. clubs, local groups, groups of individuals, etc.)

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).

3. Please choose one of the following:

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

I would like this response to be published anonymously

I would like this response to be considered, but not published ("not for publication")

If you have requested anonymity or asked for your response not to be

published, please give a reason. (Note: your reason will not be published.)

4. Please provide your name or the name of your organisation. (Note: The name will not be published if you have asked for the response to be anonymous or "not for publication".)

Name: **Justice services for adults, the City of Edinburgh Council**

Please provide 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. (Note: We will not publish these contact details.)

Contact details: [REDACTED]

5. Data protection declaration

I confirm that I have read and understood the

to this consultation which explains how my personal data will be used.

If you are under 12 and making a submission, we will need to contact you to ask your parent or guardian to confirm to us that they are happy for you to send us your views.

Please ONLY tick this box if you are UNDER 12 years of age.

Your views on the proposal

Aim and approach

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

Fully supportive

Partially supportive

Neutral (neither support nor oppose)

Partially opposed

Fully opposed – the bill overall in its current form is not supported.

Unsure

Please explain the reasons for your response.

The bill overall is not supported however, the aspiration to support 'harder to reach' individuals from a range of cultural backgrounds is welcome but would require further consultation on how best that could be achieved and would also require significant resource to fund additional support systems. Similarly, in relation to providing

domestic abuse education in schools, this is partially supported; professionals working within educational settings would be best placed to provide feedback. Providing domestic abuse education would also necessitate resourcing and providing additional support systems to support young people subsequently making disclosures.

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

The legislation proposed would require a further change in legislation so that domestic abuse offences are registerable; it is unclear how this would be taken forward and whether the length of registration would be tied to custodial type; it is not supported as would lead to service generated risk.

A preferred approach would be for the focus to be directed to supporting existing legislation/systems in place for managing domestic abuse and risk. Preventative structures are currently in operation (particularly Multi-Agency Risk Assessment Conference (MARAC) and Disclosure Scheme for Domestic Abuse Scotland (DSDAS) which are proving effective in providing disclosures to people who might have concerns about a partner's behaviour, with referrals to both consistently on the rise in Edinburgh.

It would be perhaps more prudent, financially viable and effective to ensure that these structures are better resourced than introducing new legislation. This also includes ESAS (Equally Safe at School) which covers education on violence against women and girls and equips both education staff and pupils to recognise and respond to instances of gender-based violence (including domestic abuse).

Domestic abuse register

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

Fully supportive

Partially supportive

Neutral (neither support nor oppose)

Partially opposed

Fully opposed

Unsure

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 this document.

Please see answer at Q2. The ambition in the bill is to introduce a domestic abuse register that mirrors the Sex Offenders Register however this approach does not take account of the nuances and complexities that exist in cases of domestic abuse. Many referrals to DSDAS are actually by perpetrators of domestic abuse (most frequently men) whose partners (most frequently women) have used violent resistance against abuse. A number of these women (who are actually victims) have domestic abuse-related convictions in the past when in fact their behaviour is

not consistent with domestic abuse but rather self-defense. Having a register means that a number of these women could potentially end up identified as domestic abuse perpetrators when in fact this is not the case.

In particular regard to the DSDAS structure, any request for a disclosure is subsequently discussed at a multi-agency Decision-Making Forum, which is attended by Police Scotland and specialist domestic abuse organisations and services. In the course of reviewing a request for a disclosure, partners use their expertise to identify genuine disclosure requests as opposed to potentially malicious requests by perpetrators of domestic abuse against partners who may have violently resisted domestic abuse. The DMF process is standardised and discussions are extremely detailed, including a nuanced understanding of the dynamics of domestic abuse, which enables the group to make an informed and accurate decision. Unfortunately, we are very concerned that this level of expertise and nuance would not be present on a domestic abuse register.

Lastly, anecdotal evidence from services for male victims of domestic abuse demonstrates that there are a number of perpetrators of domestic abuse whose partners violently resisted abuse, and who present to services as victims. A register could inadvertently end up including names of victims of domestic abuse who have been labelled as perpetrators through violently resisting abuse by their partner.

