

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.

an individual

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".)

Member of the Public

Please select the category which best describes your organisation

No Response

Please choose one of the following:

I would like this response to be published anonymously

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):
[REDACTED]

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).

[REDACTED]

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.

I think that anything which helps more men and women avoid being unnecessary victims of domestic violence can only be a good thing. It enables people to be more informed, and make decisions for their own protection insofar as who they enter into a relationship (and possibly end up cohabiting) with. It takes the power out of the abusers' hands and means that even if they try to hide their past in interactions with their prospective new partner, that new partner has a means to circumvent that deceit and get the facts. What would make it even stronger in my view, is (if possible) the powers of the Bill were to be extended to allow data sharing with agencies in England, Wales and Ireland too - it is all too easy for people to move around the 4 nations, and abusers could readily cross borders and move to jurisdictions where records of their abusive past are not available. Insofar as the proposals re: Restorative Justice I fully agree with this - I would suggest, however, that there should be some provision for counselling / therapy / other appropriate support for victims as it could be traumatic for them to face their abuser and relive what they went through. I also think any amendments to the Caledonian System should also consider making it applicable to female abusers too - in the introduction to the consultation document it is noted that women can be abusers too and, though less prevalent, this should not be overlooked. I also agree that, in addition to NHS provided anger management therapy, independent sources of such therapy should also be made available in view of our NHS being so stretched - providing rehabilitation for offenders (be the cost covered by the perpetrator or not) should not be done at the expense of already dreadfully thinly stretched NHS staff and the services they provide.

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.

I believe that by writing the measures proposed into law, they can be more stringently enforced across Scotland - I can't elaborate further than that as I am no expert in Bills and Acts or indeed the alternatives available, but given the prevalence of domestic violence in Scotland and the increase in offences and crimes I believe entrenching further measures in law is the right course of action.

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.

As noted in my response to question 1 previously, I think that anything which helps more men and women avoid being unnecessary victims of domestic violence can only be a good thing. It enables people to be more informed, and make decisions for their own protection insofar as who they enter into a relationship (and possibly end up cohabiting) with. It takes the power out of the abusers' hands and means that even if they try to hide their past in interactions with their prospective new partner, that new partner has a means to circumvent that deceit and get the facts. What would make it even stronger in my view, is (if possible) the powers of the Bill were to be extended to allow data sharing with agencies in England, Wales and Ireland too - it is all too easy for people to move around the 4 nations, and abusers could readily cross borders and move to jurisdictions where records of their abusive past are not available.

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.

Having them on a register is one thing, but taking active steps to help prevent recurring abusive behaviour is key. It will undoubtedly benefit otherwise potential victims, and will also support improvement in the lives of the perpetrators too. There will be some abusers upon which these measures have limited impact, however I think mandating these measures will certainly benefit by positively influencing those who are more susceptible to reforming themselves. Insofar as the policy details:

- a) what the rehabilitation measures should consist of - guidance and support with channeling feelings of anger / frustration and expressing them in non-violent ways. Also exposure to real-life insights into the impact that domestic violence has had on the lives of the victims and abusers, to help really hammer home why the abuser should change their ways
- b) who could be required to complete rehabilitation measures - anyone convicted of a domestic abuse crime; anyone who has committed a domestic violence offence that includes physical harm; anyone who has committed a domestic violence offence that includes sustained / repeated / severe verbal abuse
- c) The mechanism for these measures to be allocated - not entirely clear on what this is asking. I do think that in-person rehabilitation would be most powerful, as virtual sessions may not be taken anywhere near as seriously by the abuser
- d) Exemptions where individuals could be considered ineligible - perhaps perpetrators of coercive control. In my eyes this is not borne out of anger, but out of a power trip and feeling of superiority.
- e) The extent to which this could be an alternative to a custodial sentence - should be in addition to a custodial sentence for abusers who have been physically violent and / or sustained / repeated / severe verbal abuse
- f) When the measures should be completed by someone completing a custodial sentence - while in custody, to be continued following their release to ensure that when they are back in the real world they continue to be supported to limit the change of them slipping back in to old ways
- g) How these measures should be delivered in practice - I don't have any further opinion to share here, other than to reiterate that I don't believe virtual measures are sufficient. In person measures will be most impactful in my opinion
- h) Whether the offender should pay for these measures themselves - yes, absolutely. The taxpayer should not be financially impacted due to the actions of grown adults who have chosen to commit acts of domestic violence - if they are financially able to do so they should pay. That said, if they are unable to pay then rehabilitation measures should still be applied - lack of money should not preclude abusers from measures to prevent them abusing again. That does no-one any good.

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.

Data is power - by collating it and analysing it, insight can be gained into the effectiveness of the measures put in place and where further action might be required.

I don't have any particular opinions on what information could / should be collated over and above the suggestions within the consultation.

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?

I do believe that women and homosexual / bisexual men who entering into (or already in) relationships with men would most benefit from improved access to a domestic abuse register, and other related services and support.

Disabled people who are perhaps mentally impaired might not (in and of themselves) be able to directly access the register and the related services / support readily - in such circumstances, it would be good if provision could be made for their carers to have a route to accessing this information and the services / support on their behalf, so the disabled individuals themselves are not inadvertently excluded from accessing data that could protect them from harm.

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.

If a child is from a household where domestic abuse occurs, their perception of relationships and family life could be dangerously skewed - they may perceive abusive behaviour as the norm, and could repeat history by indulging in such behaviour themselves down the line. Also, if they perceive the abuse they witness as normal and / or don't understand the support available to them and the importance of speaking up they may end up stuck in a terrible situation they struggle to get out of. Knowledge is power - imparting knowledge to children can help them now and in future.

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.

I can't really comment a great deal on this, however clearly the police service, NHS, schools and agencies that are party to the proposed register, rehabilitation measures, education in schools etc will incur costs to deliver what is being asked of them - more funds will need to be made available to them, without adversely impacting on the other services they already provide. Where possible, costs of rehabilitation should be recovered from the abusers themselves to partly offset these costs but that isn't enough. Additional taxation on the highest earners in society, that can be leveraged in the ways set out in the Bill to benefit society at large would be apt in my view - robbing Peter to pay Paul by expecting the police, schools etc to pare back spending elsewhere to fund these new (and needed) measures is not the answer.

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.

I think it will be important to ensure that make victims of abuse are not forgotten, and provision is made to support them and to register, rehabilitate and / or apply custodial sentences to female offenders is also clearly made. Male victims need to feel supported and protected too, particularly in view of the stigma they may feel due to society's focus on female victims.

To my mind, all victims of domestic abuse (irrespective of any protected characteristics that apply to them) are important, and any abusers (again, irrespective of protected characteristics that apply to them) should be registered, subject to rehabilitation and / or custodial sentencing. Abuse is abuse. That said, if an abuser has (for example) a condition which exacerbates their likelihood of abusing, I think that information should be captured in the register - certain things can't be rehabilitated out of someone, but potential victims can still be placed in an informed position armed with facts.

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?

I don't see how this could have a sustainability impact, other than the power / cooling needed for the servers on which the register of data is held. I'm sure carbon-offsetting could be applied.

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)?

I believe the Covid-19 related detail in the consultation document is superfluous to requirements - that was then, during a specific period of lockdown which is now passed. Its highly likely (in my opinion) the men and women subject to domestic violence in that period were already in relationships with the abusers prior to lockdown, so the introduction of a register after the lifting of the lockdown is immaterial in that context. This feels like unnecessary detail shoe-horned in rather than being core to the argument presented