

# 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).**

The Scottish Women's Rights Centre (SWRC) is a unique collaborative project that provides free legal information, advice and representation to self-identifying women affected by violence and abuse. The SWRC exists because of abuses of power and because a gap persists between women's experience of violence and abuse and their access to justice. The SWRC strives to fill these gaps by working with specialist solicitors and experienced advocacy workers. Informed by our direct work with victims/survivors of violence and abuse, we seek to influence national policy, research and training to improve processes and systems, and ultimately to improve the outcomes for women who have experienced gender-based violence (GBV). You can find out more about us here: [www.scottishwomensrightscentre.org.uk](http://www.scottishwomensrightscentre.org.uk).

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).

The Scottish Women's Rights Centre

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

**Please explain the reasons for your response.**  
please see below answers set out for the individual sections.

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.

no answer

## **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 do not support the creation of a register for those convicted of domestic abuse related offences at this time in the proposed format. We would echo the concerns that have been raised by our sister organisation Scottish Women's Aid, there is not sufficient evidence to support the effectiveness of this approach in reducing or preventing offending. The consultation document does not reference the disclosure scheme that already exists and is operated by Police Scotland and we submit an analysis of this scheme would be necessary in any proposals of this nature.

The cost involved in setting up a register and maintaining it would be high. It is our considered view that these funds could be better spent on other resources to support women experiencing abuse. An example of this could come from increased funding for the legal aid budget and especially for removing means testing for protective orders (such as non-harassment orders). At present we have seen that great deal of women struggling to obtain legal representation in civil matters, including obtaining protective legal orders as there are not enough solicitors carrying out legal aid work (because of the low fees). Additionally, some women are unable to afford to pay privately and are blocked by means testing on these types of order.

## **Rehabilitation Measures**

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

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 page 26 of the consultation document.**

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

We again support the position forwarded by SWA. We concur with them and recognise that rehabilitation does not work across the board, some interventions work for some men, some of the time. Mandatory rehabilitation in all cases is not the answer. Mandatory rehabilitation would also be very costly and concerns have been expressed around how effective it would be in the majority of cases.

## 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.**

We fully support the proposals for data collection and reporting set out in this document. We especially support the collection of data which would give an intersectional approach to understanding domestic violence and how this affects marginalised communities. This would help us greatly with the work we do and offer better insight in how to deliver our services to all women experiencing GBV but particularly those who have intersectional inequalities and from marginalised communities.

## Education

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

Partially opposed

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

While we are generally supportive of the concept of increased education and awareness raising for young people regarding gender-based violence but we concur with SWA that mandatory education is not the way forward. Making something mandatory is not a good approach to the delivery of this type of education. There are some situations where this would be inappropriate and could be traumatising to particular young people.

We are particularly concerned about the way that this is delivered, the responsibility for preventing violence against women and girls should not be placed on them to police. Awareness needs to be given for the fact that some young people will live in households where there is domestic violence ongoing and there are specific care needs merited by this. We can see that education about relationships between young people would be very beneficial to some as we are increasingly aware of young people experiencing domestic violence in relationships with other young people from a young age.

Whole school programmes have been shown to work best in trying to change attitudes so any education cannot be a one off. The RCS prevention programme is a good example and more information can be found here; <https://www.rapecrisisScotland.org.uk/prevention/>

## 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.**

As stated, some of the measures outlined in the bill would have financial implications and we submit that these funds could be used more effectively to provide for existing services and legal aid for women experiencing gender-based violence.

## 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.

As stated, the collection of data with an intersectional lens would help with the better delivery of services.

## 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*