Rather than apply a blanket approach to perpetrators of domestic abuse, it would be helpful to consider and apply resources to more effective targeted management and monitoring of the those who present the highest risk and/or whose offending is most prolific.

Rehabilitation measures

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

Fully supportive

Partially supportive

Neutral (neither support nor oppose)

Partially opposed

Fully opposed

Unsure

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 this document.

Mandatory rehabilitation is not appropriate as it does not take account of service generated risk; indeed, some men are not put forward for rehabilitative programmes as it would reinforce their existing thinking and increase risk. In some cases, men deny offences of domestic abuse and compelling them to participate in treatment will not change their attitudes and beliefs and is contrary to best practice. For interventions to be successful, participants need to accept responsibility for the abuse, and to be willing and open to changing their behaviours. Forcing perpetrators of domestic abuse to participate in mandatory programmes when they are not prepared to accept

responsibility and are not motivated to change would not only be counter-productive, but it would also increase the risk to victims.

Additionally, in cases where women end up with a domestic abuse conviction (when there is in fact no domestic abuse) would be counter-productive and a waste of resources, as well as a service-generated risk.

Lastly, we are very concerned about the use of anger management courses as an appropriate intervention for perpetrators of domestic abuse, as this could increase risk to victims considerably. Domestic abuse is not about anger management and to offer anger management as an intervention will increase the risk as it allows for a lack of personal accountability through statements like 'a red mist came down' and 'I couldn't control myself'. By providing perpetrators with techniques for controlling their own behaviour, we could inadvertently be equipping them with techniques to also control their partner's behaviour even further.

A preferred approach would be for more investment in current resources working with perpetrators of domestic abuse, including widening voluntary access to interventions, and increasing provision of early intervention options.

Data

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

Fully supportive

Partially supportive

Neutral (neither support nor oppose)

Partially opposed

Fully opposed

Unsure

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.

There is an existing mechanism for reporting on ethnicity and other characteristics within the MARAC framework.

Education

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

Fully supportive

Partially supportive

Neutral (neither support nor oppose)

Partially opposed

Fully opposed

Unsure

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

Our response at Q1 stated the following:

in relation to providing domestic abuse education in schools, this is partially supported; professionals working within educational settings would be best placed to provide feedback. Providing domestic abuse education would also necessitate resourcing and providing additional support systems to support young people subsequently making disclosures.

It is worth noting that existing schemes such as Equally Safe at School already provide a large element of this. It would make more sense for additional resourcing to be invested in what we already have rather than create something new.

Financial implications

7. 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

some increase in costs

no overall change in costs

some reduction in costs

a significant reduction in costs

skip to next question

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.

As mentioned in the response to Q1, the proposal in its current form is not supported. Compulsory rehabilitation measures would carry a huge cost in existing structures and programmes (ex. Caledonian) that many perpetrators are not appropriate referrals for; the additional resourcing required for the monitoring of the register might be better invested in existing schemes such as MARAC and DSDAS.

Equalities

8. 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.

The proposed legislation might unfairly and disproportionately affect victims (overwhelmingly women) who have domestic abuse-related convictions when in fact they have used violent resistance.

Sustainability

9. 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

n/a

General

10. 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)?

It is recognised that the proposal seeks to hold perpetrators of domestic abuse to account for their actions; it would be helpful to discuss improved ways to achieve this within existing legislative frameworks for example, through liaising and working with sentencers in the first instance.

It would also be helpful to consider introducing measures to strengthen existing provision. For example, employing a targeted approach and linking additional requirements to a Domestic Abuse Protection Order or Sexual Harm Prevention Order to increase active monitoring and management. This could be applied to key individuals who are identified as presenting the greatest risk and/or who are the most prolific in their offending.

There is no requirement for an additional disclosure scheme as there is provision under existing legislation to discuss risk presented in a measured way and act accordingly.